

MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

**NOTICE OF INTENT TO APPROVE
PRETREATMENT PROGRAM MODIFICATION
CITY OF MT. VERNON
MO-0022381**

DATE: June 5, 2020

In accordance with the state Clean Water Law, Chapter 644, RSMo and the Federal Clean Water Act, the City of Mt. Vernon has an approved pretreatment program to meet the requirements of 40 CFR Part 403 and 10 CSR 20-6.100. The Department, as Approval Authority, has reviewed the proposed program modifications and intends to grant its approval as required by 40 CFR 403.18 and 10 CSR 20-6.100.

The city is proposing to adopt the U.S. Environmental Protection Agency's (EPA's) 2005 amendments to the federal General Pretreatment Regulation at 40 CFR 403. Modifications to the sewer use ordinance (SUO) and enforcement response plan (ERP) that incorporate the revisions to a federal rule are non-substantial changes, as stated in the publication of the 2005 Streamlining Rule in the Federal Registry at 70 FR 60187 and in 40 CFR 403.18(b)(1). The city's pretreatment program changes were designated substantial modifications because the city modified its SUO to include updated local limits after conducting a detailed local limit analysis that is part of this program modification. These changes could have a significant impact on the operation of the program, pursuant to 40 CFR 403.18(b)(7).

Interested parties may review the proposed program at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO; or at the City of Mt. Vernon, City Hall, 109 N. Hickory Street, Mt. Vernon, MO. Copies of the pretreatment program submission and other information including copies of applicable regulations are available for inspection and copying at MDNR's Website: <http://www.dnr.mo.gov/env/wpp/pretreatment.htm>

Persons wishing to comment on the proposed pretreatment program are invited to submit them in writing to: Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102, ATTN: Pretreatment Coordinator. Email comments will be accepted at the following address: Todd.Blanc@dnr.mo.gov. **Please include the permit number in all comment letters.**

Comments should be confined to the issues relating to the proposed action. The Department may not consider as relevant comments or objections based on issues outside the authority of the Missouri Clean Water Commission. All comments must be received or postmarked by 5:00 p.m. on July 6, 2020. MDNR will consider all written comments, including e-mails, faxes and letters, in the final determinations regarding the approval. The notice of request for approval under §403.11(b)(1) states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change.

City of Mount Vernon



P.O. Box 70 • 109 N. Hickory Street • Phone 417/466/2122 • Mount Vernon, Mo. 65712

May 6, 2020

Mr. Todd Blanc
Pretreatment Program
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

RE: Pretreatment Program Modifications for the City of Mount Vernon, Missouri: MO-0022381

Dear Mr. Blanc:

Please find enclosed for your review and approval proposed modifications to the City of Mount Vernon's Pretreatment Program. These modifications constitute a "substantial modification" of the program as defined in 40 CFR 403(18)(b). The following is an overview of the modifications to the program:

Pretreatment Ordinance (Chapter 720)

The ordinance submitted for review replaces the City's current Chapter 720 with a new Chapter based on the EPA model ordinance which adopts the required streamlining rule changes. In addition, the following is an overview of the optional provisions included in the ordinance as part of the program update:

1. General Prohibitions. Note that hazardous waste is not authorized. [720.020]
2. Adoption allowable mass limits in lieu of local limits. [720.020(A)(3)]
3. Equivalent mass and concentrations for categorical standards except the net/gross adjustment.
4. Best Management Practices [720.020(D)(2)]
5. Additional Pretreatment Measures [720.030(B)]
6. Permit Appeals [720.050(C)]
7. Categorical waiver of pollutants not present [720.060(D)(2)]
8. Supplemental enforcement actions [720.130]

Local Limit Evaluation

The ordinance incorporates the allowable mass loadings developed by Geosyntec as identified in the report. This report has been previously reviewed by the Department but is being formally submitted as part of the program update and public notice process.

Enforcement Response Plan (ERP)

The submittal also includes a revised Enforcement Response Plan (ERP). The updated ERP reflects the changes made to the control authority's legal authority and the resulting implications for enforcement. The plan includes an Enforcement Table that has additional violation scenarios.

"Honoring Tradition, Embracing the Future"

The ERP document is not being approved as part of the City's ordinance; alternatively, it is being submitted as a stand-alone document with the ability to update or modify with appropriate reviews by Missouri DNR.

Additional Documentation

The following documentation related to these modifications is included below:

- As an official of the City of Mount Vernon stating that the program modifications made herein do not affect the POTW's authority or ability to adequately to carry out the programs described in §403.8. This statement is made as required by §403.9(b)(1).
 - These modifications do not modify the basis for each procedure under 403.8(f)(2).
 - The implementation of the Pretreatment Program is not altered and will continue to be implemented via ordinance and individual industrial user permits.
 - As discussed above, the City will ensure compliance with Pretreatment Standards and Requirements and will follow their Enforcement Response Guide in the event of noncompliance by Industrial Users.
- Attached is also documentation of the endorsement and approval of the above modifications to the ordinance and the Enforcement Response Plan. The City Council also endorsed their continued support, supervising, and funding of the POTW program pursuant to §403.9(b)(2).

Legal Review

The Sewer Use Ordinance and Enforcement Response Plan has been reviewed by the City's legal counsel to ensure the City has adequate authority to carry out the program as required in 403.8 of the Code of Federal Regulations.

Please notify us if you require any additional information on the documented program modifications. Please contact Kim Cole at 314-276-9575 or Joe Kelley at 417-466-2122 for any further documentation or questions.

Sincerely,



Joe Kelley
City of Mount Vernon

Enclosures:

Updated Sewer Use Ordinance
Local Limit Report (by Geosyntec)
Enforcement Response Plan
City Council Endorsement Documentation
Statement of Legal Authority

Chapter 720
Sewer Use Ordinance
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SEWER USE ORDINANCE

SECTION 720.010—GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Mt Vernon (POTW) and enables the City of Mt Vernon (the City) to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from the POTW;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
6. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all Users of the POTW. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration

Except as otherwise provided herein, the Public Works Director or his/her duly authorized representative shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Public Works Director or his/her duly authorized representative may be delegated by the Public Works Director or to his/her duly authorized representative .

C. Abbreviations

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

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works for the City of Mt Vernon
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

D. Definitions

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

1. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
2. Approval Authority. State of Missouri Department of Natural Resources.
3. Authorized or Duly Authorized Representative of the User.

(a) If the User is a corporation:

- i. 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
- ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- iii. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- iv. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- v. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

5. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 720.020 (A) and (B) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

7. Building Official. The designated inspection official of the City or his/her authorized representative.
8. Building Sewer. The extension from the building drain to the public sewer or other place of disposal.
9. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
10. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
11. City. The City of Mt.Vernon.
12. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
13. Control Authority. The City of Mt. Vernon.
14. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
15. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
16. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
17. Existing Source. Any source of discharge that is not a “New Source.”
18. Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of foods and from the handling, storage and sale of produce.
19. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
20. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

21. **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
22. **Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
23. **Local Limit.** Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
24. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
25. **Monthly Average.** The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
26. **Monthly Average Limit.** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
27. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
28. **New Source.**
 - (a) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an

Existing Source; or

- iii. 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.

(b) 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 Section (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

- i. 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
- ii. 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.

29. **Noncontact Cooling Water.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

31. **Person.** Any individual, partnership, copartner ship, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

32. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units, and maybe be averaged.

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

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

35. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

36. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

37. Private Sewage Disposal System. A self-contained system which provides both treatment and disposal of sewage on an individual lot.

38. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 720.020(A) of this ordinance.

39. Public Sewer. A sewer in which all owners of abutting properties have equal rights and is controlled by control authority.

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

41. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

42. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

43. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

44. Sewage Works. All facilities for collecting, pumping, treating and disposing of

sewage.

45. Sewer - A pipe or conduit for carrying sewage.

46. Shall. Is mandatory; May. Is permissive.

47. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(a) An Industrial User subject to categorical Pretreatment Standards; or

(b) An Industrial User that:

i. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

ii. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

iii. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(c) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

i. The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

ii. The Industrial User annually submits the certification statement required in Section 720.060 N(2) [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

iii. The Industrial User never discharges any untreated concentrated wastewater.

(d) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time,

on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

48. **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 720.020(A) of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

38. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

49. **The Public Works Director.** The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Public Works Director. Duly Authorized Representative must be an individual having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority. For the purposes of this ordinance the Public Works Director is the Duly Authorized Representative.

50. **Total Suspended Solids or Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

51. **User or Industrial User.** A source of indirect discharge.

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

53. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

54. **Hazardous Waste.** Any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste.

720.015—SEWERS AND SEWAGE DISPOSAL

A. Private Sewage Disposal

1. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alleyway or right-of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provision of this Article within

ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

2. Where a public sanitary or combined sewer is not available under the provisions of Section 720.015(A)(1), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

3. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Code Enforcement Officer or his or her representative. The application shall be supplemented by any plans, specifications and other information deemed necessary by the Building Code Enforcement Officer. [Ord. No. 13.89 §1, 5-28-2013]

4. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Official. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Official when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twelve (12) hours of the receipt of notice by the Building Official.

5. The type, capacities, location and layout of a private sewage disposal system shall comply with Lawrence County Health Department regulations and all recommendations of the Missouri Department of Natural Resources (MDNR) and any requirements of the Plumbing Code most recently adopted by the Board of Aldermen. No permit shall be issued for any private sewage disposal system where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge into any natural outlet. [Ord. No. 13.89 §1, 5-28-2013]

6. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 720.015(A)(1), a direct connection shall be made to the public sewer in compliance with this Article and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

7. The owner shall operate and maintain the private sewage disposal systems in a sanitary manner at all times at no expense to the City.

8. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.

9. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

B. Building Sewers and Connections

1. All lateral taps or alterations thereof of the sanitary sewer system shall be made by City of Mount Vernon staff unless otherwise authorized by the Director of Public Works.

[Ord. No. 13.90 §1, 5-28-20135]

2. No unauthorized person shall uncover, make any lateral tap or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Official. [Ord. No. 13.90 §1, 5-28-2013]

3. Classes Of Building Sewers. [Ord. No. 13.90 §1, 5-28-2013]

(a) There shall be two (2) classes of building sewers:

i. For residential and commercial service; and

ii. For service to establishments producing industrial wastes.

(b) If required, the permit application shall be supplemented by any plans, specifications or other information requested by the Building Code Enforcement Officer or his or her representative. A tap fee shall be paid to the City Clerk in the amount set forth on the Schedule of Fees most recently adopted by the Board of Aldermen.

4. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

5. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

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

7. The size, slope and alignment of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. The building sewer shall be ductile or cast iron or polyvinyl chloride (PVC) having a wall thickness no less than that of Schedule 40 class pipe. [Ord. No. 13.90 §1, 5-28-2013]

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

9. No person shall make connection of roof downspouts, exterior foundation drains,

areaway drains, sump pumps or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

10. The connection of the building sewer into public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Building Official before installation.

11. The applicant for the building sewer permit shall notify the Building Official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Official or his/her representative.

12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

C. Permits for Demolition of Buildings Connected to Sanitary Sewer System

1. No person or entity shall demolish or remove a structure connected to the sanitary sewer system without first obtaining a written permit from the Building Official. In the event demolition is to be followed immediately by construction of a new structure, a permit under Section 720.015(B) is required. Where no structure will be immediately built upon the premises, a demolition permit must be acquired first from the Building Official.

2. The fee for the demolition permit will be in the amount set forth on the Schedule of Fees approved by the Board of Aldermen and on file with the City Clerk during normal business hours. That deposit will be returned to the person or entity after the sewer line to the demolished structure has been capped or sealed to the satisfaction of the Building Official.

3. The applicant shall notify the Building Official when the structure's lines will be disconnected from the sanitary sewer system for purposes of capping or sealing the connection to the sewer. The capping or sealing off of the connection to the sanitary sewer system shall be under the supervision of the Building Official or his/her representative.

D. Protection from Damage. [Ord. No. 2.48 §7, 12-8-1992]

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

E. Powers and Authority of Inspectors

1. The Public Works Director, Building Official and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Public Works Director, Building Official or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for water treatment.

2. While performing the necessary work on private properties referred to in Subsection (1) above, the Public Works Director, Building Official or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

3. The Public Works Director, Building Official and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

F. Penalties. [Ord. No. 2.48 §9, 12-8-1992]

1. Any person found to be violating any provision of this Article except Section 720.015(D) shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in Subsection (A) above, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violations shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

G. Applicability.

This Article shall apply to the City of Mount Vernon, Missouri, and to persons outside the City

who are, by contract or agreement with the City, users of the City's sewage works. Except as otherwise provided within this Article, the Public Works Director shall administer, implement and enforce the provisions of this Article.

720.020—GENERAL SEWER USE REQUIREMENTS

A. Prohibited Discharge Standards

1. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

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

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

(b) Wastewater having a pH less than 5.5 or exceeding 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch (1/2") or one and twenty-seven hundredths centimeters (1.27 cm) in any dimension;

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

(e) Wastewater having a temperature that will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the treatment plant that exceeds forty degrees Centigrade (40 degrees C) or one hundred four degrees Fahrenheit (104 degrees F)

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(g) 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;

(h) Trucked or hauled pollutants, except at discharge points designated by the Public Works Director or designee in accordance with Section 720.030(D) of

this ordinance;

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

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

(k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(l) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Public Work's Director or his/her duly authorized representative;

(m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(n) Medical Wastes, except as specifically authorized by the Public Works Director or his/her duly authorized representative in an individual wastewater discharge permit;

(o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(p) Detergents, surface active agents, or other substances which that might cause excessive foaming in the POTW;

(q) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150)°F (0° and 65°C);

(r) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than twenty-five percent (25%) or any single reading over twenty-five percent (25%) of the Lower Explosive Limit of the meter taken a minimum of 15 minutes apart.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

3. Prohibited Masses. Any waste discharges containing the following pollutants

to such a degree that the monthly average total mass loading from all SIU's exceed the quantity specified below. The Public Works Director will distribute the permit limitations in pounds per day for all users that meet the definition of S.I.U. as defined by city ordinance. At the discretion of the Public Works Director monthly average pollutant concentrations may be imposed based on the allocation. All metallic pollutants are for total metals unless otherwise specified. The Table of Masses is as follows:

Total Mass Allowable (lbs/day) from S.I.U.'s (Monthly Average)

Pollutant	Mass (lbs/day)
Silver	0.294
Arsenic	0.084
Cadmium	0.011
Cyanide	0.076
Chromium	2.132
Copper	0.195
Mercury	0.009
Molybdenum	0.084
Nickel	0.493
Lead	0.108
Selenium	0.049
Zinc	4.225
BOD	1250
TSS	1788
Ammonia	180

B. National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director or his/her duly authorized representative may impose equivalent concentration or mass limits.

2. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Public Works Director or shall impose an alternate limit in accordance with 40 CFR 403.6(e).

3. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Public Works Director or his/her duly authorized

representative. The City may establish equivalent mass limits only if the Industrial User meets all the condition set forth below.

(a) To be eligible for equivalent mass limits, the Industrial User must:

- i. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not Have used dilution as a substitute for treatment;
- ii. Provide sufficient information to establish the facilities actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- iii. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- iv. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(b) An Industrial User subject to equivalent mass limits must:

- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) When developing equivalent mass limits, the Public Works Director or his/her duly authorized representative:

- i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- ii. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 720.020(D). The Industrial User must also be in compliance with Section 720.140(C)(3) regarding the prohibition of bypass.

4. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 720.020(B) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

C. State Pretreatment Standards

State of Missouri requirements and limitations on discharges pursuant to this article shall apply when they are more stringent than the U.S. Environmental Protection requirements and limitations, unless allowed by the Missouri Department of Natural Resources. Missouri State Pretreatment Standards are codified at 10 CSR 20-6-100

D . Local Limits

1. The Public Works Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). Maximum allowable industrial loads shown in Section 720.020(A)(3) are incorporated into this ordinance in lieu of local limits.

2. Public Works Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 720.020.

E. City's Right of Revision

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

F. Dilution

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

720.030—PRETREATMENT OF WASTEWATER

A. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 720.020 of this ordinance within the time limitations specified by EPA, the State, or the Public Works Director or his/her duly authorized representative, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Public Works Director or his/her duly authorized representative for review and shall be acceptable to the Public Works Director or his/her duly

authorized representative, before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

B. Additional Pretreatment Measures

1. Whenever deemed necessary, the Public Works Director or his/her duly authorized representative may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
2. The Public Works Director or his/her duly authorized representative may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director or his/her duly authorized representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Public Works Director or his/her duly authorized representative. New facilities shall install interceptors to be easily accessible for cleaning and inspection. Existing facilities are not required to modify or install interceptors unless required by the Public Works Director on the basis that they are in violation of this Code. All interceptors shall be inspected, cleaned, and repaired by the User at their expense at a frequency and in a method to prevent a violation of this Code.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

C. Accidental Discharge/Slug Discharge Control Plans

The Public Works Director or designee shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Public Works Director or his/her duly authorized representative may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Public Works Director or his/her duly authorized representative may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Public Works Director or his/her duly

authorized representative of any accidental or Slug Discharge, as required by Section 720.060(F) of this ordinance; and

4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

D. Hauled Wastewater

1. Septic tank waste may be introduced into the POTW only at locations designated by the Public Works Director or his/her duly authorized representative, and at such times as are established by the Public Works Director or his/her duly authorized representative. Such waste shall not violate Section 720.020 of this ordinance or any other requirements established by the City. The Public Works Director or his/her duly authorized representative may require septic tank waste haulers to obtain individual wastewater discharge permits.

2. The Public Works Director or his/her duly authorized representative may require haulers of industrial waste to obtain individual wastewater discharge permits. The Public Works Director or his/her duly authorized representative may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Public Works Director or his/her duly authorized representative also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

3. Industrial waste haulers may discharge loads only at locations designated by the Public Works Director or his/her duly authorized representative. No load may be discharged without prior consent of the Public Works Director or his/her duly authorized representative. The Public Works Director or his/her duly authorized representative may collect samples of each hauled load to ensure compliance with applicable Standards. The Public Works Director or his/her duly authorized representative may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents.

720.040—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

A. Wastewater Analysis

When requested by the Public Works Director or his/her duly authorized representative, a User must submit information on the nature and characteristics of its wastewater within thirty **(30)**

days of the request. The Public Works Director or his/her duly authorized representative is authorized to prepare a form for this purpose and may periodically require Users to update this information.

B. Individual Wastewater Discharge Permit

1. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Public Works Director or his/her duly authorized representative, except that a Significant Industrial User that has filed a timely application pursuant to Section 720.040 (C) of this ordinance may continue to discharge for the time period specified therein.
2. The Public Works Director or his/her duly authorized representative may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
3. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 720.110-720.130 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

C. Individual Wastewater Discharge: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Public Works Director or his/her duly authorized representative for an individual wastewater discharge permit in accordance with Section 720.040(E) of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Public Works Director or his/her duly authorized representative.

D. Individual Wastewater Discharge: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 720.040(E) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

E. Individual Wastewater Discharge Permit Application Contents

1. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Public Works Director or his/her duly authorized representative may require Users to submit all or some of the following information as part of a permit application:

(a) Identifying Information.

- i. The name and address of the facility, including the name of the operator and owner.
- ii. Contact information, description of activities, facilities, and plant production processes on the premises;

(b) Environmental Permits. A list of any environmental control permits held by or for the facility.

(c) Description of Operations.

- i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- ii. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- iii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- iv. Type and amount of raw materials processed (average and maximum per day);
- v. 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;

(d) Time and duration of discharges;

(e) The location for monitoring all wastes covered by the permit;

(f) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 720.020(B)(3) (40 CFR 403.6(e)).

(g) Measurement of Pollutants.

- i. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

- ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Public Works Director or designee, of regulated pollutants in the discharge from each regulated process.
- iii. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 720.060(J) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Public Works Director or his/her duly authorized representative or the applicable Standards to determine compliance with the Standard.
- v. Sampling must be performed in accordance with procedures set out in Section 720.060(K) of this ordinance.

- (h) 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 720.060(D)(2)[40 CFR 403.12(e)(2)].
- (i) Any other information as may be deemed necessary by the Public Works Director or his/her duly authorized representative to evaluate the permit application.

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

F. Application Signatories and Certifications

- 1. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 720.060(N)(1).
- 2. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Public Works Director or his/her duly authorized representative prior to or together with any reports to be signed by an Authorized Representative of the User.
- 3. A facility determined to be a Non-Significant Categorical Industrial User by Public Works Director or his/her duly authorized representative pursuant to 720.020(D)(47)(C) must annually submit the signed certification statement in Section 720.060(N)(2).

