

Please Note: The Council Meeting will be conducted at Rolla City Hall but physical participation will be limited per CDC guidelines. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSQqtuhOAVkCCyieA>

COUNCIL PRAYER

Ministerial Alliance

AGENDA OF THE ROLLA CITY COUNCIL

Monday, August 15th, 2022; 6:30 P.M.

City Hall Council Chambers

901 North Elm Street

PRESIDING: MAYOR LOUIS J. MAGDITS, IV

COUNCIL ROLL: MORIAH RENAUD, TERRY HIGGINS, MEGAN JOHNSON, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIED HALL, ROBERT KESSINGER, CARROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH

PLEDGE OF ALLEGIANCE

Councilwoman Moriah Renaud

I. PUBLIC HEARINGS –

A. **Public Hearing** and **Ordinance** Setting 2022 Tax Rate. (Finance Director Steffanie Rogers) 1st and Final Reading

II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. Celebration of Nations 2022 – Jeff Sandquist
- B. **Motion** to allow street closing for Celebration of Nations parade and activities. (Public Works Director Steve Hargis)
- C. 2022 Fiscal Year 3rd Quarter Report – RMU GM Rodney Bourne
- D. Rolla Municipal Utilities FY2023 Budget – RMU GM Rodney Bourne

III. OLD BUSINESS –

- A. **Ordinance** updating the sewer pretreatment program as approved by MDNR. (City Engineer Darin Pryor)
Final Reading
- B. **Discussion** of Text amendment pertaining to Homeless Shelters and related uses. (City Planner Tom Coots)

IV. NEW BUSINESS –

- A. **Resolution** to approve Enforcement Response Plan – Industrial Pretreatment (City Engineer Darin Pryor)
- B. **Motion** to approve disposal of records pursuant to the Missouri Records Retention Law. (City Administrator John Butz)
- C. **Discussion** Chapter 39, Trailers and Mobile Homes, Section 39-15, pertaining to Travel Trailer Occupancy. (City Planner Tom Coots)

V. CLAIMS and/or FISCAL TRANSACTIONS – None

VI. CITIZEN COMMUNICATION

August 15, 2022

VII. **MAYOR/CITY COUNCIL COMMENTS**

- A. **Motion** to appoint Fred Stone to the Board of Building Appeals (5 year term expires Aug 2027)
- B. **Motion** to re-appoint Dr. Kent Ray to the Health & Recreation Center Board (3 year term expires August 2025)

VIII. **COMMENTS FOR THE GOOD OF THE ORDER**

IX. **CLOSED SESSION** – Closed Session per RSMo 610.021 - NONE

X. **ADJOURNMENT** -

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Steffanie D. Rogers
Finance Director

ACTION REQUESTED: Public Hearing/Ordinance – 1st & Final Reading

DATE: August 15, 2022 **BUDGET APPROPRIATION:** \$ 1.78 M

SUBJECT: Consider Public Hearing & Ordinance Setting 2022 Tax Rate

COMMENTARY:

Council is asked to consider the proposed ordinance establishing the 2022 real estate tax levy for the City of Rolla. State law requires that the tax rates be certified to the County Clerk by September 1. Due to the State time requirements, a first and final reading of the proposed ordinance is requested at this time.

<u>Tax Levy Rates:</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>
General Municipal Purposes	\$ 0.4320	\$ 0.4284	\$ 0.4598
Public Library Purposes	\$ 0.1803	\$ 0.1788	\$ 0.1919
Public Park Purposes	\$ 0.1064	\$ 0.1055	\$ 0.1132
TOTAL LEVY	\$ 0.7187	\$ 0.7127	\$ 0.7649

Projected revenues budgeted in 2023 for 2022 Assessed Valuation:

	<u>Budgeted</u> <u>Revenues</u>	<u>Increase from</u> <u>Current Year</u>
General Fund	\$ 1,071,366	\$ 15,263
Library	\$ 447,153	\$ 6,383
Parks	\$ 263,840	\$ 3,834

Staff is recommending a motion to approve the ordinance to set the 2022 tax rates.

