

**A RESOLUTION/ORDINANCE ESTABLISHING RULES AND REGULATIONS REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE GRAVOIS ARM SEWER DISTRICT OF MORGAN COUNTY, MISSOURI – UPDATE 2019.**

**WHEREAS**, the District beginning in April 2018 undertook a comprehensive review of its Rules and Regulations with a viewpoint of providing more comprehensive guidance for its customers, and

**WHEREAS**, revisions and expansion of its Rules and Regulations are needed to address issues of importance to both its residential and commercial customers, and

**NOW THEREFORE**, the following revised Resolution/Ordinance is adopted to set forth the Rules and Regulations applicable to the customers of the District:

**BE IT RESOLVED/ORDAINED BY THE BOARD OF TRUSTEES OF THE GRAVOIS ARM SEWER DISTRICT OF MORGAN COUNTY, MISSOURI, AS FOLLOWS:**

**ARTICLE I - Definitions**

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

- Section 1: “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Section 2: “Board of Trustees” – The five member board of trustees consists of five trustees appointed by the Morgan County Commission in conformity with Chapter 204 RSMo. which further sets out method of appointment and qualifications. Board members are referred to both as board members and as board trustees.
- Section 3: “Building Drain” shall mean 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 inner face of the building wall.
- Section 4: “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

- Section 5: “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- Section 6: “Expanded or Modified Facilities” shall mean new real estate improvements added to properties already receiving the sewerage service of the District, as well as real estate facilities rebuilt, reconstructed, enlarged, or otherwise modified for increased occupancy or use that will, in the application of sound engineering judgment, increase the volume of wastewater discharged from the property.
- Section 7: “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Section 8: “GASD” is the Gravois Arm Sewer District of Morgan County, Missouri.
- Section 9: “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Section 10: “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- Section 11: “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- Section 12: “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Section 13: “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- Section 14: “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and a wastewater facility that is controlled by the District by reason of voluntarily acceptance of all responsibility and lawfully acquisition of legal title to the wastewater facility or facilities in question.
- Section 15: “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- Section 16: “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments,

- together with such ground, surface, and storm waters as may be present.
- Section 17: “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- Section 18: “Sewage Works” shall mean all facilities for collection, pumping, treating and disposing of sewage.
- Section 19: “Sewer shall mean a pipe or conduit for carrying sewage.
- Section 20: “Shall” is mandatory; “May” is permissive
- Section 21: “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Section 22: “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, and unpolluted cooling water, but excludes sewage and industrial wastes.
- Section 23: “Superintendent” shall mean the person providing day to day management of the Sewage Collection and Treatment system on behalf of the Board of Directors customarily occupying the position of “manager” of the system.
- Section 24: “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Section 25: “User” shall mean any customer of the District including persons and public and private entities.
- Section 26: “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**ARTICLE II – Prohibited Discharges,  
Prohibited Sewage Facilities, Mandatory Connections**

- Section 1: **Unlawful discharge to Ground.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Gravois Arm Sewer District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.
- Section 2: **Unlawful Discharge to Natural Outlet.** It shall be unlawful to discharge

to any natural outlet within the Gravois Arm Sewer District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3: **Prohibited Sewage Facilities.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4: **Mandatory Connections.** The owner of all houses, buildings, properties used for human habitation, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the District, is hereby required at the expense of the owner to install suitable toilet facilities therein, and to connect such toilet facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred-fifty (150) feet of the property line. Mandatory Connection is also required as to any connection provided to third parties for the disposal of human excrement such as sewage service connection at an RV park site. Note: See Section 644.027, R.S.Mo., which statutorily overruled the decision in *Moats v. Pulaski County Sewer District No. 1*, 23 S.W.3d 868.

### ARTICLE III – Use of Private Sewage Systems

Section 1: **Private Sewage Disposal System – Compliance.** Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Section 2: **Permit for Private System from District.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the District, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$50 dollars shall be paid to the District at the time the application is filed.