G. Individual Wastewater Discharge Permit Decisions

The Public Works Director or his/her duly authorized representative will evaluate the data furnished by the User and may require additional information. Within forty –five (45) days of receipt of a complete permit application, the Public Works Director or his/her duly authorized representative will determine whether to issue an individual wastewater discharge permit. The Public Works Director or his/her duly authorized representative may deny any application for an individual wastewater discharge permit.

720.050—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

A. Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Public Works Director or his/her duly authorized representative. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

B Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Public Works Director or his/her duly authorized representative to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Individual wastewater discharge permits must contain:

- (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 720.050 (D) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance

schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(f) Requirements to control Slug Discharge, if determined by the Public Works Director or his/her duly authorized representative to be necessary.

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

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

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

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

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

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

(h) Other conditions as deemed appropriate by the Public Works Director or his/her duly authorized representative to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

C. Permit Issuance Process

1. Permit Appeals. Any person, including the User, may petition the Public Works Director to reconsider the terms of an individual wastewater discharge permit within thirty (30) days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to

place in the individual wastewater discharge permit.

(c) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(d) If the Public Works Director fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of Lawrence County, Missouri for [proper jurisdiction] within the appropriate State Statute of Limitations.

D. Permit Modification

1. The Public Works Director or his/her duly authorized representative may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit,

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 720.050(D).

E. Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (**90**) days advance notice to the Public Works Director or his/her duly authorized representative and the Public Works Director or his/her duly authorized representative approves the individual wastewater discharge permit coverage transfer. The notice to the Public Works Director or designee must include a written certification by the new owner 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 individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

F. Individual Wastewater Discharge Permit Revocation

The Public Works Director or his/her duly authorized representative may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the Public Works Director or his/her duly authorized representative of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the Public Works Director or his/her duly authorized representative of changed conditions pursuant to Section 720.060(E) of this ordinance;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the Public Works Director or his/her duly authorized representative timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;

10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permits application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

G. Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 720.040 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

720.060—REPORTING REQUIREMENTS

A. Baseline Monitoring Reports

1. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director or his/her duly authorized representative a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Public Works Director or his/her duly authorized representative a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(a) All information required in Section 720.040 (E)(1)(a)(i), Section 720.040(E)(1)(b), Section 720.040(E)(1)(c)(i), and Section 720.040(E)(1)(f).

(b) Measurement of pollutants.

i. The User shall provide the information required in Section

720.040(E)(1)(g)(i)-(iv)

- ii. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- iii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- iv. Sampling and analysis shall be performed in accordance with Section 720.060(J);
- v. The Public Works Director or his/her duly authorized representative may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- vi. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(c) Compliance Certification. A statement, reviewed and certified by the User's Authorized Representative as defined in Section 720.010(D)(3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(d) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 720.060(B) of this ordinance.

(e) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 720.060(N)(1) of this ordinance and signed by an Authorized Representative as defined in Section 720.010(D)(3).

B. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 720.060(A)(2)(d) of this ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;
3. The User shall submit a progress report to the Public Works Director or his/her duly authorized representative designee no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director or his/her duly authorized representative .

C. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Public Works Director or his/her duly authorized representative a report containing the information described in Section 720.040(E)(1)(f) and (j) and 720.060(A)(2)(b)) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 720.020(B), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 729.060 (N)(1) of this ordinance. All sampling will be done in conformance with Section 720.060(K).

D. Periodic Compliance Reports

1. Except as specified in Section 720.060(D)(3), all Significant Industrial Users must, at a frequency determined by the Public Works Director or his/her duly authorized representative submit no less than twice per year June and December reports or as otherwise required by the Public Works Department indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the

Public Works Director or his/her duly authorized representative or the Pretreatment Standard necessary to determine the compliance status of the User.

2. The [City] may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(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.

(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 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 720.040(E)(1)(h).

(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 in accordance with Section 720.010(D)(3), and include the certification statement in Section 720.060(N)(1)[(40 CFR 403.6(a)(2)(ii))].

(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 Public Works Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Public Works Director for 3 years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the User's permit by the Public Works Director, the Industrial User must certify on each report with the statement in Section 720.060(N)(3) below, 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 Section 720.060(D)(1), or other more frequent monitoring requirements imposed by the Public Works Director, and notify the Public Works 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. All periodic compliance reports must be signed and certified in accordance with Section 720.060(N)(1) of this ordinance.

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

5. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by The Public Works Director or his/her duly authorized representative, using the procedures prescribed in Section 702.060(K) of this ordinance, the results of this monitoring shall be included in the report.

E. Reports of Changed Conditions

Each User must notify the Public Works Director or his/her duly authorized representative of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

1. The Public Works Director or his/her duly authorized representative may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 720.040 of this ordinance.
2. The Public Works Director or his/her duly authorized representative may issue an individual wastewater discharge permit under Section 720.050(F) of this ordinance or modify an existing wastewater discharge permit under Section 720.050(C) of this ordinance in response to changed conditions or anticipated changed conditions.

F. Reports of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Public Works Director or his/her duly authorized representative of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

2. Within five (5) days following such discharge, the User shall, unless waived by the Public Works Director or his/her duly authorized representative, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

3. A notice shall be permanently posted on the User's bulletin board or other prominent

place advising employees who to call in the event of a discharge described in paragraph 1, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

4. Significant Industrial Users are required to notify the Public Works Director or his/her duly authorized representative immediately of any changes at its facility affecting the potential for a Slug Discharge.

G. Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Public Works Director or designee as the Public Works Director or his/her duly authorized representative may require.

H. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Public Works Director or his/her duly authorized representative within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Works Director or his/her duly authorized representative within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

I. Notification of the Discharge of Hazardous Waste

1. Prohibited. The City does not allow the discharge of hazardous waste into the POTW as defined in Section 720.010(D)(42).

J. Analytical Requirements

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

K. Sample Collection

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

1. Except as indicated in Section 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by The Public Works Director or his/her duly authorized representative . Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, ammonia and volatile organic compounds must be obtained using grab collection techniques.

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 720.060(A) and 720.060(C) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director his/her duly authorized representative may authorize a lower minimum. For the reports required by paragraphs Section 720.060 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements

L. Date of Receipt of Reports

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

M. Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 720.020(D)(3). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Public Works Director

or his/her duly authorized representative .

N. Certification Statements

1. Certification of Permit Applications, User Reports.—

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 720.040; Users submitting baseline monitoring reports under Section 720.060; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 720.060(C); Users submitting periodic compliance reports required by Section 720.060(D)(1-3)E, The following certification statement must be signed by an Authorized Representative as defined in Section 720.010(D)(3):

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. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Public Works Director or his/her duly authorized representative pursuant to Section 720.010(D)(36)(3) and Section 720.040 (F) (3) must annually submit the following certification statement signed in accordance with the signatory requirements in 720.010(D)(3). This certification must accompany an alternative report required by the Public Works Director or his/her duly authorized representative :

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR 403, 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 720.010(D)(36)(3);

(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. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 720.060(D)(2) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream 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 403, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list all potential pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 720.060(D)(2).

720.070—COMPLIANCE MONITORING

A. Right of Entry: Inspection and Sampling

The Public Works Director or his/her duly authorized representative shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow The Public Works Director or his/her duly authorized representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties including documentation with audio and/or visual media for the purposes identified herein.

1. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, The Public Works Director or his/her duly authorized representative shall be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The Public Works Director or his/her duly authorized representative shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
3. The Public Works Director or his/her duly authorized representative may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated biannually to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Public Works Director or his/her duly authorized representative and shall not be replaced. The costs of clearing such access shall be born by the User.
5. Unreasonable delays in allowing the Public Works Director or his/her duly

authorized representative access to the User's premises shall be a violation of this ordinance.

720.080—SEARCH WARRANTS

If the Director of Public Works or his/her duly authorized representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director of Public Works his/her duly authorized representative may seek issuance of a search warrant from the Circuit Court of Lawrence County Missouri.

720.090—CONFIDENTIAL INFORMATION

Information and data, audio and visual media on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from The Public Works Director or his/her duly authorized representative inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Public Works Director or his/her duly authorized representative, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data, audio and visual media. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

720.100—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Public Works Director or his/her duly authorized representative shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 720.020 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 720.020 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Public Works Director or his/her duly authorized representative determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in The Public Works Director or his/her duly authorized representative exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Public Works Director or his/her duly authorized representative determines will adversely affect the operation or implementation of the local pretreatment program.

720.110—ADMINISTRATIVE ENFORCEMENT REMEDIES

A. Notification of Violation

When the Public Works Director or his/her duly authorized representative finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Works Director or his/her duly authorized representative may serve upon that User a written Notice of Violation. Within or up to a maximum of thirty (30) days as required by the Director of Public Works of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Public Works Director or his/her duly authorized representative. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section

shall limit the authority of the Public Works Director or his/her duly authorized representative to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Administrative Orders

Administrative Orders-Administrative Orders (AOs) are enforcement documents that direct Industrial Users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with Industrial Users. AOs may incorporate compliance schedules, administrative penalties, termination of service, cease and desist, and show cause orders.

1. Consent Orders

The Public Works Director or his/her duly authorized representative may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 720.110 (D) and (E) of this ordinance and shall be judicially enforceable.

2. Show Cause Hearing

The Public Works Director or his/her duly authorized representative may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before The Public Works Director or his/her duly authorized representative and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 720.010(D)(3) and required by Section 720.040(F). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

3. Compliance Orders

When the Public Works Director or his/her duly authorized representative finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Works Director or his/her duly authorized representative may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance

orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

4. Cease and Desist Orders

When the Public Works Director or his/her duly authorized representative finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Public Works Director or his/her duly authorized representative may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a). Immediately comply with all requirements; and
- (b). Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

C. Administrative Fines

1. When the Public Works Director or his/her designee finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Works Director shall refer the User to the Board of Aldermen. The User may be fined in an amount not to exceed five hundred dollars (\$500.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

2. Users desiring to dispute such fines must file a written request for the Public Works Director or his/her duly authorized representative to reconsider the fine along with full payment of the fine amount within forty-five (45) days of being notified of the fine. Where a request has merit, The Public Works Director or his/her duly authorized representative, may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Public Works Director or his/her duly authorized representative may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

3. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

D. Emergency Suspensions

The Public Works Director or his/her duly authorized representative may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director or his/her duly authorized representative may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Public Works Director or his/her duly authorized representative may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Public Works Director or his/her duly authorized representative may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Public Works Director or his/her duly authorized representative that the period of endangerment has passed, unless the termination proceedings in Section 720.110(E) of this ordinance are initiated against the User.
2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to The Public Works Director or designee prior to the date of any show cause or termination hearing under Sections 720.110 (B)(2) or 720.110(E) of this ordinance.

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

E. Termination of Discharge

In addition to the provisions in Section 720.050(E) of this ordinance, any User who violates the following conditions is subject to discharge termination:

1. Violation of individual wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the Pretreatment Standards in Section 720.020 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 720.110(B)(2) of this ordinance why the proposed action should not be taken. Exercise of this option by the Public Works Director or his/her duly authorized representative shall not be a bar to, or a prerequisite for, taking any other action against the User.

720.120—JUDICIAL ENFORCEMENT REMEDIES

A. Injunctive Relief

When the Public Works Director or his/her duly authorized representative finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Works Director or his/her duly authorized representative may petition the Circuit Court of Lawrence County Missouri through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Public Works Director or his/her duly authorized representative may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

B. Civil Penalties

1. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty in the amount not exceeding five hundred dollars (\$500.00) for each violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The Public Works Director or his/her duly authorized representative may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

C. Criminal Prosecution

1. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) for each violation or by imprisonment in the City or County Jail for not more than ninety (90) days or both.
2. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than five hundred dollars (\$500.00) for each violation or by imprisonment in the City or County Jail for not more than ninety (90) days or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
3. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than five hundred dollars(\$500.00) for each violation or by imprisonment in the City or County Jail for not more than ninety (90) days or both.
4. In the event of a second conviction, a User shall be punished by a fine of not more than (\$500.00) for each violation or by imprisonment in the City or County Jail for not more than ninety (90) days or both.

D. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Public Works Director or his/her duly authorized representative may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director or his/her duly authorized representative may take other action against any User when the circumstances warrant. Further, the Public Works Director or designee is empowered to take more than one enforcement action against any noncompliant User.

720.130—SUPPLEMENTAL ENFORCEMENT ACTION

A. Performance Bonds

The Public Works Director or his/her duly authorized representative may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Public Works Director or his/her duly authorized representative to be necessary to achieve consistent compliance.

B. Liability Insurance

The Public Works Director or his/her duly authorized representative may decline to issue or reissue an individual wastewater discharge to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

C. Payment of Outstanding Fees and Penalties

The Public Works Director or his/her duly authorized representative may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit or order issued hereunder.

D. Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

E. Public Nuisances

A violation of any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director or his/her duly authorized representative. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code Chapter 220; Nuisance; Section 220.010 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

F. Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Public Works Director or his/her duly authorized representative.

720.140—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

A. Upset

1. 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 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.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (3), below, are met.

3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the User can identify the cause(s) of the upset;
- (b) 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
- (c) The User has submitted the following information to the Public Works Director or his/her duly authorized representative 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):
 - (d) A description of the indirect discharge and cause of noncompliance;
 - (e) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (f) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

6. Users shall control production of 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 facility is reduced, lost, or fails.

B. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for

noncompliance with the general prohibitions in Section 720.020(A) of this ordinance or the specific prohibitions in Sections 720.020 (B) (1) through (8) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

1. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
2. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass

1. For the purposes of this Section,
 - (a) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
 - (b) 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 damage does not mean economic loss caused by delays in production.
2. A 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 provision of paragraphs (3) and (4) of this Section.
3. Bypass Notifications
 - (a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director or his/her duly authorized representative, at least ten (10) days before the date of the bypass, if possible.
 - (b) A User shall submit oral notice to the Public Works Director or his/her duly authorized representative of an unanticipated bypass that exceeds applicable Pretreatment Standards 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 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 reoccurrence of the bypass. The Public Works Director or his/her duly authorized representative may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

4. Bypass

(a) Bypass is prohibited, and the Public Works Director or his/her duly authorized representative may take an enforcement action against a User for a bypass, unless

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) 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

(iii) The User submitted notices as required under paragraph (3) of this section.

(b) the Public Works Director or designee may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director or his/her duly authorized representative determines that it will meet the three conditions listed in paragraph (4)(a) of this Section.

720.150—MISCELLANEOUS PROVISIONS

A. Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals;
5. Fees to recover administrative and legal costs (not included in Section 720.150(a)(2)) associated with the enforcement activity taken by the Public Works Director or his/her duly authorized representative to address IU noncompliance; and
6. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

B. Severability

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

720.160 EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

DRAFT

City of Mount Vernon Local Limits Mount Vernon, Missouri

Submitted to

City of Mount Vernon

Submitted by

Geosyntec 
consultants

engineers | scientists | innovators

2009 E. McCarty, Suite 1
Jefferson City, Missouri, 65101

January 2019

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SECTION 1

INTRODUCTION

The City of Mount Vernon (City) administers an industrial wastewater pretreatment program to regulate industrial wastewater discharged to the City's wastewater collection and treatment system. The City is required under Federal and State regulations to estimate the maximum amount of specific pollutants that can be discharged by local industries. Maximum pollutant discharge concentrations, referred to as "Local Limits", can be calculated based on these values. The Missouri Department of Natural Resources (MDNR) has required that the City reevaluate its local limits. The City retained the services of Geosyntec Consultants, Inc. to recalculate the City's maximum allowable pollutant loading and derive new Local Limits values as needed. The results of the Local Limits evaluation are provided in this report.

1.1 Wastewater Treatment Plant Overview

The City Wastewater Treatment Plant (WWTP) (MO-0022381) has a design average flow of 1.35 million gallons per day (MGD) to serve a 6,500 design population equivalent. The actual reported average WWTP flow is 0.71 MGD. The WWTP is an activated sludge plant with tertiary sand filtration. Biosolids are land applied at two properties totaling 240 acres.

1.2 Method of Deriving Maximum Allowable Headworks Loadings and Local Limits

The revised Maximum Allowable Headworks Loadings and local limit calculations address four primary concerns regarding a pollutant's impact. The primary concerns are:

- 1) receiving water quality protection,
- 2) NPDES permit discharge limits compliance,
- 3) biological treatment process protection, and
- 4) biosolids quality protection.

The maximum treatment plant loading for each of the four potential concerns are calculated separately and the lowest loading value is considered the maximum allowable headworks value from which the Local Limits are derived. Therefore, each pollutant will have one of the four potential impacts as its limiting factor.

The EPA Region 7 spreadsheet model provided by US EPA Region 7 (Paul Marshall, September 2017 update) was used to calculate local limits and maximum allowable industrial loadings, as detailed in the City's Local Limits Work Plan (Geosyntec 2017). A copy of these calculation worksheets is included in Appendix A.

SECTION 2

CALCULATION INPUT DESCRIPTIONS

2.1 Flow from Industrial Users

Calculated local limit concentrations are directly proportional to the volume of industrial wastewater discharged to the City's collection and treatment system. Industrial users are identified on an ongoing basis by the pretreatment program director. Industrial wastewater flow to the City WWTP were taken from 2018 water use records or metered facility effluent flow, when available (Appendix B). The 2018 flows for Reyco-Granning were determined to be nonrepresentative therefore, flows from 2016-2017 were used. Based on a review of reported flows, the total SIU wastewater flow rate used for local limits calculations was 43,700 gallons per day (gpd).

2.2 Total Treatment Plant Flow

The estimated total daily flow treated at the City wastewater treatment plant (0.71 MGD) was taken from the 2018 Draft NPDES permit actual flow value.

2.3 Pollutants of Concern

Fifteen pollutants of concern specified by US EPA were evaluated for Local Limits (EPA 2004). These included silver, arsenic, cadmium, cyanide, chromium, copper, mercury, nickel, lead, zinc, molybdenum, selenium, biochemical oxygen demand, total suspended solids, and ammonia. Oil & Grease was also included in the pollutants of concern as it is limited in the 2018 Draft NPDES operating permit.

2.4 NPDES Permit Effluent Limits

The City's 2018 Draft NPDES operating permit includes limits for cadmium and copper. The EPA Region 7 spreadsheet model was updated with average monthly limits for these parameters.

2.5 Influent Input Concentrations

Average influent concentrations were used for parameters with sufficient 24-hour composite influent data (copper, nickel and zinc) (Appendix C). Influent samples were collected for cadmium; however, detection limits were not low enough to provide workable headworks loading values. For parameters with insufficient influent data, influent concentrations were back-calculated by entering biosolids data from 2014 to 2016 into the EPA Region 7 spreadsheet model (Appendix A). EPA default values were used for silver and cyanide as no influent samples were available and back calculation from sludge was not possible.

2.6 Domestic Source Loading Concentrations

To maximize efficiency, EPA default domestic source loading concentrations were used for most parameters. For parameters where EPA default values for domestic influent resulted in negative or very low concentration limits (cadmium, copper, lead, mercury, and cyanide), 24-hour composite influent samples were collected. Samples were collected from two locations in the northeast section of the collection system without industrial inputs on 23 April 2018 (Appendix D). The average influent concentration for chromium was used as the domestic background concentration because the default domestic concentration exceeded the average influent concentration.

2.7 Biosolids Data

Inputs for annual biosolids production amounts, percent solids, and parameter concentrations were taken from the City's 2014-2016 Form S reports (Appendix E). The City provided land application site information including site acreages and years of use.

2.8 Water Quality Standards

The EPA Region 7 spreadsheet model was updated with Missouri Water Quality Standards for the protection of aquatic life where appropriate (10 CSR 20-7.031). Chronic values were used for all parameters except for silver, which has no chronic criteria. Missouri's acute standard was used for silver. Median hardness (220 mg/L), as calculated from discharge monitoring report (DMR) data submitted since June 2016, was used to calculate criteria for hardness dependent parameters (Appendix F).

2.9 Instream Background Values

Williams Creek instream total metal concentrations were added for cadmium, copper, nickel, and zinc (Appendix G). These data were collected by the City on 30 April 2015 and 2 March 2016 directly upstream of Outfall 001. EPA default instream concentrations were used for all other parameters.

2.10 Removal Efficiencies

Default wastewater treatment plant removal efficiencies for activated sludge treatment were used, as listed in the EPA guidance (EPA 2004)

2.11 Safety Factors

A safety factor of 20% was applied to all parameters.

2.12 Conventional Pollutants

BOD and TSS data from January 2018 to November 2018 and ammonia data from September 2017 to November 2018 were considered representative of plant operating conditions and used for the evaluation (Appendix H).