ITEM NO. _____

ORDINANCE NO. _____

AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2022.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: There is hereby levied a tax on each and every one hundred dollars (\$100.00) assessed valuation of all taxable real property within the corporate limits of the City of Rolla, Missouri, made taxable by law, for the year 2022, the following sums and amounts:

General Municipal Purposes	\$ 0.4320
Public Library Purposes	0.1803
Park Purposes	0.1064
TOTAL	\$ 0.7187

Section 2: This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 15TH DAY OF AUGUST 2022.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

NOTICE OF PUBLIC HEARING

Public Notice is hereby given by the Rolla City Council that a Public Hearing will be held at 6:30 p.m. on Monday, August 15, 2022, in City of Rolla Council Chambers, 901 North Elm Street for the purpose of considering the 2022 tax rates, not to exceed the following:

For General Municipal Purposes	\$ 0.4320
For Public Library Purposes	\$ 0.1803
For Public Park Purposes	\$ 0.1064

NOTICE OF 2021 AGGREGATE ASSESSED VALUATION

State Assessed Railroad & Utility - Real Estate	\$ 5,277,164
Local Railroad & Utility - Real Estate	410,160
Real Estate - Residential	149,025,050
Real Estate - Agricultural & Horticultural	164,830
Real Estate - Forest Crop & Mineral Rights	0
Real Estate - Industrial, etc.	98,908,790
State Assessed Railroad & Utility - Personal Property	0
Local Railroad & Utility - Personal Property	0
Personal Property	0
<hr/>	
Current Valuation	\$ 253,785,994
TIF Assessed Valuation	\$ 7,243,010
Total Current Valuation	\$ 246,542,984
New Construction	\$ 1,218,600

NOTICE OF 2022 AGGREGATE ASSESSED VALUATION

State Assessed Railroad & Utility - Real Estate	\$ 5,568,197
Local Railroad & Utility - Real Estate	387,680
Real Estate - Residential	149,377,670
Real Estate - Agricultural & Horticultural	128,040
Real Estate - Forest Crop & Mineral Rights	0
Real Estate - Industrial, etc.	99,792,340
State Assessed Railroad & Utility - Personal Property	0
Local Railroad & Utility - Personal Property	0
Personal Property	0
<hr/>	
Current Valuation	\$ 255,253,927
TIF Assessed Valuation	\$ 7,243,010
Total Current Valuation	\$ 248,010,917
New Construction	\$ 3,545,180

PROJECTED REVENUE FOR 2022 AGGREGATE ASSESSED VALUATION

General	\$ 1,071,366
Library	\$ 447,153
Park	\$ 263,840

All persons interested for or against the proposed tax rates may be present at said Public Hearing and will be heard.

Given under my hand and Seal of the City of Rolla, Missouri, 1st day of August 2022.

Lorri Thurman
City Clerk

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**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Motion