Section 3: **Inspection of Private System When Completed.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The

inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

- Section 4: **Compliance with DNR Recommendations.** The type, capabilities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than three acres. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Section 5: **Mandatory Connection when Public System Becomes Available.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Section 6: **Maintenance of Private System.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.
- Section 7: **Requirements of County and State Health Officials.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the said Health Officer.
- Section 8: **Mandatory Sixty-Day Connection Period.** 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 suitable material.

**ARTICLE IV – Unauthorized Connection of Use of The Public Supply  
Authority to Prohibit or Regulate Connection or Additional Discharge  
Remedies for Non-Compliance**

- Section 1: **Unauthorized Connection, Extension, Use, Alteration, Disturbance, or Discharge Prohibited.** No person shall make any connections to, or use, or alter, or disturb, or discharge wastewater into the District's system from new or expanded or modified facilities without obtaining the required MO-DNR permit and **prior to application therefore** a written letter or permit from the Superintendent of GASD, continuing authority, confirming acceptance by GASD of the increased flow of wastewater. Recognizing that the Gravois Arm Sewer District (GASD) is the continuing authority under 10 CSR 20-6.010(3)(B)2, no person shall cause or permit the construction, installation, or modification of any sewer system, including extensions permitting an increase in wastewater volume without first

receiving a construction permit issued by MO-DNR in conformity with 10 CSR 20-6.010(4).

**Confirmation of Acceptance by GASD of Increased Flow of Wastewater.** A copy of the permit application to MO-DNR (Mo 780-1632 [02/19]) must be forwarded to the District prior to the MO-DNR application to the end that a permit can be obtained from GASD as continuing authority. Paragraph 4.1 of the required MO-DNR application demands a letter (or other confirmation of acceptance) from the continuing authority confirming acceptance of the increased wastewater flow. The peak additional discharge will be determined by the District by the application of sound engineering judgment.

**Application for Letter of Acceptance and/or Permit Documentation.**

In order to obtain the letter of acceptance and/or permit from GASD, applicant will provide to GASD as to sewer extensions, and as to construction, installation, or modification of any sewer system, all specifications, confirmation of engineering, and confirmation of construction supervision and confirmation of permanent plans and records required for its application to MO-DNR under 10 CSR 20-6(6)(A). Upon completion, engineering certification required by said regulation will also be provided to GASD. The regulation applicable to construction, installation, or modification of a sewer system or any water contaminant source, or point source, and contents of application therefore are set forth in 10 CSR 20-6.010(4).

Section 2: **Authority and Responsibility to Prohibit, Regulate or Interrupt Discharges by Customers – Interruption and Limitation of Service.**

a. **Authority and Responsibility:** The District and its Superintendent must reasonably monitor and avoid discharges of quantities of wastewater from new connections and discharge of increased quantities of wastewater from expanded connections, which potentially overtax the District's pumping/lift station(s), and/or transmission and/or treatment facilities and reasonably risk an unauthorized spill or discharge of wastewater into a watercourse or into the Lake of the Ozarks, as determined by the application of sound engineering judgment.

b. **Permanent Mandatory Connection is Required.** Subject to the District's right to impose and enforce reasonable limitations and interrupt service for noncompliance, mandatory connection to the District's system is lawfully required. District regulations are issued under §204.280, RSMo. Other regulations are authorized under the police power by both State and Federal Government. A mandatory connection Ordinance/Resolution by the District was and is demanded by the terms and conditions of financing and grants and a lawful exercise of the police power.

c. **Service May Be Limited and/or Interrupted and the Requirement of Mandatory Connection and Routine Minimum Billing is Not Waived.** Although continuing connection is mandatory, service may be interrupted or limited to gain compliance with the rules and regulations of the District and those of the State and/or Federal government imposed on the District and its customers - especially to avoid risk of wastewater or sewage discharge into watercourses and/or the Lake of the Ozarks. The District will endeavor to employ total interruption of service only when other options to gain compliance appear to the District unlikely to gain compliance. A customer cannot avoid the obligation for minimum charges by reason of interruption occasioned by noncompliance with lawful regulations or maintenance of a risk of unlawful discharge or planning or developing a use involving risk of unlawful discharge.