SECTION 3
RECOMMENDED MAXIMUM ALLOWABLE INDUSTRIAL LOADINGS AND
LOCAL LIMITS

3.1 Maximum Allowable Industrial Loadings and Recommended Local Limits

Maximum Allowable Industrial Loadings and recommended Local Limits were calculated for fifteen pollutants (Table 1). As stated earlier in this report, the calculations take into consideration the four primary concerns of 1) receiving water quality protection (Water Quality Standards), 2) NPDES permit discharge limits compliance, 3) biological treatment process protection (Secondary Inhibition), and 4) biosolids quality protection (Biosolids Disposal). The recommended Local Limits were developed based on the Uniform Concentration Method (EPA 2004) where the Maximum Allowable Industrial Loading is distributed evenly to all industrial discharges.

Table 1: Maximum Allowable Industrial Loadings and Recommended Local Limits

Pollutant of Concern	Maximum Allowable Industrial Load (lbs/day)	Local Limit	Limiting Factor
Silver	0.294	0.806 mg/L	Water Quality Standards
Arsenic	0.084	0.232 mg/L	Biosolids Disposal
Cadmium	0.011	0.031 mg/L	NPDES Limits
Cyanide	0.076	0.210 mg/L	Water Quality Standards
Chromium	2.132	5.851 mg/L	Biosolids Disposal
Copper	0.195	0.534 mg/L	NPDES Limits
Mercury	0.009	0.025 mg/L	Water Quality Standards
Molybdenum	0.084	0.230 mg/L	Biosolids Disposal
Nickel	0.493	1.352 mg/L	Biosolids Disposal
Lead	0.108	0.297 mg/L	Water Quality Standards
Selenium	0.049	0.135 mg/L	Water Quality Standards
Zinc	4.225	11.592 mg/L	Secondary Inhibition
BOD	1250	250 lbs/day*	Protection of Plant and Water Quality
TSS	1788	350 lbs/day*	Protection of Plant and Water Quality
Ammonia	180	36 lbs/day*	Protection of Plant and Water Quality
Oil & Grease	NA	100 mg/L	Protection of Plant and Water Quality

Notes: All metals values are for total recoverable metals. * Each industry will be allotted no more than 20% of the MAIL for this pollutant without first obtaining approval from the Public Works Director.

The current BOD, TSS, and Ammonia limits of 300 mg/L, 350 mg/L, and 25 mg/L, respectively, will be used to evaluate the user charge ordinance for excess BOD, TSS, and Ammonia charges. The Oil and Grease limit of 100 mg/L will remain the same as it is protective of the treatment plant and receiving stream (EPA 1975).

SECTION 4

REFERENCES

Environmental Protection Agency. 1975. Treatability of oil and grease discharged to publicly owned treatment works. Office of Water and Hazardous Materials, Effluent Guidelines Division: 1-18.

Environmental Protection Agency. 2004. Local Limits Development Guidance. Office of Wastewater Management. 1-134.

Geosyntec Consultants. 2017. City of Mount Vernon Local Limits Calculation Overview. September 28, 2017. 1-10.

Appendix A: EPA Spreadsheet Model

LOCAL LIMITS CALCULATOR

Plant	Non SIU Flow, MGD: 0.6663	SLDG To Disposal, MGD: 0.00299
Data:	TOTAL Flow, MGD: 0.71	SLDG Disposal %Solids: 2.84
	7Q10, MGD: 0.0646	SITE Use, Years: 50
	Flow To Digr: MGD: NA	SITE Size, Acres: 240

Influent samples collected by plant

Influent values back calculated from Sludge data

Domestic influent samples collected by city at 2 locations

EPA Default Value

NPDES and WQS reflect expected 2018 permit values

	NPDES Limit	Removal Efficiencies		Domestic Level	WQS	Safety Factor	Avg. Infl. Cncntrn	AS Inhibition	Digestion Inhibition
		Primary	Plant						
Ag	NA	NA	75%	0.005	0.01472	20%	0.05	0.25	13
As	NA	NA	45%	0.003	0.15	20%	0.0005	0.1	1.6
Cd*	0.0009	NA	67%	0.00046	NA	20%	0.0003	1	20
CN	NA	NA	69%	0.003	0.0052	20%	0.05	0.1	4
Cr	NA	NA	82%	0.0058	0.164	20%	0.0058	1	100
Cu*	0.0108	NA	86%	0.0405	NA	20%	0.0795	1	40
Hg	NA	NA	60%	0.00025	0.00077	20%	0.00001	0.1	NA
Mo	NA	NA	50%	0.001	NA	20%	0.0007	NA	NA
Ni*	NA	NA	42%	0.021	0.1017	20%	0.0743	1	10
Pb*	NA	NA	61%	0.0025	0.00868	20%	0.0089	0.1	340
Se	NA	NA	50%	0.001	0.005	20%	0.0004	NA	NA
Zn*	NA	NA	79%	0.175	0.23227	20%	0.1753	1	400

*HARDNESS DEPENDENT

	DW Design		Domestic Sources lbs/day	Expansion Factor	Avg. Infl. Cncntrn
	Daily avg lbs/day	Peak lbs/day			
BOD	2533	NA	777	20%	428
TSS	3377	NA	914	20%	260
NH3	338	NA	90	20%	10.37

Domestic Sources Estimator		
Pop:	4570 persons	
	lbs/cap/day	lbs/day
BOD	0.17	777
TSS	0.2	914
NH3	0.0198	90

Design Influent Concentration	Daily Average
BOD=225 mg/L	1.35mgd x 8.34 x 225 mg/L = 2533 lbs/day
TSS=300 mg/L	1.35mgd x 8.34 x 300 mg/L = 3377 lbs/day
NH4=30 mg/L	1.35mgd x 8.34 x 30 mg/L = 338 lbs/day

NOTE: all values mg/l unless noted

CONVERSIONS

CFS TO MGD			
0.1	CFS =	0.0646	mgd
SLUDGE, DT/Y to MGD			
dt/y	avg %sld		mgd
134.67	3.0%	=	0.002999

SUMMARY OF MASS LOADINGS

	Domestic/commcl Sources		Maximum Allowable Industrial Load (MAIL)		lbs. Reserve	Maximum Allowable Headwrks Load (MAHL) lbs	Headworks ACTUAL Avg.Load lbs	Current Loading as % of MAHL
	lbs.	% of limit	lbs.	% of MAHL				
Ag	0.028	7%	0.294	77%	0.059	0.380	0.29607	78%
As	0.017	14%	0.084	1%	0.017	0.118	0.0029607	3%
Cd	0.003	16%	0.011	70%	0.0023	0.016	0.00177642	11%
CN	0.017	15%	0.076	71%	0.015	0.108	0.29607	273%
Cr	0.032	1%	2.132	82%	0.4265	2.591	0.03434412	1%
Cu	0.225	49%	0.195	42%	0.039	0.458	0.4707513	103%
Hg	0.001	11%	0.009	74%	0.002	0.012	0.000059214	0.5%
Mo	0.006	5%	0.084	79%	0.017	0.1062	0.00414498	4%
Ni	0.117	16%	0.493	70%	0.099	0.708	0.43996002	62%
Pb	0.014	10%	0.108	75%	0.022	0.144	0.05270046	37%
Se	0.006	9%	0.049	76%	0.010	0.065	0.00236856	4%
Zn	0.972	16%	4.225	70%	0.845	6.042	1.03802142	17%

TOXIC POLLUTANTS SUMMARY

UNIFORM CONCENTRATION LIMIT
If APPLIED
mg/l

LIMITING CRITERIA

Ag	0.806
As	0.232
Cd	0.031
CN	0.210
Cr	5.851
Cu	0.534
Hg	0.025
Mo	0.230
Ni	1.352
Pb	0.297
Se	0.135
Zn	11.592

Ag	Water Quality
As	SLDG Displ:
Cd	NPDES #:
CN	Water Quality
Cr	SLDG Displ:
Cu	NPDES #:
Hg	Water Quality
Mo	SLDG Displ:
Ni	SLDG Displ:
Pb	Water Quality
Se	Water Quality
Zn	Secndry Inhib.:

Conventional Pollutants - Long Term Average Limits

Based on Design Daily Average Criteria

	Domestic/commcl Sources		Maximum Allowable Industrial Load (MAIL)		lbs. Reserve	Maximum Allowable Headwrks Load (MAHL) Avg.lbs	Headworks ACTUAL Avg.Load lbs	Current Loading as % of MAHL
	lbs.	% of limit	lbs.	% of MAHL				
BOD	777	31%	1250	49%	507	2533	2534	100%
TSS	914	27%	1788	53%	675	3377	1540	46%
NH3	90	27%	180	53%	68	338	61	18%

Conventional Pollutants - Daily Maximum Limits

Based on Peak Design Criteria

	Domestic/commcl Sources		Maximum Allowable Industrial Load (MAIL)		lbs. Reserve	Maximum Allowable Headwrks Load (MAHL) Peak,lbs	Headworks ACTUAL Avg.Load lbs	Current Loading as % of MAHL
	lbs.	% of limit	lbs.	% of MAHL				
BOD	777	NA	NA	NA	0	NA	2534	NA
TSS	914	NA	NA	NA	0	NA	1540	NA
NH3	90	NA	NA	NA	0	NA	61	NA

Conventional Pollutants Uniform Concentration Limits

Flow for SIUs Receiving Limits, mgd: **0.0437**

	Daily Max mg/l	Mo. Avg. mg/l
BOD	NA	3428
TSS	NA	4905
NH3	NA	494

Average Headworks Concentration Based on Sludge Metals Content

These calculations are designed to use measured levels of metals in sludge to back-calculate the most probable influent concentration for long term loadings at the treatment plant. It should be used especially when influent levels are measured at below detection limit.

Input from DATA Page:

Ave. total Plant flow, mgd:	0.71
annual sludge production, dt/y:	134.7

0.01472

Sludge Metals Loadings from 503 reports		Plant Removal Eff.	%point Variance from Literature	lbs to Sludge per day	lbs/day at Headworks	Influent Conc.	
Evaluate For: <input checked="" type="checkbox"/> Avg <input type="checkbox"/> Max							
Ag		75%	◀ ▶	0.000	0.000	0.0000	Ag
As	1.785	45%	◀ ▶	0.001	0.003	0.0005	As
Cd	1.88	67%	◀ ▶	0.001	0.002	0.0003	Cd
Cr	38.20667	82%	◀ ▶	0.028	0.034	0.0058	Cr
Cu		86%	◀ ▶	0.000	0.000	0.0000	Cu
Hg	0.033417	60%	◀ ▶	0.000	0.000	0.00001	Hg
Mo	2.796667	50%	◀ ▶	0.002	0.004	0.0007	Mo
Ni		42%	◀ ▶	0.000	0.000	0.0000	Ni
Pb	43.585	61%	◀ ▶	0.032	0.053	0.0089	Pb
Se	1.478333	50%	◀ ▶	0.001	0.002	0.0004	Se
Zn		79%	◀ ▶	0.000	0.000	0.0000	Zn

ARSENIC

source

Domestic Backgrnd:	0.003	<i>literature</i>
Instream Backgrnd:	0	
Plant Removal Eff.:	45%	<i>literature</i>
Primary Rmvl Eff.:	NA	<i>literature</i>
WQS:	0.15	
Ratio: Dslvd/Tot:	1	
Inhibition 2nd Trtmt:	0.1	<i>literature</i>
SLDG Digstn Inhib.:	1.6	<i>literature</i>
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	36.58	<i>Regulation</i>
Disp Limit, mg/kg:	678.8	<i>calculated</i>
SLDG Qual mg/kg:	75	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0.00299
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	3.9904		
Digstn Inhib:	NA		
SLDG Dispsl:	0.2318	0.0147	
Secndry Inhib.:	1.3158		
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	1.4543		
Digstn Inhib:	NA		
SLDG Dispsl:	0.0845	Limiting	
Secndry Inhib.:	0.4796		
NPDES #:	NA		

CADMIUM

source

Domestic Backgrnd:	0.0005	
Instream Backgrnd:	0.0001	
Plant Removal Eff.:	67%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	NA	
Ratio: Dslvd/Tot:	0.876	
Inhibition 2nd Trtmt:	1	<i>literature</i>
SLDG Digstn Inhib.:	20	<i>literature</i>
NPDES Limit, mg/l:	0.0009	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	34.79	<i>Regulation</i>
Disp Limit, mg/kg:	645.6	<i>calculated</i>
SLDG Qual mg/kg:	85	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l	
Water Quality	NA
Digstn Inhib:	NA
SLDG Dispsl:	0.1996 <i>0.0147</i>
Secndry Inhib.:	15.45
NPDES #:	0.0311 <i>Limiting</i>
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)	
Water Quality	NA
Digstn Inhib:	NA
SLDG Dispsl:	0.0727
Secndry Inhib.:	5.6309
NPDES #:	0.0113 <i>Limiting</i>

CHROMIUM

source

Domestic Backgrnd:	0.0058	
Instream Backgrnd:	0	
Plant Removal Eff.:	82%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	0.164	
Ratio: Dslvd/Tot:	0.86	
Inhibition 2nd Trtmt:	1	<i>literature</i>
SLDG Digstn Inhib.:	100	
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	2676	<i>Regulation</i>
Disp Limit, mg/kg:	49660	<i>calculated</i>
SLDG Qual mg/kg:	3000	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	13.384		
Digstn Inhib:	NA		
SLDG Dispsl:	5.8506	0.0147	
Secndry Inhib.:	15.67		
NPDES #:	NA		

ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)

Water Quality	4.8781		
Digstn Inhib:	NA		
SLDG Dispsl:	2.1323	Limiting	
Secndry Inhib.:	5.7109		
NPDES #:	NA		

COPPER

source

Domestic Backgrnd:	0.0405	
Instream Backgrnd:	0.001	
Plant Removal Eff.:	86%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	NA	
Ratio: Dslvd/Tot:	0.96	
Inhibition 2nd Trtmt:	1	<i>literature</i>
SLDG Digstn Inhib.:	40	<i>literature</i>
NPDES Limit, mg/l:	0.0108	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	1338	<i>Regulation</i>
Disp Limit, mg/kg:	24830.1	<i>calculated</i>
SLDG Qual mg/kg:	4300	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digrs: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l	
Water Quality	NA
Digstn Inhib:	NA
SLDG Dispsl:	7.5819 <i>0.0147</i>
Secndry Inhib.:	13.589
NPDES #:	0.5337 <i>Limiting</i>
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)	
Water Quality	NA
Digstn Inhib:	NA
SLDG Dispsl:	2.7633
Secndry Inhib.:	4.9526
NPDES #:	0.1945 <i>Limiting</i>

CYANIDE

source

Domestic Backgrnd:	0.003	
Instream Backgrnd:	0	
Plant Removal Eff.:	69%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	0.0052	
Ratio: Dslvd/Tot:	1	
Inhibition 2nd Trtmt:	0.1	<i>literature</i>
SLDG Digstn Inhib.:	4	<i>literature</i>
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	NA	<i>Regulation</i>
Disp Limit, mg/kg:	NA	<i>calculated</i>
SLDG Qual mg/kg:	NA	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digrs: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	0.2097	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	NA	<i>0.0147</i>	
Secndry Inhib.:	1.3158		
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	0.0764	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	NA		
Secndry Inhib.:	0.4796		
NPDES #:	NA		

Molybdenum

source

Domestic Backgrnd:	0.001
Instream Backgrnd:	0
Plant Removal Eff.:	50%
Primary Rmvl Eff.:	NA
WQS:	NA
Ratio: Dslvd/Tot:	1
Inhibition 2nd Trtmt:	NA
SLDG Digstn Inhib.:	NA
NPDES Limit, mg/l:	NA
SLUDGE DISPOSAL	
Lbs/Acre/Life, limit:	NA Regulation
Disp Limit, mg/kg:	NA Regulation
SLDG Qual mg/kg:	75 Regulation
Grwth/Safety factor:	20%

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l	
Water Quality	NA
Digstn Inhib:	NA
SLDG Dispsl:	0.2302 <i>0.0147</i>
Secndry Inhib.:	NA
NPDES #:	NA
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)	
Water Quality	NA
Digstn Inhib:	NA
SLDG Dispsl:	0.0839 <i>Limiting</i>
Secndry Inhib.:	NA
NPDES #:	NA

LEAD

source

Domestic Backgrnd:	0.0025	
Instream Backgrnd:	0	
Plant Removal Eff.:	61%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	0.0087	
Ratio: Dslvd/Tot:	0.677	
Inhibition 2nd Trtmt:	0.1	<i>literature</i>
SLDG Digstn Inhib.:	340	<i>literature</i>
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	268	<i>Regulation</i>
Disp Limit, mg/kg:	4973.4	<i>calculated</i>
SLDG Qual mg/kg:	840	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digrs: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	0.297	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	2.1981	<i>0.0147</i>	
Secndry Inhib.:	1.9681		
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	0.1082	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	0.8011		
Secndry Inhib.:	0.7173		
NPDES #:	NA		

MERCURY

source

Domestic Backgrnd:	0.0003	
Instream Backgrnd:	0	
Plant Removal Eff.:	60%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	0.0008	
Ratio: Dslvd/Tot:	1	
Inhibition 2nd Trtmt:	0.1	<i>literature</i>
SLDG Digstn Inhib.:	NA	<i>literature</i>
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	15.17	<i>Regulation</i>
Disp Limit, mg/kg:	281.5	<i>calculated</i>
SLDG Qual mg/kg:	57	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	0.0253	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	0.1507	<i>0.0147</i>	
Secndry Inhib.:	1.3508		
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	0.0092	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	0.0549		
Secndry Inhib.:	0.4923		
NPDES #:	NA		

NICKEL

source

Domestic Backgrnd:	0.021	<i>literature</i>
Instream Backgrnd:	0.001	
Plant Removal Eff.:	42%	<i>literature</i>
Primary Rmvl Eff.:	NA	
WQS:	0.1017	
Ratio: Dslvd/Tot:	0.997	
Inhibition 2nd Trtmt:	1	<i>literature</i>
SLDG Digstn Inhib.:	10	<i>literature</i>
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	375	<i>Regulation</i>
Disp Limit, mg/kg:	6959.1	<i>calculated</i>
SLDG Qual mg/kg:	420	<i>Regulation</i>
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l	
Water Quality	2.3211
Digstn Inhib:	NA
SLDG Dispsl:	1.3525 <i>0.0147</i>
Secndry Inhib.:	13.313
NPDES #:	NA
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)	
Water Quality	0.8459
Digstn Inhib:	NA
SLDG Dispsl:	0.4929 <i>Limiting</i>
Secndry Inhib.:	4.8521
NPDES #:	NA

SILVER

source

Domestic Backgrnd:	0.005	literature
Instream Backgrnd:	0	
Plant Removal Eff.:	75%	literature
Primary Rmvl Eff.:	NA	
WQS:	0.0147	
Ratio: Dslvd/Tot:	1	
Inhibition 2nd Trtmt:	0.25	literature
SLDG Digstn Inhib.:	13	literature
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	NA	Regulation
Disp Limit, mg/kg:	NA	calculated
SLDG Qual mg/kg:	NA	Regulation
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	0.8062	Limiting	
Digstn Inhib:	NA		
SLDG Dispsl:	NA	0.0147	
Secndry Inhib.:	3.3213		
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	0.2938	Limiting	
Digstn Inhib:	NA		
SLDG Dispsl:	NA		
Secndry Inhib.:	1.2105		
NPDES #:	NA		

Selenium

source

Domestic Backgrnd:	0.001
Instream Backgrnd:	0
Plant Removal Eff.:	50%
Primary Rmvl Eff.:	NA
WQS:	0.005
Ratio: Dslvd/Tot:	1
Inhibition 2nd Trtmt:	NA
SLDG Digstn Inhib.:	NA
NPDES Limit, mg/l:	NA
SLUDGE DISPOSAL	
Lbs/Acre/Life, limit:	89.2 <i>Regulation</i>
Disp Limit, mg/kg:	1655.3 <i>calculated</i>
SLDG Qual mg/kg:	100 <i>Regulation</i>
Grwth/Safety factor:	20%

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	0.135	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	0.3112	<i>0.0147</i>	
Secndry Inhib.:	NA		
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	0.0492	<i>Limiting</i>	
Digstn Inhib:	NA		
SLDG Dispsl:	0.1134		
Secndry Inhib.:	NA		
NPDES #:	NA		

ZINC

source

Domestic Backgrnd:	0.175	literature
Instream Backgrnd:	0.0025	
Plant Removal Eff.:	79%	literature
Primary Rmvl Eff.:	NA	
WQS:	0.23227	
Ratio: Dslvd/Tot:	0.98	
Inhibition 2nd Trtmt:	1	literature
SLDG Digstn Inhib.:	400	literature
NPDES Limit, mg/l:	NA	
SLUDGE DISPOSAL		
Lbs/Acre/Life, limit:	2498	Regulation
Disp Limit, mg/kg:	46356.9	calculated
SLDG Qual mg/kg:	7500	Regulation
Grwth/Safety factor:	20%	

Non SIU Flow, MGD:	0.6663	SLDG To Disp, MGD:	0
TTL Flow, MGD:	0.71	SLDG Disp %Solids:	2.84
7Q10, MGD:	0.0646	SITE Use, Yrs:	50
Flow To Digsr: MGD:	NA	SITE Size, Acres:	240

LOCAL LIMITS

UNIFORM CONCENTRATION, mg/l			
Water Quality	14.099		
Digstn Inhib:	NA		
SLDG Dispsl:	13.15	0.0147	
Secndry Inhib.:	11.592	Limiting	
NPDES #:	NA		
ALLOWABLE lbs/day, TOTAL from ALL SIUs (MAIL)			
Water Quality	5.1386		
Digstn Inhib:	NA		
SLDG Dispsl:	4.7925		
Secndry Inhib.:	4.2248	Limiting	
NPDES #:	NA		

Appendix B: Supplementary Information on Industrial Users

Industry	Address	SIU	SIC Code	MGD
T&C Stainless, Inc	1016 Progress St	Y	3444	0.00296
Reyco Granning	1205 E Industrial Park Dr	Y	3714	0.00183
Continental Manufacturing Co.	561 State Dr	Y	3535	0.00031
Sani-Kleen Tank Wash Inc*	1021 Progress St	Y	7699	0.00072
Schreiber Foods	108 W North St	Y	2022	0.03788

Notes: * Facility expected to become permitted by City's Pretreatment Program. One year of metered water use used for flow value.