ITEM/SUBJECT: Street Closing for Celebration of Nations Parade

BUDGET APPROPRIATION

DATE: 9/10/22

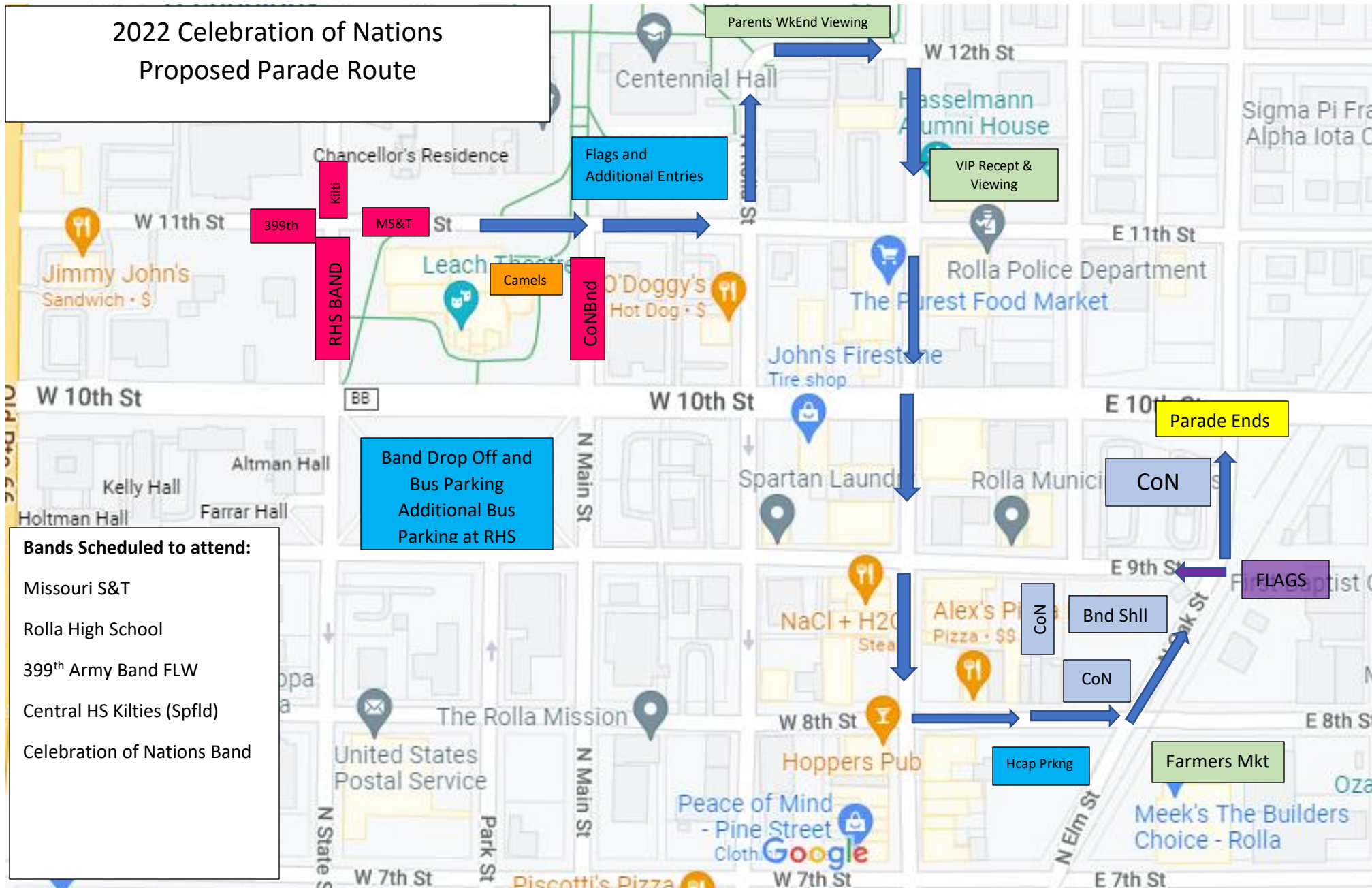
COMMENTARY:

Attached is a map depicting the route for this year's Celebration of Nations Parade and activities at the Band Shell Festival Parking Lot. The event will be held on Saturday, September 24th.

A representative from S&T will be at the meeting to provide the City Council with further information and answer any questions.

Staff recommends approval of the request.

2022 Celebration of Nations Proposed Parade Route



- Bands Scheduled to attend:**
- Missouri S&T
 - Rolla High School
 - 399th Army Band FLW
 - Central HS Kilties (Spfld)
 - Celebration of Nations Band

This route ties together the campus and downtown community. Starting by the Chancellor’s Residence and passing by Centennial Hall, Norwood Hall and the Hasselmann Alumni House. It incorporates part of the downtown community as well, while still providing easy access to Pine Street businesses, by not impacting Rolla Street or parking on the numbered streets, and in the first block of Pine from 6th to 7th Streets. This plan does cross 10th Street in the same way the annual Christmas Parade, St. Pat’s Parade, and other Pine Street events have done in the past.

2022

Fiscal Year 3rd Quarter Report



Rolla Municipal Utilities
Provided to Rolla City Council
August 15, 2022

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A STATEMENT BY THE BOARD OF PUBLIC WORKS

The Electric Power and Water System of the City of Rolla will be known as the **ROLLA MUNICIPAL UTILITIES**. Mr. J. B. Bronson will continue as general manager.