d. **Risk of Violation before Actual Violation and before Actual Environmental Damage must be addressed – Required Action.** The District must address reasonable risk and is not required to wait until an unlawful discharge has occurred or until actual environmental damage has occurred.

e. **Mandatory Action.** In order to ensure compliance with the provisions of this ordinance and with state or federal regulations, and especially to avoid unlawful discharge of Sewage/Wastewater, the Superintendent is required to take one or more of the following actions when violations occur and where reasonable risk of unlawful discharge into watercourses or the Lake of the Ozarks, appears to be at risk. In selecting remedies, the Superintendent will take into consideration, the cost-effectiveness, economic impact, and all other relevant considerations of alternatives imposed on the user:

(1) *Prohibition of Discharge.* Prohibit the discharge or increase of discharge;

(2) *Private Treatment and Discharge of New or Increased discharge.* Permit or require private treatment at user cost of any new or increased wastewater discharge. Treatment and eventual discharge must comply with the Rules and Regulations of Mo DNR.

(3) *Private Treatment of All Discharge.* Permit or require private treatment at user cost of all wastewater. Treatment and eventual discharge must comply with the Rules and Regulations of Mo DNR.

(4) *Control Discharge.* Require controls on the source, sources, quantities, and/or the rates of discharge into the District's collection system;

(5) *Consensual Development Agreement Enlarging District's Collection and Transmission Capacity.* Where a user consents, the District may develop with the user a development agreement providing, at user cost unless otherwise agreed, reasonable construction or reconstruction, enlargement and improvement of the District's collection system, to be owned by the District, the result of which will enable the District to adequately manage collection and transmission of the projected peak flows of the user's system during peak demand periods. In such a case, title and perpetual maintenance will be assumed by the District. Engineering, administrative, legal, and right-of-way expenses of the District will be reimbursed by the user with whom the Development Agreement is concluded, unless otherwise agreed.

(6) *Mandatory Development of Plans.* Require the development of plans for any applicable storage, treatment or pretreatment not to be provided by the District, and any additional or expanded collection and transmission facilities between user and the District's treatment facility that are reasonably necessary in the judgment of the District's engineering professionals to manage the new or expanded discharge and avoid risk of unlawful discharge into a watercourse or the Lake of the Ozarks. In addition, the District will require a schedule for preparation and submission of said plans to the District.

(7) *Reports.* Require the submission of reports necessary to verify and establish compliance with any applicable requirements or limitations imposed under authority of this ordinance. Such a report may be submitted by the District to MO-DNR for information and for comment with an explanation of the District's concern regarding the user's new or increased discharge that may risk overtaxing existing collection and transmission facilities and risk an unlawful discharge into a watercourse or the Lake of the Ozarks in violation of Missouri DNR laws and regulations.

(8) *Connection and Discharge Permit.* Require the user to obtain a connection and discharge permit for new or increased discharge into District collection facilities. Should new or increased discharge facilities be connected without such a permit service must and will be interrupted as above provided.

(9) *Cooperation, Inspections and Monitoring.* Require consent and cooperation to carry out all inspections, surveillance and monitoring necessary to determine compliance with any applicable treatment discharge standards or other requirement of this ordinance, the User's Permit(s), and other applicable rules and regulations of the District, state and federal government.

(10) *Management Plan to control accidental discharge.* Require



submission of a management plan for the control of accidental discharges of wastewater into a watercourse or the Lake of the Ozarks, should one occur. Such a plan must also outline the user's plan to avoid accidental discharges.