Appendix C: Plant Influent Data

Influent Metals Concentrations

	Copper (ug/L)	Nickel (ug/L)	Zinc (ug/L)
8/2/2017	62.5	250	125
8/9/2017	80	25	140
9/19/2017	140	25	230
10/6/2017	159	50	238
10/11/2017	139	25	229
10/18/2017	60	25	268
10/25/2017	25	219	129
10/31/2017	25	25	180
11/1/2017	25	25	39
Average	79.5	74.3	175.3

1/2 of detection limit

Appendix D: Domestic Influent Data

Domestic Background Concentrations

4/23/2018	Cadmium (total, ug/l)	Copper (total, ug/L)	Lead (total, ug/L)	Mercury (total, ug/L)	Cyanide (total, mg/L)
Site 1	0.2	29	2.5	0.25	0.003
Site 2	0.71	52	2.5	0.25	0.003
Average	0.455	40.5	2.5	0.25	0.003

1/2 detection limit

Appendix E: Annual Biosolids Data

Sludge Data

Date	As (mg/kg)	Cd (mg/kg)	Cr (mg/kg)	Cu (mg/kg)	Hg (mg/kg)	Mo (mg/kg)	Ni (mg/kg)	Pb (mg/kg)	Se (mg/kg)	Zn (mg/kg)	% Total Solids
2014 Form S	1.73	1.92	29.98	257.89	0.21	1.69	43.45	17.23	1.69	831.95	2.56
2015 Form S	2.7075	0.81	42.86	311.31	0.6125	5.245	51.61	88.455	1.29	5345.79	3.22
8/3/2016	0.92	2.91	41.78	252.14	0.18	1.455	33.43	25.07	1.455	1.89	2.75
Average	1.79	1.88	38.21	273.78	0.33	2.80	42.83	43.59	1.48	2059.88	2.84

1/2 detection limit

Year	Dry tons
2014	151
2015	115
2016	138
Average 14-16	134.666667 dry tons

Appendix F: Mt. Vernon Hardness Data and Derived Water Quality Criteria

Hardness Determination (50th percentile)

Hardness in mg/L

3/31/2018	181
12/31/2017	167
9/30/2017	218
6/30/2017	190
12/7/2016	215
11/2/2016	273
10/12/2016	248
9/21/2016	230
8/24/2016	230
6/29/2018	225
	220

50 Percentile for Hardness (will give 162, the state average if no data is provided)

220

Missouri Water Quality Standards

Parameter (µg/L)	Protection of Aquatic Life		Conversion Factors for hardness variable parameter		Total Recoverable WQS	
	Acute WQS	Chronic WQS	parameter		Acute (CMC)	Chronic (CCC)
			Acute	Chronic		
Arsenic	NA	150	1	1	NA	150.0
Cadmium	10.3	1.30	0.911	0.876	11.25	1.48
Chromium III	1087	141	0.316	0.860	3439.38	164.41
Chromium VI	16.0	11.0	NA	NA	16.0	11.0
Copper	28.2	17.6	0.960	0.960	29.42	18.30
Cyanide	22	5.2	NA	NA	22	5
Lead	151	5.9	0.676	0.676	222.66	8.68
Nickel	913	101.4	0.998	0.997	914.75	101.70
Silver	12.5	NA	0.850	NA	14.72	NA
Zinc	229.02	229.02	0.978	0.986	234.17	232.27
Mercury	1.4	0.77	0.85	NA	1.65	0.8

Hardness data

220 mg/L

Units are (µg/L) unless otherwise noted

Appendix G: Williams Creek Instream Data

Williams Creek Instream Data

Location	Parameter	Sample Date and Time	Total or Dissolved	qualifier	Results	Units	Method Detetion Limit (MDL)	Value Used (mg/L)
Upstream	Cadmium	4/30/15 13:00	T		<0.0020	mg/L		0.001
Upstream	Cadmium	3/2/16 9:00	T		<0.200	mg/L	0.2	
Upstream	Copper	4/30/15 13:00	T		<0.0020	mg/L		0.001
Upstream	Copper	3/2/16 9:00	T		<0.5	ug/L	5	
Upstream	Nickel	4/30/15 13:00	T		<0.0020	mg/L		0.001
Upstream	Nickel	3/2/16 9:00	T		5	mg/L	5	
Upstream	Zinc	4/30/15 13:00	T	<	0.01	mg/L		
Upstream	Zinc	3/2/16 9:00	T	<	5	ug/L	5	0.0025

Appendix H: Conventional Pollutant Influent Data

Conventional Pollutant Influent Data

Date	BOD (mg/L)
1/3/2018	450
2/7/2018	431
3/7/2018	343
4/6/2018	486
5/9/2018	354
6/6/2018	389
7/3/2018	787
8/3/2018	355
9/5/2018	493
11/28/2018	195
Average	428.3

Month	TSS (mg/L)
9/19/2018	48
9/12/2018	116
9/5/2018	408
8/29/2018	359
8/22/2018	279
8/15/2018	233
8/8/2018	355
8/1/2018	438
7/25/2018	231
7/18/2018	326
7/11/2018	321
7/6/2018	253
6/27/2018	387
6/20/2018	315
6/13/2018	216
6/6/2018	202
5/30/2018	327
5/23/2018	294
5/16/2018	237
5/9/2018	292
5/2/2018	195
4/27/2018	83
4/18/2018	209
4/11/2018	235
4/4/2018	373
3/28/2018	204
3/21/2018	223
3/14/2018	271
3/7/2018	197
2/28/2018	122
2/23/2018	170
2/14/2018	199
2/7/2018	230
1/31/2018	319
1/24/2018	183
1/17/2018	372
1/10/2018	368
1/3/2018	301
Average	260.3

Date	Ammonia (mg/L)
11/22/2017	18.94
11/15/2017	20.1
10/31/2017	1.079
10/25/2017	10.7
10/6/2017	0.05
9/20/2017	1.12
8/9/2017	4.46
7/3/2017	10.4
11/28/2018	26.5
Average	10.4

THE CITY OF MT. VERNON
MT. VERNON, MISSOURI

Enforcement Response Plan Industrial Users of the Sewer System

Prepared For

Owner:

The City of Mt. Vernon
319 E. Dallas
Mt. Vernon, Missouri 65712

Missouri State Operating Permit: MO-0022381

Prepared by:



KIMHEC
ENVIRONMENTAL CONSULTING

MARCH 2020

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Notice of Violation

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Sample Plant Closure Plan

Dental Discharger: Letter, Packet and Form

1. Introduction

This manual provides guidance to the City of Mt. Vernon (Control Authority) personnel in the remedy of violations of the local pretreatment program established by the Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers (Ordinance). Definitions for terms stated herein can be found in the ordinance. This Enforcement Response Plan (ERP) provides procedures to be followed by Control Authority staff to identify, document, and respond to pretreatment violations.

The ERP:

- Describes how the Publicly Owned Treatment Works (POTW) will investigate instances of noncompliance;
- Describes the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- Identifies the official(s) by title who are responsible for each type of response;
- Adequately reflects the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

1.1 Administration and Jurisdiction

All entities discharging nondomestic waste to the POTW are subject to the provisions of the ERP. The Control Authority consistently administers and implements all elements of the ERP. The ERP does not preclude the Control Authority from taking any, all, or any combination of actions against a noncompliant industrial user.

1.2 Abbreviations

The following abbreviations, when used in this Enforcement Response Plan (ERP), shall have the designated meanings:

AO- Administrative Order
ARU- Authorized Representative of User
BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
CA- Control Authority
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
DD-Dental Discharger

EPA- Environmental Protection Agency
PWD- Public Works Director
IU – Industrial User
IRM- Informal Review Meeting
NOV- Notice of Violation
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
SIU – Significant Industrial User
SCH- Show Cause Hearing
SNC – Significant Noncompliance
TRC- Technical Review Criteria
TSS – Total Suspended Solids
MDNR-Missouri Department of Natural Resources

1.3 Definitions

Refer to the Pretreatment Ordinance for definitions not included below.

Approval Authority means the Missouri Department of Natural Resources

Biochemical Oxygen Demand (5 Day) (BOD₅) means an indirect measure of the concentration of the biologically degradable material present in organic wastes. It reflects the amount of oxygen consumed in 5 days by biological processes breaking down organic waste.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 720.020(A), [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, using the procedures in 40 CFR 136 and usually expressed as a concentration (e.g., mg/L).

Control Authority. The City of Mt. Vernon.

Dental Discharger. A facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a POTW. Dental dischargers for the purposes of this ERP are considered industrial users. They are not Categorical Industrial Users or Significant Industrial Users.

Industrial User. A source of indirect discharge pursuant to 40 CFR 403.3(j).

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

Local Limit. Specific discharge limits developed and enforced by the City of Mt. Vernon upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

New Source.

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

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

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

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

2. Construction on a site 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 Section (1)(a) or (b) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program:

- i. any placement, assembly, or installation of facilities or equipment; or
- ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

pH. The logarithm of the reciprocal of hydrogen ion concentration in gram atoms per liter, used to express the acidity or alkalinity of a solution on a scale of 0 - 14, where less than 7 represents acidity, 7 neutrality, and more than 7 alkalinity.

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

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard. 40 CFR 403.3(s).

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

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as stated in the local ordinance.

Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Mt. Vernon and operated by the City of Mt. Vernon. This definition includes any devices or systems used in the, storage, treatment, recycling, and reclamation of municipal sewage or

industrial wastes of a liquid nature. It also includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality [as defined in CWA Section 502(4)] that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Significant Industrial User (SIU)

1. All IUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

a. Any other IU that: discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in the local ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering. Results are expressed in mg/L.

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

2. Personnel Responsibilities

2.1 Control Authority Personnel

The Control Authority clearly establishes staff responsibilities for taking enforcement actions. As it matches personnel with enforcement responsibilities, the Control Authority should remember the time necessary to take enforcement action decreases as the authority to initiate the action is delegated. For example, by allowing field personnel to initiate certain types of administrative actions (such as issuing NOV's), the Control Authority ensures that these actions are taken soon after the noncompliance is discovered. Further, written delegation of specific responsibilities of staff helps the Control Authority respond consistently and in a routine manner to the industrial users, the public and the Approval Authority (Missouri Department of Natural Resources). However, some decisions (whether to pursue civil litigation or to terminate the service) must involve the Control Authority management and should not be delegated. The following subsections provide recommendations on assigning pretreatment responsibilities to the Control Authority personnel:

2.1.1 Public Works Director

The Public Works Director is responsible for compliance with the terms and conditions of the POTW's NPDES permit and for the overall operation and maintenance of the POTW, including employee safety, protection of the collection system and the treatment plant quality, and sludge use and disposal.

The Public Works Director (PWD) is also thoroughly familiar with program requirements and responsible for ensuring implementation of the Control Authority's pretreatment program requirements. Industrial users perceive that the program requirements originate in this person and look to him/her for guidance and assistance. The PWD is authorized to initiate specific enforcement proceedings as needed to protect the POTW, the environment, and the health and welfare of the public.

The PWD initiates the following enforcement actions:

- informal notices (verbal and written)
- notices of violation
- informal meetings
- publishing the annual list of significant violators

- referrals to the Approval Authority
- show cause hearings
- administrative orders
- consent agreements
- referrals to the Control Authority Attorney for judicial enforcement
- referrals to the Approval Authority or EPA

The Public Works Director as the Duly Authorized Representative of the POTW is responsible for signing any documentation requiring the signature of such.

Additional personnel are available at the POTW to assist the Public Works Director (PWD) as needed. Duties of these personnel include maintaining industrial user inventory, sampling, equipment inspection and maintenance, and laboratory analysis. Treatment plant personnel are also available to assist in emergency situations as conditions may require.

2.1.2 Control Authority Attorney

The Control Authority Attorney will provide legal consultation as requested by the Public Works Director on consent agreements and administrative orders and will take the lead on all referrals for civil litigation and POTW initiated criminal investigations.

3. Implementation

3.1 Industrial User Inventory

An essential step for identifying noncompliance is knowing who is discharging nondomestic waste to the POTW, where they are located, and the nature of the nondomestic waste being discharged. The PWD maintains a current inventory of all nondomestic sources of waste to the POTW and will provide this list annually to the Approval Authority, including an indication whether these industries are regulated by categorical standards, local limits or both.

The Industrial User Inventory will be updated based on on-going or specific industrial user surveys and will be reflected in the annual pretreatment report to the state.

3.2 Monitoring and Inspection Plan

The PWD may prepare a monitoring and inspection plan (typically corresponding to the permit cycle for the POTW). The Control Authority monitors the wastewater from each Significant Industrial User (SIU) at least once per year and typically includes monitoring of influent, effluent, and biosolids of the POTW system. The Control Authority requires all wastewater sampling and analysis to be performed in accordance with 40 CFR 136.

The Control Authority may implement standard operating procedures for field inspections, sampling events, and investigations including a procedure for screening data received via Control Authority sampling efforts or those submitted by the Industrial Users. A specific protocol for the review of industry monitoring reports will also be implemented.

Information gathered during Control Authority industrial user monitoring and inspections is used to verify industrial user compliance status and to determine if enforcement response must be initiated or continued. The Control Authority is also relying on the Industrial User to self-identify instances of noncompliance and report to the Control Authority.

3.3 Compliance Screening

All reports from Industrial Users and reports generated by the Control Authority are carefully reviewed, on an as-received basis for timeliness, completeness and accuracy. The screening process includes an evaluation of compliance with report due dates, numerical standards, sample handling and analysis requirements, signatory/certification requirements, monitoring frequency etc.

Any discrepancy will be considered a violation. To the extent possible, the User will be required to correct and respond to such discrepancies upon discovery by the PWD.

All violations will be clearly documented (even if no action is taken). The PWD will document all violations for the Public Works Director and each will be addressed in accordance with the Enforcement Table (see below, "Section 9.1 Enforcement Table").

3.4 Removal Credits

The Control Authority may, subject to the conditions of 40 CFR §403.7, grant removal credits to an Industrial User to which a categorical Pretreatment Standard(s) applies. The removal credits will reflect removal by the Control Authority of pollutants specified in the categorical Pretreatment Standard(s). The City of Mt. Vernon may grant a removal credit equal to or, at its discretion, less than its consistent removal rate.

The following conditions MUST be met for the City of Mt. Vernon to grant an IU removal credit(s):

1. The City of Mt. Vernon must apply for, and receive, authorization from the Missouri DNR to give a removal credit in accordance with the requirements and procedures stated in 40 CFR §403.7(e).
2. The City of Mt. Vernon demonstrates and continues to achieve consistent removal of the pollutant in accordance with 40 CFR §403.7(b).
3. The City of Mt. Vernon has a program which is considered an approved pretreatment program in accordance with and to the extent required by 40 CFR §403.
4. The granting of removal credits will not cause the City of Mt. Vernon to violate the local, State and Federal Sludge Requirements which apply to the sludge management method chosen by the POTW. Alternatively, The City of Mt. Vernon can demonstrate to the Missouri Department of Natural Resources that even though it is not presently in compliance with applicable Sludge Requirements, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s) as modified by the removal credit. If granting removal credits forces The City of Mt. Vernon to incur greater sludge management costs than would be incurred in the absence of granting removal credits, the additional sludge management costs will not be eligible for EPA grant assistance.

3.5 Dental Dischargers

The City of Mt. Vernon will seek out all dental facilities that discharge to the POTW and develop a list of Dental Dischargers as a sub-category of the Industrial User Inventory by mailing a letter and dental rule explanation packet to Dental Discharges. (40 CFR 441, see appendix).

The One-Time Compliance Report ("OCTR") will be sent to all dental facilities. Dental Dischargers will be expected to return the completed report to the City of Mt. Vernon by the date indicated. It will be reviewed and returned if incomplete. The City of Mt. Vernon will retain the OCTR in accordance with Municipal Ordinance 720.060(M).

Dental Dischargers are not subject to the full list of Significant Noncompliance criteria listed in Section 5.1. Instead, only (3), (4), and (8) of that section apply. The attached enforcement response table will apply if such violations occur. Late reporting is not considered SNC for DDs.

4. Description of Enforcement Actions

4.1 Informal Actions

4.1.1 Informal Notice

Informal notice consists of personal contact, telephone calls, e-mails or reminder letters to an appropriate official of an industrial user. The PWD may use such a call, e-mail or letter to notify industrial users of a minor violation and to seek an explanation, suggest the user exercise more care or notify the violator that subsequent violations of the same type may be dealt with more severely. All informal notices will be documented in writing by the PWD or Public Works Director and placed in the user's file.

4.1.2 Informal Review Meeting

An informal review meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the industrial user. Informal review meetings provide a voluntary means to prevent future violations.

The user shall be notified informally by the PWD of the meeting and the violations to be discussed. Depending on the nature and severity of the violation, the meeting may be in person or over the phone.

The PWD will lead the meeting and a Control Authority employee shall summarize the conclusions of the meeting. The Industrial User (IU) is required to respond to each violation identified with an explanation, and as appropriate, a plan to correct the violation within a specified period.

Neither the Informal Notice nor Notice of Violation is a precondition for calling an informal review meeting. In addition, no informal procedure is a prerequisite for instituting formal enforcement procedures.

4.1.3 Notice of Violation (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(A))

A Notice of Violation (NOV) is a written notice to the noncompliant industrial user that a pretreatment violation has occurred. A NOV includes a statement detailing the legal authority under which the Control Authority issued the NOV, a description of the violation(s), and the date(s) the violation(s) occurred. The NOV requires a response from the industrial user that details the causes of the violation(s), and the corrective actions taken to correct the violation and prevent similar violations from occurring.

In general, NOVs are more stringent enforcement responses than informal notices (informal meetings, letters, phone calls or e-mails). NOVs provide IUs with an opportunity to correct noncompliance on their own initiative rather than through an administrative

order. NOV's shall be sent via certified mail. Within or up to a maximum of 30 days as required by the Public Works Director of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Public Works Director.

4.2 Formal Notice

4.2.1 Administrative Orders (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(B))

Administrative Orders (AOs) are enforcement documents that direct Industrial Users to undertake and/or to cease specified activities by specified deadlines. The Public Works Director has the authority to issue AOs. The terms of an AO may or may not be negotiated with Industrial Users. AOs may incorporate compliance schedules, administrative penalties, and/or termination of service. Cease and Desist and Show Cause Hearing orders issued by the Control Authority are considered AOs.

The specific circumstances of an individual Industrial User's non-compliance will dictate the type of AO that is appropriate. More than one AO may be issued to respond to a particular instance of non-compliance. AOs are judicially enforceable, and the minimum level of enforcement used to address Significant Noncompliance (see, Section 5.1 for definition).