It will be the policy of the Board to operate the Rolla Municipal Utilities strictly on a business basis. There will be no change in the general policies of the management. All rates will be the same for the present.

The Board has three primary obligations:

1. To give the best possible service to the Citizens of Rolla.
2. To accumulate funds for the payment of the indebtedness. (Bond Issue and Revenue Certificates).
3. To build up reserve funds for any emergency and for replacement of machinery and equipment.

Regarding Service Interruptions:

This trouble is not in the local system, but in the source of supply. We hope eventually to have other sources of supply available and improve the electric service in Rolla.

Beginning immediately, \$1000.00 per month from the profits will be paid to the General Fund of the City of Rolla, which is to replace the Franchise Tax formerly paid by the Missouri General Utilities.

No merchandise will be sold in competition with local merchants.

No repair service will be maintained in competition with local Electric Service men.

Next Monday, November 12th, our offices will open in our new building, formerly the Negro U. S. O. Building, 102 W. 9th Street. All business will be transacted from this location after that date. The Rolla Free Public Library will occupy the second floor, and the State Board of Health and the County Agent the basement of this building. These quarters are furnished to the above organizations without cost as a public service of the Rolla Municipal Utilities.

Rolla Board of Public Works

H. E. CASTLEMAN, President
F. H. FRAME, Vice-President
R. E. SCHUMAN, Secretary
F. A. CAMERON, Member

THIRD QUARTER FINANCIAL RECAP (Unaudited)

OPERATING INCOME and EXPENSES

	3rd Quarter YTD FY 2021	3rd Quarter YTD FY 2022	CHANGE
OPERATING REVENUES	\$22,418,503	\$22,921,751	\$503,248
OPERATING EXPENSES	(\$26,993,754)	(\$23,327,940)	(\$3,665,814)
OPERATING INCOME	(\$4,575,251)	(\$406,189)	\$4,169,062
OTHER INCOME & EXPENSES	\$9,043,403	\$650,388	(\$8,393,015)
NET INCOME/LOSS	\$4,468,152	\$244,199	(\$4,223,953)

At the end of the 3rd quarter of Fiscal Year 2022, we are showing a total operating income of \$22,921,751. This is an increase of \$503,248 compared to Fiscal Year 2021.

Total operating expenses through the 3rd quarter of 2022 was \$23,327,940. Our operating expenses decreased over \$3,665,814 from the end of 3rd quarter of 2021; this is mainly due to costs associated with February's winter storm Uri.

Total Net Income after the 3rd quarter of 2022 was \$244,199. The 3rd quarter of 2021 showed a net income of \$4,468,152 which was due to assets sold to Ameren.



STATUS OF WORK PROJECTS



ELECTRIC DEPARTMENT

- **ELECTRICAL EXTENSIONS/UPGRADES**
 - Lions Club Drive – Installation of street lighting.
 - a. Highway 72 to 1000 E Lions Club Drive. Completed.
 - b. 1000 E Lions Club Drive to Rolla Street. Completed.
 - c. Sycamore to Rolla Street. Completed June 2022.
 - d. Rolla Street to Highway 63. Started March 29, 2022.
 - Missouri Science & Technology – Removal of 2400 volt system
 - a. New connection and metering at 10th & Bishop. Completed June 2022
 - b. New connection and metering at Collegiate Blvd. Completed June 2022
 - c. New connection and metering at Residential College. Completed July 2022
 - Rolla High School – Reconfiguration of metering and service connection for Rolla High School facility to accommodate additional transformer needed for expansion project. Started, March 15, 2022. Completed.
 - City of Rolla Public Works Building – New transformer and metering. Completed.
 - Aesthetic Changes
 - a. Immanual Lutheran Church - Removal of 2 overhead spans and 1 pole. Completed.
 - b. 13th & Poole - Installation of new aluminum street light pole with underground supply. Removed old wood pole. Started June 29, 2022.
 - c. 8th Street: Elm St to North/South alley west of Rolla St – removed overhead primary electric and associated poles. Completed.
 - d. Removal of old poles at 13th & Spring (one pole). Completed July 6, 2022
Removal of old poles at Farrar Dr & Old St. James Rd (2 poles). Completed.