(11) *Sampling on User's property.* Require sampling and analysis of wastewater and wastewater discharges and reporting of the results to the District and to MO-DNR;

(12). *Other Lawful Remedy.* Seek any lawful remedy for noncompliance with this ordinance by any user, including but not limited to Injunctive Relief,

(13). *Interruption of Service.* Interrupt service to user in the event of noncompliance with the terms and limitations of the user's permit, the terms of District rules and any applicable laws or regulations, or failure to make reasonable efforts to communicate with the District to resolve issues in which the District has notified a user of potential risk of discharge of wastewater into a watercourse of the Lake of the Ozarks or other violations of applicable rules and regulations. All service will be interrupted where a user fails to maintain compliance with the rules and regulations of the District, of the United States Government, and those of the State of Missouri DNR.

Section 3: **Hearing.** Should a user be given any notice provided for in Section 2, above, the user will be allowed on written request, a hearing seeking relief from any requirement of the Superintendent, before a committee or appointee of the District's board. The hearing officer will file a report and recommendation to the Board of Directors for final disposition. The hearing officer may withdraw, sustain or modify the notice to the user. The hearing officer(s) will accord such courtesies and formalities as may reasonably be deemed reasonable after conferring with the user seeking the hearing, and the District's Superintendent. Where the Board of Directors deems it appropriate the formality of an appointment of an independent hearing officer may be required by the Board and the District's attorney will represent the District.

Section 4: **Forms.** The Superintendent will develop and improve as reasonably needed, application forms for permits, which will elicit appropriate information as to quantity and quality of discharge as such other reasonably relevant information deemed by the Superintendent and the District's Engineering Staff needed to adequately provide service while complying with all applicable rules and regulations and state and federal law.

Section 5: **Permit Fee – Waiver.** A permit and inspection fee of \$1,000 dollars for a permit shall be paid to the District at the time the application is filed,

unless waived by the Superintendent or the Board. It is recommended by the Board that the fee be waived as to expanded discharge by existing users.

- Section 6: **Costs of Connections.** 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 District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Section 7: **Separate Sewers – Exception.** 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Section 8: **Use of Old Building Sewers Following Inspection and Testing.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Section 9: **Materials and Construction Requirements.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District and Missouri DNR. In the absence of code provisions of in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 (Design and Construction of Sanitary Storm Sewers – Asce Manual on Engineering Practice No. 37), or any more current edition, shall apply. The MO Department of Natural Resources has adopted a Missouri Wastewater Design Guide, which provides a reference for minimum standards for design and construction of wastewater systems in addition to engineering experience and judgment in accordance with standards of practice. Appendix 3 of that Guide provides numerous references to helpful publications bearing on standard practices and construction specifications. The DNR Design Guides of the Clean Water Commission are set out at 10 CSR 20-8.010 etc. seq. Compliance with minimum standards is required by DNR.
- Section 10: **Sewer Connection Below Elevation of Basement Floor.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- Section 11: **Compliance with Design Guides and Plumbing Codes.** All connections into collection lines that eventually connect to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District, or the procedures set forth in appropriate specifications discussed in Section 9 above and the A.S.T.M. and the W.P.C.F Manual of Practice No. 9 (Design and Construction of Sanitary Storm Sewers – Asce Manual on Engineering Practice No. 37). All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. No deviation from MO-DNR minimum standards can be authorized.
- Section 12: **Inspection of Sewerage Collection Facility Prior to Connection – Actual Connection to be Done Under Supervision of Superintendent or the Superintendent’s Representative.** Any applicant for a sewer permit or owner of property holding a permit but expanding connections to the wastewater connection system, shall notify the Superintendent when the facility is ready for inspection prior to connection. Any connection to transmission facilities, either internal or external as to owner’s property, must be made in the presence of and under the supervision of the Superintendent or his representative.
- Section 13: **Excavation and Guarding.** 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 District.

**ARTICLE V – Infiltration Prohibited.**

- Section 1: **Discharge of Water Other Than Wastewater Absolutely Prohibited.** No person shall discharge any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, other sources of surface runoff or groundwater, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Section 2: **Designation of Storm Sewers, if available.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Section 3: **Prohibited Discharges.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public

sewers:

- (a) Any gasoline, motor oil, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and flesh, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

Section 4: **Prohibited Substances.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability or wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65° C).
- (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65° C).

- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (d) Any waters or wastes containing strong acid, iron, pickling wastes or concentrated plating solutions, whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volumes of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to

treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving waters.

- (k) Any waters or wastes having
  - (1) a 5-day BOD greater than 300 parts per million by weight, or
  - (2) containing more than 350 parts per million by weight of suspended solids, or
  - (3) having an average daily flow greater than 2 percent of the average sewage flow of the District, shall be subject to the review of the Superintendent.

Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be needed to:

- (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or
- (2) reduce the suspended solids to 350 parts per million by weight, or
- (3) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 5. **District Option to Refuse Waste Deemed by District Deleterious to Sewage Treatment Process.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters containing the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to

the public sewers,

- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

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

Section 6: **Grease Traps, etc.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients: except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7: **Maintenance of Preliminary Treatment or Flow Equalizing Facilities.** Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8: **Customer Installation of Appurtenances to permit Observation and Sampling, etc.** When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 9: **Measurement, Testing and Analysis.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building

sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls or a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas ph analyses are determined from periodic grab samples.)

Section 10: **Special Contracts Relating to Industrial Waste.** No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern.

#### **ARTICLE VI – Damage to Sewage System Facilities.**

Section 1: **Damage to Sewage System Facilities.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### **ARTICLE VII – Right to Inspect and Sample Effluent subject to Discharge Into the System.**

Section 1: **Inspection and Sampling Effluent Subject to Discharge Into the System.** The Superintendent and other duly authorized employees of the District 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 ordinance. The Superintendent or his 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 waste treatment.

Section 2: **Observance of Customer Safety Rules.** While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the District employees and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the



company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Section 3: **Inspection of Sewer Facilities within Easements.** The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes 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.

#### **ARTICLE VIII – Notice Provision - Penalty Provision – Industrial Users.**

Section 1: **Notice of Violation.** Any person found to be violating any provision of this ordinance except Article VI shall be served by the District 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.

Section 2: **Continued Violation by Industrial User – Penalty Provision.** Any industrial user who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be subject to the levy of a civil administrative fine of not to exceed \$1,000 per violation day (See Section 204.330.7(4) and an appropriate legal or equitable relief (See Section 204.330.7(5), RSMo. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

Section 3. **Other Violations.** The board may petition the Prosecuting attorney of the county to institute criminal proceedings for prosecution of any user in criminal violation of District's rules and regulations or ordinances or orders issued thereunder. See Section 204.330.7(6). In the alternative, the District may levy a civil administrative fine against such industrial users. See Section 204.330.7(4) and 204.330.8.

#### **ARTICLE IX – Repeal of Inconsistent Ordinances, Savings Clause - Headings**

Section 1: **Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2: **Invalidity - Savings Clause.** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 3: **Paragraph Headings for Assistance in Locating Content Only.** The headings provided in this document are provided to assist the reader in locating content and are not intended to lend meaning to the words of the Paragraph. The meaning of each paragraph shall be determined exclusively from the words of the paragraph and not the heading.

**Passed, Approved and Adopted** by the Board of Trustees of the Gravois Arm Sewer District, Morgan County, State of Missouri on the 26<sup>th</sup> day of February 2019.

**Approved** by the Chairman this 26<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Jim Bresnahan, Chairman

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Jaime Stoller, District Secretary

#### CERTIFICATION

I, the undersigned Secretary of the Board of Trustees of the Gravois Arm Sewer District of Morgan County, Missouri, hereby certify that the above and foregoing ordinance and resolution is a true and correct copy of the resolution adopted by said District's Board of Trustees as the same appears of record in my office and that the same has not been amended or repealed as of the 26<sup>th</sup> day of February, 2019.

(SEAL)

  
\_\_\_\_\_  
Jaime Stoller, District Secretary