4.2.2 Consent Order (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(B)(1))

Consent Orders combine the force of an AO with the flexibility of a negotiated settlement. The Public Works Director has the authority to enter into consent orders. Such orders are an agreement between the Control Authority and the Industrial User and contain the following elements: (1) compliance schedules, (2) stipulated fines and/or remedial actions, and (3) signatures of the duly authorized representatives of Control Authority and the Industrial User. Consent Orders shall have the same force and effect as AOs and shall be judicially enforceable.

The PWD under the direction of the Public Works Director will typically request an informal review meeting to meet with the industrial user prior to the issuance of a consent order/agreement for the purpose of the development of compliance schedule milestone(s) and action(s) to be included within the Consent Order and to insure consent on these items by all parties.

4.2.3 Compliance Order (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(B)(3))

When the Public Works Director finds that an IU has violated, or continues to violate, any provision of the ordinance, local rules and regulations, a wastewater discharge

permit, a discharge authorization, or order or directive issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may issue a Compliance Order to the IU responsible for the discharge directing that the IU come into compliance within a specified time. The Public Works Director is authorized to do this unilaterally and the terms of the compliance order need not be discussed with the IU in advance.

If the IU fails to come into compliance within the time provided, sanitary sewer service may be discontinued or other action taken per the Enforcement Table unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other items or requirements to address the noncompliance, including penalties, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW.

A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the IU of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

4.2.4 Cease and Desist Orders (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(B)(4))

A Cease and Desist Order directs a noncompliant IU to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether.

When the Public Works Director finds that an IU violates, or continues to violate, any provision of the ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the IU's past violations are likely to recur, the Public Works Director may issue an order to the IU directing it to cease and desist all prohibited discharges and directing the IU to:

- A. Immediately comply with all requirements; and
- B. Make such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including, but not limited to halting operations and/or terminating the discharge. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

4.3 Show Cause Hearing (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(B)(2))

The Public Works Director may order an IU which has violated, or continues to violate, any provision of the ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Public Works Director and show cause why the proposed enforcement action should not be taken. The initiation of a Show Cause Hearing is dependent on the nature and severity of the violation. Section 9.1 "Enforcement Response Table" provides guidance.

Written notice of the date, time, and location of the hearing shall be served personally or via certified mail to the parties of the Administrative Order no less than 10 days prior to the date thereof. No other person, other than the Hearing Officer and parties to the Administrative Order (including counsel), shall be permitted to participate in the hearing unless expressly permitted by the City.

If a person fails to appear at a hearing, or fails to comply with an order of the City or hearing officer, the City or Hearing Officer may:

- (1) find that the allegations of the Administrative Order or the issues set out in the Administrative Order or requirement to show cause are true and deemed to be proved without further proof;
- (2) affirm the action of the Public Works Director;
- (3) exclude evidence not already before the City or Hearing Officer;
- (4) issue a Compliance Order; or
- (5) refer the matter to civil litigation or criminal prosecution.

Each party shall secure the attendance of any permitted witnesses and for the production of such evidence at the hearing as the party desires to tender. No discovery shall be allowed as a matter of course, provided that any party may file a written request with the City or Hearing Officer seeking the issuance of an order requiring the other party to admit to the truth of one or more matters.

A party shall have all evidence to be presented, both oral and written, available on the date of the hearing. The party shall be responsible for presenting credible evidence of such quality and scope as is sufficient to persuade the City or the hearing officer that the party is entitled to the relief which is sought. If a person fails to present such evidence, then the City or hearing officer shall affirm the action of the Public Works Director.

In considering the admissibility of evidence, the City or Hearing Officer is not bound to follow the standards required of judicial bodies nor of administrative law judges under the Administrative Procedures Act. The City or Hearing Officer may admit such evidence that has probative value. Irrelevant, incompetent and immaterial or unduly repetitious evidence may be excluded.

All evidence to be considered in the hearing, including all records and documents or a true and accurate photocopy, shall be offered and made a part of the record of the hearing.

Requests for a continuance of a hearing may be granted by the City or Hearing Officer upon showing of good cause. A request for a continuance of a hearing shall be made in writing to the City or Hearing Officer. In determining whether good cause exists, due regard shall be given to the ability of the party requesting a continuance to proceed effectively without a continuance.

During a hearing, if it appears in the interest of justice that further testimony should be received, and sufficient time does not remain to conclude the testimony the City or Hearing Officer may continue the hearing to a future date for which oral notice on the record is sufficient. A continuance shall not be granted when to do so would prevent the hearing from being concluded and a decision issued within ninety calendar days after the date on which the Show Cause Hearing commences, unless both parties consent to the continuance.

A party need not be represented by an attorney. If a party has notified the other party of that party's representation by an attorney, all communications to that party shall be directed to that attorney.

Prior to issuing an order or decision, the hearing officer may ask any party to submit a proposed order or decision which may include proposed findings of fact and conclusions of law.

Upon conclusion of the hearing, the City or Hearing Officer shall declare the record of the hearing closed. No further documents, affidavits, nor testimony shall be considered, provided that the City or Hearing Officer may, at its sole discretion, permit any party to file additional written arguments. The City or hearing officer shall issue a written decision as soon as practicable after the close of the record, but no later than ninety (90) calendar days after the date on which the adjudicatory hearing commences, unless all parties consent to a reasonable extension of such time. The written decision of the City shall be a trial decision appealable to the Circuit Court of Lawrence County.

4.4 Emergency Suspension (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(D))

The Public Works Director may immediately suspend an IU's discharge, after informal notice to the IU, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director may also immediately suspend an IU's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- Any IU notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an IU's failure to immediately comply voluntarily with the Suspension Order, the Public Works Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Public Works Director may allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the Public Works Director that the period of endangerment has passed, unless the termination proceedings in 720.110(E) of the city ordinance are initiated against the User.
- An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any Show Cause Hearing under 720.110(B)(2) or 720.110(E) of this ordinance.

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

4.5 Termination of Discharge (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(E))

Termination of discharge is the revocation of an IU's privilege to discharge nondomestic wastewater into the sewer system. Termination of Discharge is used when the discharge from an IU presents imminent endangerment to the health or welfare of persons, or the environment, or threatens to interfere with the POTW's operations, or as an escalating enforcement action when a noncompliant IU fails to respond adequately to previous enforcement actions.

In addition to the provisions in 720.050(F) of the ordinance, any IU who violates the following conditions is subject to discharge termination:

- Violation of individual wastewater discharge permit conditions;

- Failure to accurately report the wastewater constituents and characteristics of its discharge;
- Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- Violation of the Pretreatment Standards in 720.02 of the ordinance.

Termination of service may be accomplished by physical severance of the IU connection to the POTW, requesting the IU to immediately terminate its discharge, revocation of the IUs discharge permit, or a court ruling.

Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under 720.110(B)(2) of the ordinance why the proposed action should not be taken. Exercise of this option by the Public Works Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

4.6 Administrative Fines (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.110(C))

An administrative fine is a punitive monetary charge assessed by the Control Authority rather than a court. The purpose of the fine is to recover the economic benefit of noncompliance and to deter future violations. When assessing an administrative fine, the following factors are considered:

- Magnitude of the violation;
- Duration of the violation;
- Effect of the violation on the POTW's receiving stream;
- Effect of the violation on POTW processes and equipment;
- Effect on the Authority's or its representatives' equipment;
- Compliance history of the IU ;
- Good faith of the IU industrial user; or
- Pollutants of importance to the POTW.

Fines will be issued by the Public Works Director and charged pursuant to the Control Authority's Fine Schedule (see, Section 7).

4.7 Judicial Enforcement Remedies

4.7.1 Civil Penalties (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.120(B))

Civil litigation is the formal process whereby the Control Authority files a lawsuit against the IU to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs to the POTW for the noncompliance. Civil Litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

4.7.2 Criminal Penalties (Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers 720.120(C))

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. The Control Authority authorizes criminal prosecution for ordinance violations when they are willful or negligent and may be appropriate in cases of repeated violations or when less formal efforts to restore compliance have failed. Criminal prosecution may be brought prior to, concurrently with, or subsequent to civil litigation. The Public Works Director shall initiate criminal prosecution through legal counsel.

4.8 Referral to EPA or the Approval Authority

On a case-by-case basis, there are times when a POTW could benefit from additional support from the Approval Authority or the regional EPA office. The level of involvement can vary from situations such as handing the case over to EPA or the Approval Authority, relying on these agencies for additional support, to attend meetings, and provide review of enforcement actions.

4.9 Remedies Non-Exclusive

The remedies provided for herein are not exclusive. The Control Authority may take any, all, or any combination of these actions and actions outlined in the Ordinance (720.130 Supplemental Enforcement Action) against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with this Enforcement Response Plan. However, the Public Works Director may take other action against any IU when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant IU.

5. Response to Pretreatment Requirement Violations

The identification of a violation of pretreatment requirements, regardless of the severity, will initiate the enforcement process. Discovery of a violation may occur because of any number of activities. The list below represents the most common sources of identifying violations:

- Review of surveillance sampling results;
- Review of IU self-monitoring results;
- Spill/accidental discharge reports from IU
- Site visits/inspections by Approval Authority personnel and/or representatives of Control Authority;
- Information provided by IU employees;
- Observations by field personnel;
- Information provided by the public or private citizens;
- Review of compliance schedule requirements;
- Review of compliance agreement or agreed judgment requirements; and
- Information provided by other agencies (EPA, County Public Health Department, etc.).

Once a violation is identified, it is the responsibility of the Control Authority to implement the appropriate enforcement response as outlined in the Enforcement Table. When determining an appropriate response, particularly one which includes the imposition of penalties, the procedures outlined in the Enforcement Table must be followed. In applying the Enforcement Table, the following criteria shall also be used in determining the appropriate response:

- Magnitude of the violation;
- Duration of the violation;
- Effect of the violation on the POTW's receiving stream;
- Effect of the violation on POTW processes and equipment;
- Effect on the Authority's or its representatives' equipment;
- Compliance history of the IU;
- Good faith of the IU; or
- Pollutants of importance to the POTW.

The Enforcement Table designates enforcement options for many possible types or patterns of noncompliance, identifies the personnel who should take these responses, identifies documents to be completed, and discusses the time frames for taking such actions. The Enforcement Table is not exhaustive of all possible types or patterns of noncompliance. If a violation arises that does not have an enforcement response specified in the Enforcement Table, the PWD and/or Public Works Director will apply an appropriate response based on the consideration of factors stated above and consistent with the penalties outlined for other similar types or patterns of noncompliance in the Enforcement Table.

The Control Authority will periodically reassess the effectiveness of the Enforcement Table in accomplishing the pretreatment program's goals.

5.1 Significant Noncompliance

The Enforcement Table incorporates when a determination of Significant Noncompliance (as defined in 40 CFR 403.8 (f)(2)(viii)) needs to be made.

Instances of Significant Noncompliance (SNC) are Industrial User violations which meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all 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 limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement that the Public Works Director determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism (e.g., an IU permit, compliance agreement) or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within forty-five (45) days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules
7. Failure to accurately report noncompliance; or
8. Any other violation or group of violations, which may include a violation of Best Management Practices as required in a local control mechanism, which the Public Works Director determines will adversely affect the operation or implementation of the local Pretreatment program.

Note: A determination of Significant Noncompliance will be based on a six-month time period. The six-month time period will be based on data provided in January and July for the preceding six-months. Minimum Enforcement Response for Significant Noncompliance is an Administrative Order and Public Notification per 720.100 of the Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers. Public notification will minimally occur annually or more frequently at the Public Works Director's discretion.

** For Compliance reports: The User shall submit a progress report to the Public Works Director no later than fourteen (14) days following each milestone date in the schedule and the final date of compliance. The forty-five (45) day deadline cited here starts on the fifteenth (15th) day and concludes after forty-five(45) calendar days. The report must be postmarked by the forty fifth (45th) day.*

6. Time Frames for Response by Control Authority and Follow Up

For an enforcement action to be effective, it must be timely. For an action to be timely, the violation must be detected and responded to promptly after its occurrence.

The Control Authority should follow the following guidelines for response and follow up with IUs. For the purposes of the ERP, days are calendar days.

Action	Time Frame
Review of compliance reports (General Guideline)	The Control Authority staff should review industrial user reports within 15 days of receipt. Violations observed by the Control Authority field personnel should receive even swifter attention.
Monitoring data collected by POTW.	The POTW will notify IU within 24 hours of becoming aware of a violation.
Initiation of any Enforcement Response (General Guideline)	No more than 30 days be allowed to elapse between the detection of the violation(s) and the initiation of any enforcement response. Violations with the potential to harm the POTW, people or the environment warrant and immediate enforcement response.
Informal Notice or Informal Review Meeting	Notice or the Meeting should be sent or held within 5 days of detection of the violation.
Notice of Violation	NOV should be sent to the noncompliant user within 30 business days of the violation's identification. Should be hand delivered* or sent certified mail to the IU.
Administrative Orders (includes: Consent Order, Compliance Order, Termination of Service, and Cease and Desist)	Order shall be issued within 30 days between the identification of the violation(s) and issuing order(s). Should be hand delivered or sent certified mail to IU.
Compliance Schedule Monitoring after a Violation	Follow-up compliance activities should begin no later than 30 to 45 days after the initial enforcement response is taken. Determination of completion of a compliance schedule milestone or verification of a submitted report should be made on or about the milestone date in the compliance schedule.
Escalation of Enforcement Response (violations persist or satisfactory progress is not being made)	Follow-up enforcement actions should be taken within 60 to 90 days of the initial enforcement action.

**Control Authorities should use policies and procedures for hand delivery of documents as stated in the CA's Municipal Code. If no local ordinance exists, the CA will provide one copy to the IU with the original signature of the person delivering the document on behalf of the CA and signature of the person receiving it on behalf of IU along with the date and time of delivery. A second copy with the same original signature, date, and time will be retained by the CA.*

7. Fines

Any violation after a six-month period of compliance shall be considered a first offense. The Control Authority has the legal authority to escalate fines after the first offense based the factors outlined in Section 5 of this Guide.

The maximum fine allowed for Pretreatment Code violations is \$500 per violation per day. In general, the response to a first offense will be an informal telephone call/e-mail or meeting with no fine. Fines will then increase at the Control Authority's discretion based on the fine schedule and factors set out in Section 5 of this Plan.

If the violation meets the definition of Significant Noncompliance, the minimum fine shall correspond to the 2nd offense (per violation per day) and escalate thereafter.

The following Fine Schedule is not exhaustive of all situations where an administrative fine is needed. The Public Works Director should make any fine determinations not specified here, based on the factors mentioned in Section 5 of this Plan.

The amount of the administrative fine plus the amount of the damages shall be determined and shall be added to the IU's next sewer service bill. The fine and the damages shall be paid in accordance with utility billing policies. Non-payment of the administrative fines and damages shall have the same remedies as non-payment of a utility bill.

Public Works Director in consultation with the City may consider applying fines paid towards the user's remedial action on a case-by-case basis. The City is under no legal obligation to consider applying fines to the user's remedial action(s) and the percentage of the fine is at the discretion of the Public Works Director.

8. Compliance and Enforcement

8.1 Enforcement Table

9.1.1 GENERAL PERMIT OR SEWER USE ORDINANCE VIOLATIONS			
In compliance with Section 5 of the ERP, first enforcement action taken may begin a series of actions that culminates in a more formal action. This table lists options for escalating enforcement.			
<i>Permits to discharge into the Control Authority's POTW are required for all SIUs and as required for other Users by the Public Works Director. (see,)</i>			
Nature of the Violation	1. Enforcement Action from POTW	Control Authority Action & Timeframe	IU Action & Timeframe
	2. Personnel Involved		
SIU DISCHARGE WITHOUT A PERMIT (see, 720.040(B))			
Industry unaware of permit requirement; NO HARM to POTW or environment	1. Informal Notice, if needed Informal Review Mtg. and issue an appropriate permit as needed.	PWD contact IU within 5 days, send permit application and set deadline for submission	Communicate with PWD and return completed permit application per deadline set by PWD
	2. Public Works Director (PWD) and Authorized Representative of User (ARU)		
Industry unaware of permit requirement; HARM to POTW or environment OR User aware of requirement and fails to apply for permit as required by CA	1. Compliance Order and Admin. Fine. If needed, Terminate Discharge and judicial enforcement remedies.	PWD issue compliance order with schedule for permit application completion within 15 days of violation.	Comply with order(s) within time specified therein. Pay Admin. Fine.
	2. PWD, City Attorney, ARU		

TIMELINESS OF REQUESTS FOR PERMIT RENEWALS AND APPLICATIONS (see, 720.050(G))			
Failure to submit permit application or re-apply with intent to discharge- User has not submitted within 10 days of due date.	1. Informal Notice, if needed Informal Review Mtg. and issue an appropriate permit as needed.	PWD contact IU if deadline missed, send permit application and set deadline for submission	Communicate with PWD and return completed permit application per deadline set by PWD
	2. Public Works Director (PWD) and Authorized Representative of User (ARU)		
Failure to submit permit application or re-apply with intent to discharge- User has not submitted after notice from POTW(User did not comply with deadline set above).	1. Notice of Violation (NOV)	PWD issue NOV on date deadline is missed.	Respond to NOV and submit application as outlined in NOV.
	2. PWD or PWD and ARU		
Failure to submit permit application or re-apply with intent to discharge- User has not submitted with 45 days of original due date. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE- item #8	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order and Admin Fine. PWD complete Public Notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, submit permit application, and pay fine. If moves to civil litigation, comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
Failure to apply for permit within 90 days of notification from POTW. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE- item #8.	1. Terminate discharge, Admin. Fines, Show Cause Hearing(SCH), Public Notification, if needed judicial enforcement action, notify Approval Authority	PWD order SCH within 15 days of violation, revoke permit, and terminate discharge. Notify Approval Authority. All in consultation with City Attorney.	Immediately cease discharge, comply with order(s) within time specified therein , pay fines, and submit application
	2. PWD, City Attorney, ARU		

UNAUTHORIZED DISCHARGE (see, 720.020(A))			
Unauthorized discharge through manhole, septic only, receiving station, car wash, etc.- NO HARM	1. Notice of Violation (NOV) with applicable fine. Informal Review mtg. if needed.	PWD contact IU immediately when unauthorized discharge comes to POTW's attention. Request IU cease discharge and meet if needed to discuss proper pretreatment of discharge. PWD issue NOV within 15 days of becoming aware of the violation.	Immediately cease discharge, participate in informal review meeting, and implement any requested wastewater pretreatment measures discussed including submitting an application.
	2. Public Works Director (PWD) and Authorized Representative of User (ARU)		
Unauthorized discharge through manhole, septic only, receiving station, car wash, etc.- HARM See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE- items, #3, 4, and/or 8.	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order immediately and issue Admin Fine, PWD complete Public Notification.	Immediately cease discharge, comply with order(s) within time specified therein , pay fines, and submit application
	2. PWD, City Attorney, ARU		
Unauthorized discharge through manhole, septic only, receiving station, car wash, etc.- RECURRING See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE- item, #8.	1. Show Cause Hearing(SCH), Admin Fines, Public Notification, if needed judicial enforcement action, notify Approval Authority	PWD order SCH within 15 days of date POTW becomes aware of violation recurrence. Notify Approval Authority. Take additional judicial enforcement actions in consultation with City Attorney.	Immediately cease discharge, comply with order(s) within time specified therein , pay fines, and submit application
	2. PWD, City Attorney, ARU		

UNPERMITTED POLLUTANT FROM A PERMITTED USER (see,)			
Permitted user discharging waste not authorized by the permit- NO HARM	1. Notice of Violation (NOV) with applicable fine. Informal Review mtg. if needed.	PWD contact IU immediately when unauthorized discharge comes to POTW's attention. Request IU cease discharge and meet if needed to discuss proper pretreatment of discharge. PWD issue NOV within 15 days of becoming aware of the violation.	Immediately cease discharge, participate in informal review meeting, and implement any requested wastewater pretreatment measures discussed including submitting a new application.
	2. Public Works Director (PWD) and Authorized Representative of User (ARU)		
Permitted user discharging waste not authorized by the permit- HARM See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE- items, #3, 4, and/or 8.	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order immediately and issue Admin Fine, PWD complete Public Notification.	Immediately cease discharge, comply with order(s) within time specified therein , pay fines, and submit new application
	2. PWD, City Attorney, ARU		
Permitted user discharging waste not authorized by the permit- Recurring See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE- item 8.	1. Show Cause Hearing(SCH), Admin Fines, Public Notification, if needed judicial enforcement action, notify Approval Authority	PWD order SCH within 15 days of date POTW becomes aware of violation recurrence. Notify Approval Authority. Take additional judicial enforcement actions in consultation with City Attorney.	Immediately cease discharge, comply with order(s) within time specified therein , pay fines, and submit application
	2. PWD, City Attorney, ARU		

9.1.2 PERMIT LIMIT VIOLATIONS			
<i>(Users may not discharge anything into the POTW covered by the State and Local Limits (720.02) and/or in User's permit. Includes Local Limits, State, or Federal Limits and BMP requirements required via ordinance or control mechanism.)</i>			
<i>Not significant means the numerical result of the reported value is less than the permit limit times the technical review criteria multiplier. Isolated means two or less violations (per pollutant) for the 6-month compliance period.</i>			
Nature of the Violation	1. Enforcement Action from POTW	Control Authority Action & Timeframe	IU Action & Timeframe
	2. Personnel Involved		
IU Permit violation - Isolated, not significant violation	1. Informal Notice, if needed Informal Review Mtg. 2. PWD and ARU	PWD contacts IU regarding the violation within 5 days of becoming aware of violation and follows up on resampling and permit modification, if needed.	Notify POTW w/in 24 hours of violation, comply with outcome of informal review meeting, resample within 30 days. Work with POTW on permit modification, if needed.
IU Permit violation - Isolated, significant violation, no harm to the POTW or environment.	1. Informal Notice, if needed Informal Review Mtg. 2. PWD and ARU	PWD contacts IU regarding the violation within 5 days of becoming aware of violation and follows up on resampling and permit modification, if needed.	Notify POTW w/in 24 hours of violation, comply with outcome of informal review meeting, resample within 30 days. Work with POTW on permit modification, if needed.
IU Permit violation - recurring, significant or nonsignificant violation, no harm to the POTW or environment. <i>Does not yet meet the definition of SIGNIFICANT NONCOMPLIANCE.</i>	1. Notice of Violation (NOV) 2. or PC and ARU	PWD issue NOV within 15 days of becoming aware of the violation	Respond to NOV within 10 days and comply with deadlines established in NOV. Modify permit in cooperation with POTW, if needed.