- **FIBER**
 - Upcoming Projects
 - a. 18th Street: West of Forum Dr – Rewire new cabinet
 - b. Rolla Public Schools: RTC – Rewire
 - c. New service for MO S&T General Services Building



WATER DEPARTMENT

- **WATER MAIN INSTALLATION**
 - Cedar Street: 7th to 10th Street – Replacement of 4", 6" and 8" watermains with new 12" PVC main in conjunction with Rolla High School improvements. Started May 20, 2022. Project ongoing.
 - Upcoming Projects – Replacement of old water main
 - a. 18th Street: Old St. James Rd to Truman Elementary School
 - b. Main Street: 9th Street to 10th Street
 - c. 10th Street: Main Street to Rolla Street
 - d. Rolla Street: 10th to 11th Streets

RELIABILITY STATISTICS

Calendar Year 2021

- Outage Statistics

- ✓ Average Service Availability Index: 99.996%
- ✓ Customer Average Interruption Duration Index: 90.052 Minutes
- ✓ System Average Interruption Duration Index: 20.718 Minutes
- ✓ System Average Interruption Frequency Index (5mins or longer): 0.23

- Electric Outage Causes

✓ Power Supply	0
✓ Equipment	19
✓ Natural	42
✓ Utility Human Error	1
✓ Non-Utility Incident	1
✓ Unknown:	<u>19</u>
TOTAL:	82

Electric outages are down over the last ten years. The largest number of outages are natural, most notably trees, squirrels or storms. Dispatch and response times in Rolla are quicker which keeps the total interruption time lower.

- Water Outage Causes

✓ Water Main Break	7
✓ Hole in Water Main	16
✓ Split in Water Main	2
✓ Fitting Failure	3
✓ Service Line Break	4
✓ Service Line Replacement	<u>1</u>
TOTAL:	33

Work that's been completed on the water system has resulted in fewer water outages. RMU has a high percentage (70%) of PVC water mains which also contributes to fewer outages.

MISCELLANEOUS

- **Website Domain**
 - We have changed our web domain from www.rollamunicipalutilities.org to www.rmurolla.org. Our email addresses also changed to match the new domain.

- **Awards**
 - American Public Power Association (APPA) Award – RMU received an award for Excellence in Reliability from APPA which acknowledges that RMU’s reliability is above average nationwide
 - APPA Reliable Public Power Provider (RP3) Award – RMU received a gold level RP3 Award. APPA’s RP3 program is based on industry-recognized leading practices in four disciplines: Reliability, Safety, Workforce Development, and System Improvement. The RP3 designation is a sign of a utility’s dedication to operating an efficient, safe and reliable distribution system.
 - MIRMA Safety Award – RMU was awarded a perfect loss prevention score in 2021, which is the 20th consecutive year to receive the award.

- **Cost of Survey Study**
 - Toth and Associates presented their study to the Board in June. The overall conclusion is the Power Service and Industrial classes are subsidizing Residential and Commercial customers. Toth and Associates made recommendations based on their study and after review, the RMU Board took no action at this time.

- **State Budget Funds**
 - Included in the State Budget was a \$2 million line item for water and wastewater improvements in Rolla. This requires a 1-to-1 match i.e. \$2M matching required between City of Rolla and RMU to receive the \$2M from the state. We are developing a joint City/RMU plan to support our current industrial park and some expansion with water and wastewater improvements. Additionally, we are exploring options to enhance water supply around the planned Protoplex to support MO S&T expansion.

- **American Rescue Plan (ARPA)**
 - MO DNR has ARPA funds available for additional water, wastewater, and storm water improvements. The City/RMU can apply for up to \$5 million in each category. These ARPA application are competitively scored and require a match. The higher the match, the higher the score received in this category. We would use these funds to replace/upgrade water mains that are not a part of our normal street projects.