<p>IU Permit violation - Isolated, HARM to POTW or environment, See Section 5.1 SIGNIFICANT NON-COMPLIANCE item #3 and #4.</p>	<p>1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed</p>	<p>PWD issue order within 15 days of becoming aware of the violation. PWD complete Public Notification.</p>	<p>Comply with order(s) within time specified therein.</p>
	<p>2. PWD, City Attorney, ARU</p>		
<p>Recurring, NO HARM to POTW or environment; Technical or Chronic Review Criteria is met for compliance period; See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #1 or #2.</p>	<p>1. Compliance Order with fine. If Compliance Order has previously been issued regarding the matter, then Show Cause Hearing should be ordered. Public Notice, Notify Approval Authority</p>	<p>PWD issue compliance order or SCH within 15 days of becoming aware of the violation. PWD complete Public Notification.</p>	<p>Comply with order(s) within time specified therein.</p>
	<p>2. PWD, City Attorney, ARU</p>		
<p>Recurring, IMPACT to POTW or environment; Technical or Chronic Review Criteria is met for compliance period; See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #1 or #2.</p>	<p>1. Compliance Order with fine. If Compliance Order has previously been issued regarding the matter, then Show Cause Hearing should be ordered. Public Notice, Notify Approval Authority</p>	<p>PWD issue compliance order or SCH within 15 days of becoming aware of the violation. PC complete Public Notification.</p>	<p>Comply with order(s) within time specified therein.</p>
	<p>2. PWD, City Attorney, ARU</p>		
<p>Recurring; HARM to POTW or environment; Technical or Chronic Review Criteria Violation. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #1, #2, #3, or #4.</p>	<p>1. Terminate discharge, Show Cause Hearing (SCH), Admin. Fine, Public Notice, if needed, judicial enforcement remedies, notify Approval Authority</p>	<p>PWD order SCH within 15 days of becoming aware of violation, order immediate termination of discharge. Notify Approval Authority. All in consultation with City Attorney. PWD complete Public Notification.</p>	<p>IU immediately cease discharge, comply with order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies</p>
	<p>2. PWD, City Attorney, ARU</p>		

Pretreatment Ordinance Violation not included in IU Permit – Isolated, not significant, User notified POTW of violation w/in 24 hours of becoming aware of the violation	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding the violation within 5 days of becoming aware of violation and follows up on resampling and permit modification, if needed.	Notify POTW w/in 24 hours of violation, comply with outcome of informal review meeting, resample within 30 days. Work with POTW on permit modification, if needed
	2. PWD and ARU		
Pretreatment Ordinance Violation not included in IU Permit – Isolated, causes interference and/or User did NOT notify POTW of violation w/in 24 hours of becoming aware of the violation. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #3 o#7	1. Consent or Compliance Order, Public Notice, judicial enforcement remedies as needed.	PWD issue consent or compliance order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		

9.1.3 REPORTING VIOLATIONS (see, 720.06)			
<i>Reports include baseline monitoring reports, reports on compliance (self-monitoring reports), Best Management Practices, and responses to enforcement actions.</i>			
TIMELINESS			
Nature of the Violation	1. Enforcement Action from POTW	Control Authority Action & Timeframe	IU Action & Timeframe
	2. Personnel Involved		
Report is late - Isolated, not significant (e.g. 5 days late)	1. Informal Notice, if needed Informal Review Mtg. 2. PWD and ARU	PWD contacts IU regarding late report within 5 days of becoming aware.	Submit report within timeline established through informal communication.
Report is late- 15 days late	1. Notice of Violation (NOV) with applicable fine. 2. PWD, City Attorney, ARU	PWD issue NOV on 15th day report is late.	Respond to NOV within 10 days and comply with any deadlines established in NOV.

Report is late - Significant (report 45 days or more late). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #6.	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		
Reports are always late or no report all. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #6.	1. Show Cause Hearing, Admin. Fine, Public Notice, if needed, judicial enforcement remedies, notify Approval Authority	PWD order SCH within 15 days of becoming aware of violation. Notify Approval Authority. All in consultation with City Attorney.	Comply with order(s) within the time specified therein and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
Failure to respond to enforcement response action in the required timeframe (more than 3 days late)	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV within 15 days of becoming aware of the violation	Respond to NOV within 10 days and comply with any deadlines established in NOV.
	2. PWD, ARU		
Failure to accurately report noncompliance to POTW within 24 hours or failure to document noncompliance on self-monitoring report, isolated.	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding failure to report noncompliance.	Submit appropriate notification resulting from violation including a reason for the violation.
	2. PWD and ARU		
Failure to accurately report noncompliance to POTW within 24 hours or failure to document noncompliance on self-monitoring report, not isolated See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #7.	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD and ARU		
Recurring failure to accurately report noncompliance to POTW within 24 hours or recurring failure to document noncompliance on self-monitoring report, See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #7.	1. Show Cause Hearing (SCH), Admin. Fine, Public Notice, if needed, judicial enforcement remedies, notify Approval Authority	PWD order SCH within 15 days of becoming aware of violation. Notify Approval Authority. All in consultation with City Attorney. PWD complete Public Notification.	Comply with order(s) within the time specified therein and pay fine. Comply with judicial enforcement remedies
	2. PWD and ARU		
SUBMISSION FOR APPROVAL (see, 720.030(C))			

Failure to submit for approval as requested by the PWD and/or implement an approved Accidental Discharge/Slug Discharge Control Plan.	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding missing plans within 5 days of becoming aware that they have not been submitted for approval.	Submit outstanding plans for approval within 10 days.
	2. PWD and ARU		
Failure to submit for approval as requested by the PWD and/or implement an approved Accidental Discharge/Slug Discharge Control Plan after notice from POTW.	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV on 15th day plans have not been submitted for approval.	Respond to NOV within 10 days and comply with any deadlines established in NOV.
	2. PWD and ARU		
REPORT OF DISCHARGE/CHANGED CONDITIONS/HAZARDOUS WASTE (see, 720.060(E) and 720.060(I))			
Failure to report accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW(NO HARM).	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV within 15 days of becoming aware of the violation	Immediate notification is required including: location of the discharge, type of waste, concentration and volume, and corrective actions taken by the user. Full Report is required within five (5) days (unless otherwise communicated) describing the cause(s) of the discharge and measures to be taken by the user to prevent similar future occurrences. Respond to NOV within 10 days and comply with any deadlines established in NOV.
	2. PWD, City Attorney, ARU		
Failure to report changed conditions, potential problems, a violation indicated by self- monitoring; HARM to POTW or environment. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #3, #4, #7	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		

Repeated failure to report changed conditions, potential problems, a violation indicated by self-monitoring, or discharge of hazardous waste, including; HARM to POTW or environment. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #3, #4, #7	1. Show Cause Hearing (SCH) and Admin Fine, Revoke Permit, Terminate Discharge, Public Notification, Notify Approval Authority. Judicial enforcement remedies as needed.	PWD Order a SCH within 15 days of violation, revoke permit, and terminate discharge. Notify Approval Authority. All in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
Failure to provide notification of discharge of hazardous waste. HARM to POTW or environment. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #3, #4, #7	1. Show Cause Hearing (SCH) and Admin Fine, Revoke Permit, Terminate Discharge, Public Notification, Judicial enforcement remedies as needed. Notify state Hazardous Waste Program.	PWD order a SCH within 15 days of violation and terminate discharge. Notify state Hazardous Waste Program. All in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies.
	2. PWD, City Attorney, ARU		
FALSIFICATION (720.060(N)and 720.120(C))			
Falsification of Monitoring Data. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #8	1. Show Cause Hearing (SCH) and Admin Fine, Revoke Permit, Terminate Discharge, Public Notification, Notify Approval Authority. Judicial enforcement remedies and criminal action as needed.	PWD Order a SCH within 15 days of violation, revoke permit, and terminate discharge. Notify Approval Authority and pursue criminal action in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, submit, and pay fine. Comply with judicial enforcement remedies and criminal proceedings.
	2. PWD, City Attorney, ARU		

SIGNATURE AND CERTIFICATION (720.060(N))			
Report is improperly signed or certified	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding the improper signature or certification within 5 days of becoming aware.	Submit corrected signature or certification within timeline established through informal communication.
	2. PWD and ARU		
Report is improperly signed or certified after notice by POTW (recurring). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #8.	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue consent or compliance order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		
9.1.4 MONITORING AND SAMPLE VIOLATIONS (See)			
FAILURE TO MONITOR CORRECTLY			
Nature of the Violation	1. Enforcement Action from POTW	Control Authority Action & Timeframe	IU Action & Timeframe
	2. Personnel Involved		
Failure to monitor all pollutants as required by permit	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding missing pollutants within 5 days of becoming aware that they have not been monitored.	Submit corrected monitoring data within timeline established through informal communication.
	2. PWD and ARU		
Failure to monitor all pollutants required by permit after notified by POTW.	1. Notice of Violation (NOV) with applicable fine.		Respond to NOV within 10 days and comply with any deadlines established in NOV.
	2. PWD, ARU		
Recurring failure to monitor after notice by POTW. More than 45 days has passed since notice. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #6	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order within 15 days of deadline set in NOV. PC complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		

Improper sampling - No evidence of intent (broken bottles, lab hold time error, etc.)	1. Informal Notice, if needed Informal Review Mtg.	PWD follows up with IU to confirm resampling event and results.	IU provide notice to PWD within 24 hours of becoming aware. Resample as applicable and submit corrected monitoring data within timeline established through informal communication.
	2. PWD and ARU		
Improper sampling - Evidence of Intent. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #6 or #8	1. Show Cause Hearing (SCH) and Admin Fine, Revoke Permit, Terminate Discharge, Public Notification, Notify Approval Authority. Judicial enforcement remedies as needed.	PWD order a SCH within 15 days of violation, revoke permit, and terminate discharge. Notify Approval Authority. All in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, submit, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
FAILURE TO INSTALL MONITORING EQUIPMENT			
Delay of less than 30 days	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding equipment needing to be installed within 5 days of becoming aware the need.	Install the needed monitoring equipment within deadline set in Informal Notice.
	2. PWD and ARU		
Delay of 30 days or more.	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV on 30th day installation incomplete.	Respond to NOV within 10 days and comply with any deadlines established in NOV.
	2. PWD, ARU		
Delay of 60 days or more.	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order on 60th day installation is incomplete. PWD complete Public Notification.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		

Delay of 90 days or more. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE items #5, #6 or #8	1. Show Cause Hearing, Admin. Fine, Revoke Permit, Terminate Discharge, Public Notice, if needed, judicial enforcement remedies, notify Approval Authority.	PWD order SCH on 90th day installation is incomplete, revoke permit and terminate discharge. PWD complete Public Notification. Notify Approval Authority. All in consultation with City Attorney.	IU immediately cease discharge, comply order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
COMPLIANCE SCHEDULES (IN PERMIT)			
Missed milestone by less than 30 days, or will not affect final milestone	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding missed milestone within 5 days of becoming aware the violation.	Comply with the timeline established through informal communication.
	2. PWD and ARU		
Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV on 30th day milestone is missed.	Respond to NOV within 10 days and comply with existing compliance schedule or agreed upon modification.
	2. PWD, ARU		
Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	1. Consent or Compliance Order with Admin. Fine, and judicial enforcement remedies as needed	PWD issue order on 30th day milestone is missed.	Comply with order(s) within time specified therein.
	2. PWD, City Attorney, ARU		
Missed milestone by more than 90 days. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #5	1. Show Cause Hearing, Admin. Fine, Revoke Permit, Terminate Discharge, Public Notice, if needed, judicial enforcement remedies, notify Approval Authority.	PWD Order SCH on 90th day milestone is missed, revoke permit and terminate discharge. PWD complete Public Notification. Notify Approval Authority. All in consultation with City Attorney.	IU immediately cease discharge, comply order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		

Failure to provide compliance report within 45 days after the due date. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE item #6	1. Consent or Compliance Order with Admin. Fine, Public Notice, and judicial enforcement remedies as needed	PWD issue order on 45th day compliance report is overdue. PWD complete notification	Comply with order(s) within time specified therein.
	2. PWD, City Attorney and ARU		
Recurring compliance schedule violations or violation of schedule in administrative order. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #5 or #6.	1. Show Cause Hearing (SCH) and Admin Fine, Revoke Permit, Terminate Discharge, Public Notification, Notify Approval Authority. Judicial enforcement remedies as needed.	PWD Order a SCH within 15 days of violation, revoke permit, and terminate discharge. Notify Approval Authority. All in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
9.1.5 OTHER PERMIT VIOLATIONS			
Nature of the Violation	1. Enforcement Action from POTW	Control Authority Action & Timeframe	IU Action & Timeframe
	2. Personnel Involved		
Failure to mitigate noncompliance or halt production	1. Consent or Compliance Order with Admin. Fine, Cease and Desist Order and judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation.	Immediately cease discharge. Comply with order(s) within time specified therein. Pay Fine.
	2. PWD, City Attorney, ARU		
Failure to mitigate noncompliance or halt production (Results in HARM to POTW or environment). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #8.	1. Show Cause Hearing (SCH) and Admin. Fine, Terminate Discharge, Public Notification. Judicial enforcement remedies as needed	PWD Order a SCH within 15 days of violation and terminate discharge. All in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		

Failure to properly operate and maintain pretreatment facility – including BMPs (Does not result in HARM to POTW or environment)	1. Consent or Compliance Order with Admin. Fine. Judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation.	Comply with order within time specified therein. Pay Fine.
	2. PWD, City Attorney, ARU		
Failure to properly operate and maintain pretreatment facility – including BMPs (Does result in HARM to POTW or environment). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #8.	1. Show Cause Hearing (SCH) and Admin. Fine, Terminate Discharge, Public Notification. Judicial enforcement remedies as needed	PWD Order a SCH within 15 days of violation and terminate discharge. All in consultation with City Attorney. PWD complete public notification.	IU immediately cease discharge, comply with order(s) within the time specified therein, and pay fine. Comply with judicial enforcement remedies
	2. PWD, City Attorney, ARU		
9.1.6 VIOLATIONS DETECTED DURING SITE VISIT			
SITE ENTRY (see 720.070(A))			
Nature of the Violation	1. Enforcement Action from POTW	Control Authority Action & Timeframe	IU Action & Timeframe
	2. Personnel Involved		
Entry denial or consent withheld. (Copies of records denied). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #8.	1. Search warrant (judicial enforcement action), Compliance Order with Admin. Fine, Public Notification.	Obtain warrant with assistance of City Attorney and return to IU. PWD issue Compliance Order within 5 days of entry denial or consent withheld. PWD complete public notification.	Comply with Order within time specified therein. Pay Fine.
	2. PWD, City Attorney, ARU		

SAMPLING (see 720.060(K))			
Unintentional sampling violation(s): sampling at incorrect location, using incorrect sample type, using incorrect sample collection techniques or dilution of sample.	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding sampling within 5 days of becoming aware of sampling at incorrect location.	Re-sample at correct location within timeline established through informal communication.
	2. PWD and ARU		
Intentional sampling violation(s): sampling at incorrect location, using incorrect sample type, using incorrect sample collection techniques or dilution of sample. See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #8.	1. Consent or Compliance Order with Admin. Fine and Public Notification. Judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein. Pay Fine.
	2. PWD and ARU		
RECORDKEEPING/BMP RECORDKEEPING (see 720.060(M))			
Inspector finds files incomplete or missing (no evidence of intent)	1. Informal Notice, if needed Informal Review Mtg.	PWD contacts IU regarding files within 5 days of becoming aware of incomplete or missing files.	Provide complete or missing documents to the POTW within the timeline established through informal communication.
	2. PWD and ARU		
Inspector finds files incomplete or missing after informal notice provided by POTW	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV within 15 days of becoming aware of missing or incomplete files.	Respond to NOV within 10 days and prove complete or missing documents to POTW.
	2. PWD and ARU		
Inspector finds files incomplete or missing (recurring). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #8	1. Consent or Compliance Order with Admin. Fine and Public Notification. Judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation. PWD complete Public Notification.	Comply with order(s) within time specified therein. Pay Fine.
	2. PWD, City Attorney, ARU		

ADDITIONAL MONITORING			
Inspection finds additional files – failure to report additional monitoring	1. Notice of Violation (NOV) with applicable fine.	PWD issue NOV within 15 days of becoming aware of additional monitoring.	Respond within 10 days to NOV and comply with any deadlines established in NOV.
	2. PWD, City Attorney, ARU		
Inspection finds additional files – failure to report additional monitoring (recurring and/or additional monitoring reflects exceedances in permit limits). See Sect. 5.1 SIGNIFICANT NON-COMPLIANCE #8.	1. Consent or Compliance Order with Admin. Fine and Public Notification. Judicial enforcement remedies as needed.	PWD issue order within 15 days of becoming aware of the violation. PC complete Public Notification.	Comply with order(s) within time specified therein. Pay Fine.
	2. PWD, City Attorney, ARU		

8.2 Compliance Guidelines

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

Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

Requirement/Event	Deadline	Notes
PERMIT APPLICATION SUBMISSION		
New Connection to POTW (720.040(D))	180 days prior to the date upon which any discharge will begin or recommence	Permits issued for a specific time period, not to exceed 5 years
Previously Unpermitted Connection to POTW (720.040(G))	Date requested by Public Works Director.	Permits issued for a specific time period, not to exceed 5 years
Permit Reissuance (720.050(G))	IU with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application	A minimum of 90 days prior to the expiration of the IU's permit
PERMIT APPEALS (720.050(C))		
Any person, including the User, may petition the Public Works Director to reconsider the terms of an individual wastewater discharge permit	Within 30 days of notice of issuance of the permit	
Action on the Appeal by the Public Works Director	Within 90 days of request for reconsideration.	If Public Works Director fails to act within 90 days, the appeal is assumed to be denied.
Judicial review of the final administrative individual wastewater discharge permit decision (file complaint with Circuit Court of Lawrence County)	Within 30 days of notice from the Control Authority to the IU	

Permit Transfer (720.050(E))		
Permittee must give written notice to the Public Works Director. The notice must meet requirements out lined in 720.050(E).	90 days prior to the transfer	
MONITORING REPORTS		
Existing Categorical IUs currently discharging to or scheduled to discharge to the POTW must submit to the Public Works Director a report which contains the information listed in 720.060(A).	(180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later	
New Sources, and sources that become Categorical IUs after the promulgation of an applicable categorical Standard, shall submit to the Public Works Director a report which contains the information listed in 720.060(C).	At least ninety (90) days prior to commencement of their discharge	
Compliance schedule progress reports (720.060(B)) <i>The User shall submit a progress report to the Public Works Director no later than fourteen (14) days following each date in the schedule and the final date of compliance. In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director</i>	Within 14 days of the compliance milestone	
REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE		
Compliance with Categorical Pretreatment (720.060(C)) <i>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</i>	Within 90 days	

PERIODIC COMPLIANCE REPORTS		
Significant IUs	No less than twice per year, January and July, or on dates specified by the Public Works Director	
CERTIFICATION STATEMENT SIGNED BY AN AUTHORIZED REPRESENTATIVE REQUIRED <i>(see, 720.060(N)(1) 720.060(N))</i>		
Permit Application	With Application	
Permit Transfer Notice	With Written Notice of Transfer	
Baseline Monitoring Reports	With Report	
Reports on Compliance with the Categorical Pretreatment Standard Deadlines including resampling within 30 days to meet pretreatment standards.	With Report	
Periodic Compliance Reports	With Report	
Initial request to forego sampling of a pollutant	With Request	
Total Toxic Organics (TTO)	With Report	

Appendix (Forms and Checklists)

[Insert Industry Name]
[Permit Number]
[Insert Industry Address]
[Insert Date]

Notice of Violation

The City of Mt. Vernon Industrial Pretreatment Program

LEGAL AUTHORITY

The following findings are issued and notice provided pursuant to the authority vested in the City of Mt. Vernon Public Works Director, under Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers. This order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to of the City's Sewers and Sewer Disposal Ordinance.

FINDINGS

1. The City of Mt. Vernon is charged with the construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the City of Mt. Vernon administers a pretreatment program.
3. Under this pretreatment program, **[Name of the Industrial User]** was issued a discharge permit.
4. The discharge permit issued to **[Name of Industrial User]** contained numerical limits on the quality of pollutants, which **[Name of Industrial User]** could discharge and identified self-monitoring requirements.
5. On **[Date]** pollutant analysis revealed that the quantity of **[pollutant]** exceeded the permit limitation. **[NOTE: Several violations can be listed under this section. Each violation will be unique but must specify how the Industrial User is in violation of the permit]**

NOTICE AND REQUIRED ACTIONS

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF THE INDUSTRIAL USER] IS HEREBY NOTIFIED THAT:

It is in violation of its discharge permit and the Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers of Mt. Vernon, Missouri.

[penalty if applicable; refer to ERP table]

Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the Public Works Director.

Signature

Public Works Director
The City of Mt. Vernon

Date

[Insert Industry Name]
[Permit Number]
[Insert Industry Address]
[Insert Date]

Consent Order

The City of Mt. Vernon

Industrial Pretreatment Program

LEGAL AUTHORITY

WHEREAS, the City of Mt. Vernon pursuant to the powers, duties, and responsibilities vested in and imposed on the Public Works Director by the City of Mt. Vernon's Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers has conducted an ongoing investigation of **[Industrial User]** and has determined the following:

FINDINGS

The City of Mt. Vernon owns and operates a wastewater treatment plant administered by the City of Mt. Vernon which is adversely impacted by discharges from the industrial users, including **[Industrial User]**, and has implemented a pretreatment program to control such discharges.

[Industrial User] has consistently violated the pollutant limits in its wastewater discharge permit as set forth in Exhibit 1 **[attach copy of the permit]**, as attached hereto.

COMPLIANCE SCHEDULE

Therefore, to ensure that **[Industrial User]** is brought into compliance with its permit limits at the earliest possible date, **IT IS HEREBY AGREED AND ORDERED, BETWEEN [INDUSTRIAL USER] AND THE Public Works Director OF THE City of Mt. Vernon, THAT [INDUSTRIAL USER] SHALL:**

1. By **[INSERT DATE]**, obtain the services of a licensed professional engineer specializing in wastewater treatment for the purpose of designing a pretreatment system which will bring **[Industrial User]** into compliance with its' wastewater discharge permit. **[Example- not required]**
2. By **[INSERT DATE]** submit plans and specifications for the proposed pretreatment system to the City of Mt. Vernon. **[Example-not required]**
3. By **[INSERT DATE]** install the pretreatment system in accordance with the plans and specifications submitted in #2 above. **[Example- not required]**
4. By **[INSERT DATE]** achieve compliance with the pollutant limits set forth in Exhibit 1.
5. **[Industrial User]** shall pay **[Insert Fine Amount]** per day for each and every day it fails to comply with the schedule set out above. The **[Insert Fine Amount]** per day penalty shall be paid to **[Insert who payment should be made to]** within **[Insert number of days]** of being demanded by the City of Mt. Vernon.
6. In the event **[Industrial User]** fails to comply with any of the deadlines set forth, **[Industrial User]** shall, within one (1) working day after the expiration of the deadline, notify the City of Mt. Vernon in writing. This notice shall describe the reasons for the **[Industrial User]**'s failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses **[Industrial User]** from its responsibility to meet any later milestones required by the Consent Order.
7. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve **[Industrial User]** of its obligation to comply with its wastewater discharge term permit which remains in full force and effect. The City of Mt. Vernon reserves the right to seek any and all remedies available to it under 720.110, 720.120, 720.130 of the City's Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers for any violation cited by this order.
8. Violation of this Consent Order shall constitute a further violation of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers and subjects **[Industrial User]** to all penalties described therein.
9. Nothing in this Consent Order shall be construed to limit any authority of the City of Mt. Vernon to issue any other orders or take any other action which it deems necessary to protect the

SIGNATURES

Public Works Director, The City of Mt. Vernon

Date

Duly Authorized Rep. Industrial User

Date

[Insert Industry Name]
[Permit Number]
[Insert Industry Address]
[Insert Date]

Compliance Order

The City of Mt. Vernon

Industrial Pretreatment Program

LEGAL AUTHORITY

The following findings are issued and ordered pursuant to the authority vested in the Public Works Director of the City of Mt. Vernon, under Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers. This order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to 720.040 to 720.050 of the City's Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.

FINDINGS

1. **[Industrial User]** discharges nondomestic wastewater containing pollutants into the sanitary system of the The City of Mt. Vernon(the "City").
2. **[Industrial User]** is a "Significant Industrial User" as defined by 720.010(D) of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.
3. **[Industrial User]** was issued a wastewater discharge permit on **[Insert Permit Issuance Date]** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **[Industrial User]**.
5. This data shows that **[Industrial User]** has violated its wastewater discharge permit in the following manner: **[The following is an example. This section will be different depending on the violation.]**
 - a. **[Industrial User]** has violated its permit limits for **[Insert Specific Category/Description of Discharge]** in each sample collected between **[Insert Month and Year]** and **[Insert Month and Year]** for a total of **[Insert Number]** separate violations of the permit.
 - b. **[Industrial User]** has failed to submit all periodic compliance reports due since **[Insert Date]**.
 - c. All of these violations satisfy the City's definition of Significant Noncompliance as defined in the City's Sewers and Sewer Disposal Ordinance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRIAL USER] IS HEREBY ORDERED TO: [The following is an example. This section will be different depending on the violation.]

1. Within **[Insert Number]** days, install pretreatment technology which will adequately treat **Industrial User's** wastewater to a level which will comply with its wastewater discharge permit.
2. Within **[Insert Number]** days, submit all periodic compliance reports due since **[Insert Date]**.
3. Within **[Insert Number]** pay to **[Insert the entity payment should be made to]** a fine of **[Insert Amount]** for the above-described violations in accordance with 720.110(C) of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.
4. Report on a monthly basis, the wastewater quality and the corresponding flow and production information as described in the wastewater discharge permit for a period of one year from the effective date of this order.
5. All reports and notices required by this order shall be sent, in writing, to the following address:
The City of Mt. Vernon
ATTN: Public Works Director
Mt. Vernon, Missouri 65712
6. This order does not constitute a waiver of the wastewater discharge permit with remains in full force and effect. The City of Mt. Vernon reserves the right to seek any and all remedies available to it under 720.110, 720.120, 720.130 of the Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers for any violation cited in this order.
7. Failure to comply with the requirements of this order shall constitute a further violation of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers and may subject **[Industrial User]** to civil or criminal penalties

SIGNATORY AUTHORIZATION

Public Works Director

Date of Authorization

[Insert Industry Name]
[Permit Number]
[Insert Industry Address]
[Insert Date]

Show Cause Order
The City of Mt. Vernon
Industrial Pretreatment Program

LEGAL AUTHORITY

The following findings are issued and ordered pursuant to the authority vested in the Public Works Director of the City of Mt. Vernon, under Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers. This order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to 720.040 to 720.050 of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.

FINDINGS

1. **[Industrial User]** discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Mt. Vernon (City).
2. **[Industrial User]** is a "Significant Industrial User" as defined by 720.010(D) of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.
3. **[Industrial User]** was issued a wastewater discharge permit on **[Insert Date Permit Issued]** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **[Industrial User]**.
5. The data shows that **[Industrial User]** has violated its wastewater discharge permit in the following manner:
 - a. **[Industrial User]** has violated its permit limits for **[Insert Specific Category/Description of Discharge]** in each sample collected between **[Insert Month and Year]** and **[Insert Month and Year]** for a total of **[Insert Number]** separate violations of the permit.
 - b. **[Industrial User]** has failed to submit all periodic compliance reports due since **[Insert Date]**.
 - c. All of these violations satisfy the City's definition of Significant Noncompliance as defined in 720.1 of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [INDUSTRIAL USER] IS HEREBY ORDERED TO:

1. Appear at a meeting with the Public Works Director of the City to be held on **[Insert Date]** and **[Insert Time]** **[Insert Location]**.
2. At this meeting, **[Industrial User]** must demonstrate why the City should not pursue a judicial enforcement action against **[Industrial User]** at this time.
3. This meeting will be closed to the public.
4. Representatives of **[Industrial User]** may be accompanied by legal counsel, if they so choose.
5. Failure to comply with this order shall also constitute a further violation of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers and may subject **[Industrial User]** to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
6. This order, entered this **[Insert Date]** day of **[Insert Date]** shall be effective upon receipt by **[Industrial User]**.

SIGNED:

Public Works Director

Date

[Insert Industry Name]
[Permit Number]
[Insert Industry Address]
[Insert Date]

Cease and Desist Order

The City of Mt. Vernon Industrial Pretreatment Program

LEGAL AUTHORITY

The following findings are issued and ordered pursuant to the authority vested in the Public Works Director of the City of Mt. Vernon, under Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers. This order is based on findings of violation of the conditions of the wastewater discharge permit issued pursuant to 720.040 to 720.050 of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.

FINDINGS

1. **[Industrial User]** discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Mt. Vernon.
2. **[Industrial User]** is a "Significant Industrial User" as defined by 720.010(D) of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers.
3. **[Industrial User]** was issued a wastewater discharge permit on **[Insert Date]** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **[Industrial User]**.
5. This data shows that **[Industrial User]** has violated Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers in the following manner:
 - a. **[Industrial User]** has continuously violated its permit limits for **[Insert Specific Category/Description of Discharge]** in each sample collected between **[Insert Month and Year]** and **[Insert Month and Year]**.
 - b. **[Industrial User]** has also failed to comply with an administrative compliance order requiring the installation of the pretreatment system and the achievement of compliance with its permit limits by **[Insert Date]**.
 - c. **[Industrial User]** has failed to appear as a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, **[INDUSTRIAL USER]** IS HEREBY ORDERED TO:

1. Within 24 hours of receiving this order, cease all nondomestic discharges into the City's sanitary sewer. Such discharges shall not recommence until such time as **[Industrial User]** is able to demonstrate that it will comply with its current permit limits.
2. Failure to comply with this order may subject **[Industrial User]** to having its connection to the sanitary sewer sealed by the City and assessed the costs therefor.
3. Failure to comply with this order shall also constitute a further violation of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers and may subject **[Industrial User]** to civil or criminal penalties or such other enforcement response as may be appropriate.
4. This order entered this **[Insert Date]** of **[Insert Date]**, shall be effective upon receipt by **[Industrial User]**.

SIGNED

Public Works Director

Date

Authorization of Signatory Authority for Duly Authorized Employee of POTW

**The City of Mt. Vernon
Industrial Pretreatment Program**

LEGAL AUTHORITY

Federal law (40 CFR 403.12(m)) and 720.060(N)(1) of Mt. Vernon Code of Ordinances Chapter 7, Section 720 Sewers require that reports submitted to the Approval Authority by the POTW in accordance with 40 CFR 403.12(a) must be signed by a principal executive officer, ranking elected official or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official and be submitted to the Approval Authority prior to or together with the report being submitted."

POTW OWNER INFORMATION

POTW Owner Name:	The City of Mt. Vernon	Ranking Elected Official:	
State Operating Permit No.:	MO-0022381	Title:	Mayor
City/State/Zip:	Mt. Vernon/Missouri/65712		

DULY AUTHORIZED EMPLOYEE(S)

Duly Authorized Employee:		Title:	
E-mail/Phone Number:			

Duly Authorized Employee:		Title:	
E-mail/Phone Number:			

SIGNATORY AUTHORIZATION

By signing this authorization, the Duly Authorized Employee named above is hereby authorized in accordance 720.060(N)(1) to submit POTW reports as well as all other administrative requirements associated with the Pretreatment Program to the Control Authority. This individual has responsibility for the Pretreatment Program through the City of Mt. Vernon.

Ranking Elected Official

Date

Self-Monitoring Report Checklist

The City of Mt. Vernon Industrial Pretreatment Program

	Report Submitted by Required Due Date
	Hard Copy/Original Report with Signature On-File
	Certification Statement: All reports must have a signed certification statement by the Authorized Representative (refer to permit application).
	Were all pollutants monitored (and at the required frequency) which are required in the permit?
	Does the monitoring location match the required location on the permit?
	Are there any discharge limit violations? If so, do they meet the definition of chronic or technical review criteria? (evaluated on a 6-month basis).
	Are reporting limits adequate to show compliance with the permit limits?
	Are samples being collected per the permit requirements (e.g., Grab vs. Composite)?
	Is TIO monitoring performed as-required and/or TOMP plan on-file and TIO waiver certification statement provided as part of the report?
	Are flows reported- max day and average day flows?
	Are original chain of custody and laboratory results attached? <i>Not required but at confirm during an inspection. If semi-annual reporting, recommend requesting with each monitoring report.</i>
	Did the POTW provide written notification if IU is discharging hazardous wastes? 40 CFR 403.12(p)
	Were any non-compliance results reported within 24 hours of the industry becoming aware of the violation? If resampling occurred was it resubmitted within 30 days?

Certification Requirements
Certification of Permit Applications
User Reports
Initial Monitoring Waiver

The following certification statement is required to be signed and submitted by Users submitting permit applications; Users submitting baseline monitoring reports; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines; Users submitting periodic compliance reports, and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative of the POTW:

CERTIFICATION STATEMENT #1

Initial Request for Monitoring Waiver – Certification Requirement

"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 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."

CERTIFICATION STATEMENT #2

Certification for each monitoring report for any monitoring waiver which is part of an Industrial User's permit:

Users that have an approved monitoring waiver 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."

TTO Certification Policy

An industrial user regulated under the Electroplating (40 CFR 413), Metal Finishing (40 CFR 433) or Electrical and Electronic Components (40 CFR 469) Category may, in lieu of monitoring for Total Toxic Organics (TTO), request approval for use of a Toxic Organic/Solvent Management Plan (TOMP) and certify that concentrated toxic organics were not discharged during the reporting period.

In order to qualify for the TTO certification option in lieu of monitoring, the industrial user must meet the following conditions:

1. The industrial user's wastewater discharge must be regulated under 40 CFR part 413, 433 or 469. Waivers for categorical pollutants may be granted a waiver under §403.12(e)(2) (refer to separate requirements).
2. The facility must demonstrate that it is in compliance with the appropriate TTO standards. To do this the user must submit a baseline TTO analysis of all wastestreams, which may contain toxic organic chemicals. If your facility is currently monitoring for TTO, the most recently submitted TTO analysis report can be used for the baseline.
3. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling and analytical procedures approved by the City of Mt. Vernon
4. The industrial user must develop and submit to the City of Mt. Vernon an effective TOMP (a TOMP Preparation Guide follows). In addition, the industrial user must submit for approval by the City of Mt. Vernon, a "Request for approval of certification in lieu of monitoring for TTO". The TOMP must be implemented before the industrial user will be approved for certification in lieu of monitoring. Continued implementation of the TOMP must be demonstrated during annual inspections. **Until the TOMP is approved and implemented, the industrial user must monitor for and report TTO according to the requirements contained in their "Industrial Pretreatment Permit"**.
5. Once the request for certification has been approved, the appropriate certification statement must be signed by an Authorized Representative of the company, as defined in 40 CFR 403.12(l) and **included with each periodic compliance report submitted.**
6. If any production process is modified, or if conditions change that effect the use and or storage of toxic organics, the City of Mt. Vernon must be notified and the TOMP modified and re-submitted for approval.
7. At a minimum of every 5 years, the regulated waste stream must be sampled and analyzed for the required TTOs and the TOMP must be updated (typically corresponding to permit renewal cycles).
8. The City of Mt. Vernon reserves the right to revoke the certification eligibility and require the industrial user to sample and analyze for TTOs based on, but not limited to the following reasons:

- a. Compliance and/or self-monitoring samples indicate TTOs in non-compliance with the appropriate standards.
- b. Failure to report changes to industry processes involving toxic organics not covered by the original TOMP.
- c. Failure to implement the TOMP.
- d. Failure to submit a certification statement with each periodic compliance report.

Toxic Organic Management Plan (TOMP) Preparation Guide and Instructions

The TOMP does not supersede any local, state or federal regulations. Many of the TOMP requirements may already be required for other regulations, namely the Resource Conservation and Recovery Act (RCRA) and the "Emergency Planning and Community Right-to-Know Act", Title III of the Superfund Amendments and Reauthorization Act (SARA). The TOMP objective is to provide assurance that toxic organics are properly used and disposed of instead of being discharged to the sewers.

Step 1- Toxic Organics Inventory

- A. Identify and list all toxic organic chemicals used at your facility. Estimate the maximum daily amount and the average daily amount of toxic organics stored at your facility. Estimate the annual amount of toxic organics purchased. For a list of regulated total toxic organics, refer to the following:
 - a. Electroplating: 40 CFR 413.02 (i)
 - b. Metal Finishing: 40 CFR 433.11 (e)
 - c. Electrical and Electronic Components: 40 CFR 469.12 (a)
- B. Product/Trade names alone will not be accepted; consult material safety data sheets (MSDS) and/or technical bulletins for the organic constituents.
- C. The above information may be given in tabular form. For Example:

Organic Inventory/ Storage				
Product Name	TTO Constituent	Max. Daily Amt.	Ave. Daily Amt.	Annual Purchase Amt.

- D. Wastestreams must be sampled and analyzed using EPA approved methods, see 40 CFR 136. Sampling and analyses should be conducted for those individual compounds listed in the user's Industrial Pretreatment Permit or are reasonably expected to be present in the wastestream. The City of Mt. Vernon shall be provided with a copy of the results reporting form from the laboratory analyzing the wastestream samples. The most recent TTO monitoring results may be used to fulfill this requirement.
- E. If no toxic organic compounds or compounds containing such toxic organics are identified as being used or stored at your facility and the wastestream sampling and analysis shows that your facility's wastestream does not contain any regulated TTO's, then you may proceed to step 7. If any toxic organic compounds or compounds containing such toxic organics are identified as being used or stored at your facility and/or any TTO's are found in the wastestream monitoring report, then you must complete steps 2 through 6.

Step 2- Identify and Approximate the Quantities of TTO in the Wastestream

- A. Describe the step(s) in the regulated process in which toxic organics are used.
- B. Describe the sources where toxic organics may be introduced into the wastestream in

addition to those described in Step 1-B. above (i.e. floor drains).

- C. Provide a flow schematic showing all of the sources where toxic organics may enter the wastestream.
- D. List the approximate quantities (i.e. gallons/day) of each toxic organic chemical used at each step in the regulated process.
- E. Evaluate any regulated TTO found in the effluent, but not on the TTO inventory list in Step #1 and determine if they are formed as reaction products or by-products, raw material impurities, equipment corrosion, or other sources.