- **RMU Building Expansion**
 - We are currently working with an architect on the preliminary design for the building expansion.

Rolla Municipal Utilities

FY2023 BUDGET

October 1, 2022 – September 30, 2023



Approved by RBPW

07/26/2022

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BUDGET SUMMARY ANALYSIS - FY2023 BUDGETED

	FY2023 - BUDGETED		
	ELECTRIC & PWR PROD	WATER	TOTAL
OPERATING REVENUE	\$27,546,176	\$3,340,364	\$30,886,540
OPERATING EXPENSE	-\$28,379,782	-\$3,352,494	-\$31,732,276
BUDGETED OPERATING MARGIN	-\$833,606	-\$12,130	-\$845,736
OTHER REVENUE & EXPENSE	\$2,309,625	\$1,076,875	\$3,386,500
BUDGETED NET INCOME	\$1,476,019	\$1,064,745	\$2,540,764
NON-CASH REVENUE			
Donated Capital Assets (Contractor Mains)	-----	-\$307,000	-\$307,000
NON-CASH EXPENSE			
Depreciation - RMU **	\$1,445,000	\$810,000	\$2,255,000
Depreciation - City	\$55,000	\$182,000	\$237,000
CAPITAL EXPENDITURES **	-\$1,691,500	-\$4,425,500	-\$6,117,000
LEASE OBLIGATIONS	\$0	-\$175,000	-\$175,000
BUDGETED RESERVE TRANSFER	\$1,284,519	-\$2,850,755	-\$1,566,236
<u>CASH ACCOUNT FOR FY2023</u>			
AS OF OCTOBER 1, 2023 - budgeted			\$30,962,805
Less OCTOBER 1, 2022 - projected			-\$32,529,041
CHANGE IN CASH			-\$1,566,236
<u>RESTRICTED ELECTRIC RESERVES</u>			
Available Funds			\$14,250,000
Identified Projects			-\$2,480,000
BALANCE			\$11,770,000

** Includes Fiber

Rolla Municipal Utilities
 FY2023 BUDGET

OPERATING STATEMENT

	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
	<u>ACTUAL</u>	<u>PROJECTED</u>	<u>BUDGET</u>
<u>OPERATING REVENUE</u>			
Residential Sales	\$12,591,354	\$12,336,650	\$12,347,556
Commercial Sales	\$5,362,107	\$5,439,188	\$5,454,520
Power Service Sales	\$6,791,450	\$6,874,526	\$6,873,976
Industrial Sales	\$4,451,340	\$4,870,800	\$4,958,290
Area/Street Lighting	\$260,974	\$258,570	\$261,571
Fire Sprinkler Line Fees	\$60,771	\$61,020	\$61,740
Special Sales (Water)	\$227,410	\$231,450	\$231,450
Miscellaneous Fees	\$88,433	\$88,000	\$88,000
Generation Standby Service (Power Prod)	\$83,086	\$83,086	\$83,086
Capacity & Operating Credits (Power Prod)	\$353,380	\$325,000	\$325,000
Interdepartmental Services - City	\$195,232	\$201,685	\$201,351
Unbilled Receivables	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total Operating Revenue	\$30,465,536	\$30,769,975	\$30,886,540
<u>OPERATING EXPENSES</u>			
Transmission	\$11,145	\$50,000	\$100,000
Depreciation - RMU *	\$2,251,802	\$2,231,000	\$2,255,000
Depreciation - City (Electric) **	\$55,241	\$55,000	\$55,000
Depreciation - City (Water) ***	\$181,208	\$182,000	\$182,000
Interest on Electric Project	\$0	\$0	\$0
Interest on Water Project	\$19,292	\$14,000	\$9,500
Interest on Deposits	\$16,878	\$8,000	\$8,000
Power Purchases (Electric)	\$25,692,606	\$21,200,000	\$21,500,000
Source of Supply (Water)	\$420,876	\$440,000	\$455,300
Treatment (Water)	\$12,990	\$90,000	\$151,600
Distribution	\$2,382,259	\$2,929,000	\$3,477,876
Customer Accounting	\$669,831	\$610,000	\$791,300
Administrative and General	\$2,741,299	\$2,985,000	\$2,646,700
Interdept Expenses - City	\$148	<u>\$2,000</u>	<u>\$100,000</u>
Total Operating Expenses	\$34,455,574	\$30,796,000	\$31,732,276
<u>OPERATING MARGIN</u>			
	-\$3,990,038	-\$26,025	-\$845,736
<u>NON-OPERATING REVENUE</u>			
Interest Revenue	\$234,214	\$240,000	\$480,000
Other Revenue	<u>\$9,223,350</u>	<u>\$626,500</u>	<u>\$2,906,500</u>
Total Non-Operating Revenue	\$9,457,564	\$866,500	\$3,386,500
<u>NET INCOME</u>			
	\$5,467,526	\$840,475	\$2,540,764