Step 3- Methods of Disposal

- A. Describe the waste(s) being generated.
- B. Provide the amount of waste being disposed of, and the frequency of disposal.
- C. Provide the method(s) of disposal (i.e. surface impoundment, direct discharge, reclamation or contract disposal).
- D. Provide the name of the contractor(s) or the receiving stream.
- E. Estimate the maximum daily amount and the average daily amount of waste stored at your facility.
- F. The above information may be given in tabular form. For example:

Method of Disposal				
Waste Type	Waste Disposal Amt/freq.	Disposal Method	Contractor	Waste Storage Max. Daily/Ave. Daily
Waste paint	8 drums/2x a yr.	Incineration	XYZ Co.	8 drums/2 drum

- G. Provide your facility's RCRA generator number.
- H. Describe the storage of waste generated awaiting disposal. This should include, but is not limited to, location of storage (preferably indoors or a roofed area), the duration of storage, and the types of waste being stored (includes solvent soaked rags and absorbents/adsorbents). The storage area must be designed and maintained to not allow leakage. Incompatible wastes should not be stored together.
- I. Evaporation of waste is not an acceptable disposal method. All waste containers should be covered.
- J. Evaluate control options that could be implemented to minimize or eliminate the discharge of toxic organics or the source or potential source where toxic organics are introduced to the treatment system. These include but are not limited to, the following:
 - a. in-plant modifications: Evaluate new technologies and improved equipment to eliminate or minimize the use or discharge of toxic organics. New technologies may eliminate toxic organic use completely and vastly simplify TOMP preparation requirements. To reduce toxic organic loss from coating activities such as painting, consider improved transfer efficiency using electrostatic spraying or high-volume low pressure (HVLP) spraying. For cleaning, consider technologies such as aqueous cleaning systems and media blasting (dry ice, plastic, abrasives, etc.)
 - b. solvent/ chemical substitution: Evaluate replacing existing toxic organic materials with non-toxic organic materials. Non-toxic materials may not be covered under the regulated TTO parameter list and will vastly simplify TOMP preparation requirements. Substitutes for toxic organics are available for many cleaning, metal working and

coating applications.

- c. partial or complete recycle: Evaluate recycling opportunities for toxic organics. Environmentally sound recycling practices for toxic organics will help prevent material loss and reduce raw material costs. Cleaning solvents containing toxic organics can be recovered for reuse using solvent distillation. Metal-working fluids and wastewater from paint water curtains, which may contain toxic organics, can be recovered using recycling equipment such as filtration and centrifugation. Other recycling opportunities could include using waste exchanges to find buyers for unwanted toxic organics.
- d. operational changes: Evaluate practices to eliminate or minimize the use or loss of toxic organics that are discharged to the wastestream. Consider implementing sound inventory control practices to reduce loss of toxic organics due to poor storage practices. For example, using toxic organics prior to shelf-life expiration and storing toxic organics according to manufacturer's recommendations to prevent degradation or contamination. Consider implementing appropriate procedures and training staff to ensure that minimal amount of toxic organics are used to do a task. For example, consider precleaning methods of wiping or brushing prior to using solvents containing toxic organics. Evaluate process control options (monitoring for specific gravity, conductivity, pH, etc.) for minimizing toxic organic loss to the wastestream from poor management of metal working fluids.

Step 4- Practices to Ensure that Spills or Leaks do not Routinely Occur

- A. Describe the practices to be followed, including housekeeping procedures, during the use, collection and storage of organics to ensure that organics do not spill or leak. These practices should include, but are not limited to:
 - a. Properly labeling and handling toxic organic containers.
 - b. Storing a minimal amount of organics on site.
 - c. A centralized storage area (preferably indoors or a roofed area) designed and maintained not to allow leakage,
 - d. Sealing floor drains when they are in the area where toxic organics are used or stored.
 - e. Overflow control equipment
 - f. Containment system (sump or dike) capable of holding 10% of the total volume stored or the volume of the largest container, whichever is greatest. The containment system must be designed and maintained not to allow leakage.
- B. Describe the procedures that will provide routine and detailed visual inspections to insure the absence of leaking storage containers. The City of Mt. Vernon recommends visual inspections at least once a week.
- C. Describe how all employees are trained in the proper use, collection and storage of all chemicals with which they work.
- D. Describe the procedures by which employees are informed of the health risks associated with exposure to the toxic organic chemicals with which they work.
- E. Provide a simple but complete floor plan showing the storage location of toxic organics prior to use and toxic organics waste waiting for disposal.

Step 5- Spill or Leak Notification and Containment Procedures

- A. Name of facility personnel responsible for implementing the TOMP
- B. Name and phone number of your facility's emergency response coordinator Notifications procedures:

- a. A list of agencies to be contacted with their telephone numbers must be posted where organics are used and stored. This list may include but is not limited to; your facility's emergency response coordinator, The City of Mt. Vernon, Local Fire Department, Missouri Department of Natural Resources Emergency Response Center and National Emergency Response Center.
- b. If a spill or leak enters the wastewater, the City of Mt. Vernon should be promptly notified with the following information:
 - i. Your facility's name
 - ii. Your facility's location
 - iii. The chemical(s) and the cause of the spill/leak
 - iv. Quantity of the chemical(s)
 - v. Time and duration of the spill/leak
 - vi. Steps being taken and/or planned to eliminate and prevent any further spill/leaks.
- C. Describe the practices to be followed in the event of a spill or leak (i.e. containment, treatment, disposal, etc.)
- D. Describe the equipment/supplies on site to contain a rupture in the largest container.
- E. Describe how employees will be trained in the procedures to follow in the event of a spill or leak of a toxic organic.

Step 6- Certification Statement for Facilities using or Storing Total Toxic Organics

Please complete the "Request for Approval of Certification in lieu of monitoring for TTOs", initializing the certification statement for facilities using or storing Total Toxic Organics and signing the bottom certification statement. Include with the request a copy of the TOMP.

The following certification statement must be included on each periodic compliance report submitted by the user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the standards for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastestream has occurred since filing the last Periodic Report on continued compliance. I further certify that this facility is implementing the current Toxic Organic Management Plan which is on file with the City of Mt. Vernon."

Step 7- Certification Statement for Facilities Not using or Storing Total Toxic Organics

Please complete the "Request for Approval of Certification in lieu of monitoring for TTOs", initializing the certification statement for facilities NOT using or storing Total Toxic Organics and signing the bottom certification statement. Include with the request a copy of the Baseline Monitoring report to support that no TTO's are present in the wastestream.

The following certification statement must be included on each periodic compliance report submitted by the user.

"I certify that toxic organic compounds or compounds containing such toxic organics, as regulated by an applicable categorical pretreatment standard, are not used or stored at this facility. Therefore, there is no reason to expect any toxic organics to be present in the wastewaters. If any production process is modified, or if conditions change that effect the use and or storage of toxic organics, I will notify the City of Mt. Vernon."

Request for Approval of Certification in lieu of Monitoring for TTO

Local Facility Name:					
Parent Company Name (if different):					
Permit #:			40 CFR Category:		
Physical street address of facility:			Official mailing address, if different: Note if same.		
City:	State: IA	Zip:	City:	State:	Zip:
<p>This is a request for approval of certification in lieu of monitoring for TTO by the above named facility. The undersigned authorized representative, as defined in the local Sewer Use Ordinance or the Federal Regulations; 40 CFR 403.12 (I) understands that approval will allow the facility to certify with each periodic self-monitoring report that there are no TTOs being used or stored at this facility, or a TOMP is implemented for those TTOs used or stored at the above named facility rather than monitor for toxic organics.</p>					
Place your initials in the box next to the certification you are requesting approval for:					
<input type="checkbox"/> <u>Certification for Facilities Not using or Storing TTOs</u>		<input type="checkbox"/> <u>Certification for Facilities using or Storing TTOs</u>			
<p>"I certify that toxic organic compounds or compounds containing such toxic organics, as regulated by an applicable categorical pretreatment standard, are <u>not used or stored</u> at this facility. Therefore, there is no reason to expect any toxic organics to be present in the wastewaters. If any production process is modified, or if conditions change that effect the use and or storage of toxic organics, I will notify the City of Mt. Vernon.</p> <p>I further certify that this facility will continue to monitor for toxic organics until the City of Mt. Vernon has approved the request for certification in lieu of sampling."</p> <p>*must submit monitoring results to support that there are no TTO's in wastestream.</p>		<p>"I certify that this facility is implementing the attached Toxic Organic Management Plan. Based on my inquiry of the person or persons directly responsible for managing compliance with the standards for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastestream has occurred since the TOMP has been implemented. I further certify that this facility will continue to monitor for toxic organics until the City of Mt. Vernon Pretreatment Office has approved the attached TOMP."</p> <p>* must submit TOMP along with request</p>			
<p>"I further 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 upon 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/or imprisonment for knowing violations."</p>					
Signature		Printed Name/Title		Date	

Sample Plant Closure Plan

Date

To.

From.

Re: Plant Closure Plan

Dear Authorized or Duly Authorized Rep. of User:

The City of City is aware that Industry Name will be ceasing operation at the Insert facility name.. In compliance with Industry Name's permit Permit number and Title of Municipal Pretreatment Ord. which require compliance with federal, state and local discharge standards and notice to the City if there is a changed condition, the City is requiring Industry provide a Plant Closure Plan within Number business days. The plan should include a timeline identifying target dates for each of the components of the shutdown process and describe:

- 1) Equipment shutdown and removal including location where equipment after removal if within the legal jurisdiction of the City of City
- 2) List of chemical supplies
 - a. If shipped- manifest of where shipped and when
 - b. If recycled- documentation of where and when
 - c. If disposed- documentation of how and when
- 3) Chemical wastes shipment
 - a. If shipped- manifest of where shipped and when
 - b. If recycled- documentation of where and when
 - c. If disposed- documentation of how and when

During the shutdown process, the City will conduct one or more on-site inspections and collect wastewater samples. At the end of the plant closure, the City will conduct a final inspection to confirm the proper removal of equipment, chemical supplies and chemical waste.

Thank you for your concern and cooperation with the Name of City's WWTP program in the past.

Sincerely,

Name

Title

CC: State DNR

Dental Discharger: Letter, Packet and Form

Insert Date

Insert Dental Discharger Name

Insert Address

Re: Dental One-Time Compliance Form for the City of Mt. Vernon

Dear Insert Dental Discharger Name:

On July 14, 2017 the Environmental Protection Agency's (EPA) final amalgam rule "Dental Office Point Source Category, 40 CFR Part 441" went into effect. This rule affects dental practices which place or remove amalgam fillings and discharge to a publicly owned treatment works (POTW). Insert name of POTW is a POTW and therefore is required by the EPA to implement this rule. To be compliant, all dental practices must submit a one-time compliance certification (enclosed), install and maintain amalgam separators, and maintain records.

The rule requires practices in existence prior to July 14, 2017 to be in compliance by July 14, 2020. All new practices as of July 14, 2017 must comply immediately.

The EPA expects that this rule will annually reduce the discharge of mercury to POTWs by 5.1 tons as well as 5.3 tons of other metals found in waste dental amalgam. By capturing these contaminants at the source and recycling them we reduce the chance that they will enter the environment.

Enclosed is a packet that will explain the rule in more detail. It is required that the dentist in charge of the practice or an authorized representative of the practice, complete and sign the one-time compliance certification. If you are located in an office building or shopping center, you may need to discuss the certification with the property owner or manager to gather all of the required information. You may find additional information and a copy of the rule at <https://www.epa.gov/eg/dental-effluent-guidelines>.

Please return the signed original certification as soon as possible to the address below. Facilities that do not return this form within 30 days will be contacted to ensure compliance with the new rule.

The City of Mt. Vernon
Attn: Joe Kelley, Public Works Director
319 E. Dallas
Mt. Vernon, Missouri 65712

Questions regarding this survey should be directed to Joe Kelley. Thank you in advance for your cooperation.

Sincerely,

Joe Kelley
Public Works Director
The City of Mt. Vernon

Dental Offices

EPA DENTAL RULE

This packet was prepared by KimHEC Environmental Consultants for the City of Mt. Vernon to help dental offices understand the Dental Rule published by the Environmental Protection Agency (EPA) on June 14, 2017. The City of Mt. Vernon owns and operates a Wastewater Treatment Plant (WWTP) and is therefore the dental discharger's Control Authority.

The Dental Rule is in effect July 14, 2017. This packet provides a summary of the Rule. This packet is meant to provide guidance and be a short checklist for a dental dischargers. This packet also demonstrates the American Dental Association's (ADA) support of removal and recycling of dental amalgam that contains mercury from the wastewater discharged to Publicly Owned Treatment Works (POTWs). The final rule contains two best management practices (BMPs) recommended by the ADA.

For more information on the Dental Rule, please visit the following website:

<https://www.epa.gov/eg/dental-effluent-guidelines>

Public Works Director

SUMMARY OF DENTAL RULE

<p>What is the Dental Rule?¹</p>	<ul style="list-style-type: none"> • Requires dental offices that discharge wastewater that contains dental amalgam to Publicly Owned Treatment Works (POTWs) to install, inspect, and maintain a dental amalgam separator. • Requires the implementation of two best management practices (BMPs). • Published in Federal Register by EPA on June 14, 2017. • EPA estimates annual cost incurred by dental office: avg. of \$800 annually.
<p>Why are standards needed?¹</p>	<ul style="list-style-type: none"> • Mercury from waste amalgam can end up in the environment from the POTW through incineration, landfilling, or land application. • Mercury – potent neurotoxin that causes wide range of health issues.
<p>Who is affected by the Dental Rule?¹</p>	<p>Applies to:</p> <ul style="list-style-type: none"> • Dental offices • Dental schools • Dental clinics • Government operated dental facilities <p>Does NOT apply to:</p> <ul style="list-style-type: none"> • Mobile units • Practices consisting ONLY of these specialties: oral pathology, oral & maxillofacial radiology/surgery, orthodontics, periodontics, or prosthodontics.
<p>What kind of amalgam separator is required?²</p>	<ul style="list-style-type: none"> • An amalgam separator compliant with ISO 11143 (2008). • ISO Standard is incorporated into the current American National Standards Institute’s (ANSI)/American Dental Association’s (ADA) Standard 108 for Amalgam Separators. • Amalgam separator must achieve 95% removal efficiency. • To determine whether your amalgam separators is compliant with ISO 11143 ANSI/ADA Standard No. 108, check the model at this website: http://info.nsf.org/Certified/Wastewater/
<p>When will this rule affect dental offices?²</p>	<p>The Effective Date of this rule is July 14, 2017.</p> <p>NEW dental offices:</p> <ul style="list-style-type: none"> • MUST return One-Time Compliance Report within 90 days following the introduction of wastewater to the sanitary sewer. <p>TRANSFER OF OWNERSHIP:</p> <ul style="list-style-type: none"> • MUST return One-Time Compliance Report within 90 days after a transfer of ownership.
<p>What steps are needed to be taken to come into compliance?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Install new amalgam separator in offices that do not currently have one. <input type="checkbox"/> Inspect existing models to make sure they are up to standard. <input type="checkbox"/> Establish internal documentation tracking procedures related to the inspection and maintenance of your amalgam separator. <input type="checkbox"/> Follow the ADA’s Best Management Practices for handling dental amalgam. <input type="checkbox"/> Complete the One-Time Compliance Report for Dental Discharges. MUST be returned to the Control Authority. Retain a copy of this report on site for the duration of your practice/ownership.

ONE-TIME COMPLIANCE CERTIFICATION MUST BE MAILED TO THE CITY WITHIN 30 DAYS FOLLOWING THE INTRODUCTION OF WASTEWATER INTO THE SANITARY SEWER OR 90 DAYS AFTER A TRANSFER OF OWNERSHIP.

American Dental Association

Amalgam Waste Best Management Practices³

These Best Management Practices for Amalgam Waste encourages the dental community to follow the BMP for proper waste handling and disposal. The BMP by the American Dental Association calls for the use of ISO 11143-compliant amalgam separator as a recommendation. The ADA's BMP on Amalgam Waste follows the procedures outlined in the EPA's final rule on amalgam separators.

Do:

- Use pre-capsulated alloys & stock capsule size variety
- Recycle used disposable amalgam capsules
- Salvage, store, & recycle non-contact amalgam
- Salvage contact amalgam pieces from restorations after removal & recycle contents
- Recycle teeth containing dental amalgam restorations & verify whether or not teeth need disinfection
- Manage amalgam waste through recycling as much as possible
- Use line cleaners that minimize dissolution of amalgam

Don't:

- Use bulk mercury
- Put used disposable amalgam capsules in biohazard containers
- Put non-contact amalgam waste in biohazard containers, infectious waste containers, or regular garbage
- Rinse devices containing amalgam over drains or sinks
- Dispose of extracted teeth that contain amalgam restorations in biohazard containers, infectious waste containers, sharps containers, or regular garbage
- Flush amalgam down the drain/toilet
- Use bleach or chlorine-containing cleaners to flush wastewater lines

Resources

1. U.S. Environmental Protection Agency. [Fact Sheet: Effluent Limitations Guidelines and Standards for Dental Offices.](#)
2. U.S. Environmental Protection Agency. [Effluent Limitations Guidelines and Standards for the Dental Category.](#)
3. American Dental Association. [Amalgam Separators and Waste Best Management.](#)

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April 10, 2020

Mr. Todd Blanc
Pretreatment Program
Engineering Section
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

**Re: Mount Vernon, Missouri Pretreatment Program
Modifications Statement of Legal Authority
MSOP MO-022381**

Dear Mr. Blanc:

I serve as legal counsel to the City of Mount Vernon, Missouri (the "City"). In the course of operating a Publicly Owned Treatment Works ("POTW"), the City, as a 4th Class Missouri city, has adequate legal authority pursuant to Sections 79.380, 79.470, and 88.832, RSMo. to carry out the program described in 40 CFR § 403.8, as exercised by the enactment of Section 720 "Wastewater Collection and Treatment System" of the Municipal Code of Ordinances (the "Municipal Code") and the currently proposed changes thereto. This legal authority enables the POTW to take all actions described in 40 CFR § 403.8(f) and (1).

The materials I have examined in rendering this opinion and upon which we have relied are the following: (i) the proposed ordinance replacing Section 720 "Wastewater Collection and Treatment System" of the Municipal Code; (ii) pertinent statutes and regulations; (iii) relevant portions of federal regulations; and (iv) general provisions of the Municipal Code. This opinion assumes the enactment of the proposed ordinance with changes consistent with my recommendations. My opinion also relies upon the incorporation by reference of state and federal regulations into the ordinance.

Federal regulations require that the City of Mount Vernon, Missouri operate its pretreatment program pursuant to legal authority contained in, among other things, an ordinance. As such, the City created, and is currently proposing changes to, its wastewater pretreatment program and enforcement plan by the enactment of a City ordinance (copy enclosed). In our opinion, the specific provisions of the ordinance that provide legal authority for each procedure required under 40 CFR§403.8(f)(2) are as follows:

- (i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of

Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request. See Municipal Code Sec. 720.040(A-E).

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of 40 CFR§403.8. This information shall be made available to the Regional Administrator or Director upon request. See above and Municipal Code Sec. 720.040(A) and 720.040(G).

(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of 40 CFR§403.8, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR §403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status. See above and Municipal Code Sec. 720.030.

(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in 40 CFR§403.12. See Municipal Code Sec. 720.040(A) to 720.040(G) and 720.060(A) to 720.060(K).

(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year. See Municipal Code Sec. 720.070(A), 720.080, and 720.090.

(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. See Municipal Code Sec. 720.030(C).

(vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 CFR§403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of 40 CFR§ 403.8. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. See Municipal Code Sec. 720.020(A) and 720.080.

(viii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. See Municipal Code Sec. 720.100.

Additionally, the legal authority for the City to engage in the activities required under 40 CFR § 403.9(b)(1) is as follows:

(i) Identify the manner in which the POTW will implement the program requirements set forth in 40 CFR § 403.8, including the means by which

Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, etc.).

City of Mount Vernon, Missouri will establish the local pollutant limits set forth in Sec. 720.020(C) of the Municipal Code. Sec. 720.020(B) of the Municipal Code require Individual Industrial Users to comply with pretreatment standards. Individual Industrial Users will be controlled by permit under Sec. 720.040(B) of the Municipal Code.

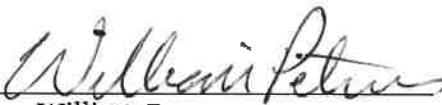
(ii) Identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users.

The Public Works Director will annually inspect and collect a wastewater sample from Individual Industrial Users to verify compliance with the Pretreatment Standards and Requirements. Industrial Users are also required to submit baseline and periodic compliance reports. Upon review of information received and gathered, the General Manager will assess compliance with schedules, reporting requirements, and applicable pretreatment standards. Upon discovery of any violation, enforcement actions set forth in the Enforcement Response Plan will be followed, including, but not limited to, notices of violation, fines, civil litigation, and referral to other authorities for administrative or criminal prosecution.

Please contact me if you have any questions or comments.

Sincerely,

Petrus Law Office, LLC

by: 
William Petrus

Enclosure