* includes Fiber

** Streetlights (City)

*** Fire protection (City)

MINIMUM CASH RESERVE STATEMENT

To help insure timely completion of capital improvements and enable the utility to meet requirements for large unexpected expenditures, a Minimum Cash Reserve Statement is hereby established. Minimum cash reserves attempts to quantify the minimum amount of cash the utility should keep in reserve, actual cash reserves may vary substantially above the minimum and is dependent on the life cycle of assets that are currently in service. The methodology used in this statement is based on certain assumptions related to percent of operation and maintenance, rate base, debt service, and capital improvements. The establishment of minimum cash reserves should consider a number of factors including:

WORKING CAPITAL LAG

Timing differences between when expenses are incurred and revenues received from customers. Establishing a minimum cash reserve helps to ensure cash exists to pay expenses in a timely manner. Examples of uncertainties that should be considered include financial risks, rate setting policies, and variability in power supply costs.

INVESTMENT IN ASSETS

Catastrophic events may occur that require substantial amounts of cash reserves to replace damaged assets. Some examples of catastrophic events include ice storms, earthquakes, wind storms, floods, frozen water mains, or tornadoes. Many of these catastrophic events may allow the utility to recover the cost of damages from FEMA. However FEMA reimbursements can take between six months to two (2) years to recover. The utility should ensure adequate cash reserves exist to replace assets in a timely fashion. The minimum reserve levels are often combined with emergency funding from banks or bonding agencies.

ANNUAL DEBT SERVICE

Debt service payments do not occur evenly throughout the year and often occurs at periodic times. The utility has to ensure adequate cash reserves exist to fund the debt service payment when the payment is due.

CAPITAL IMPROVEMENT PROGRAM

Some capital improvements are funded through lease/purchases and some through cash reserves. The establishment of a minimum cash reserve level helps to ensure timely replacement or construction of assets.

If certain events occur that result in cash reserves falling below the minimum levels established by the Rolla Board of Public Works, action is needed to restore the cash reserves above the minimum levels. These actions may consider a number of factors including:

- Rate adjustments
- Cost reductions
- Funding of capital improvement programs
- Modification of the assumptions used to determine cash reserve levels

The assumptions should be reviewed annually, and modified if necessary, to reflect the Rolla Board of Public Works and Management's philosophy on minimum cash reserve levels.

Rolla Municipal Utilities
FY2023 BUDGET

MINIMUM CASH RESERVE STATEMENT (continued)

Table A

Minimum Cash Reserve Levels - ELECTRIC & POWER PRODUCTION			
<u>Inputs</u>	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
Operation & Maintenance less Depreciation	\$29,964,638	\$26,097,000	\$26,879,782
Rate Base	\$53,473,176	\$54,393,676	\$56,085,176
Debt Service (annual)	\$0	\$0	\$0
Capital Improvements (5-year plan)	\$4,917,762	\$7,112,000	\$7,691,500
<u>Percentages</u>			
Operation & Maintenance less Depreciation	25%	25%	25%
Rate Base	2%	2%	2%
Debt Service (annual)	50%	50%	50%
Capital Improvements (5-year plan)	15%	15%	15%
<u>Calculations</u>			
Operation & Maintenance less Depreciation	\$7,491,160	\$6,524,250	\$6,719,946
Rate Base	\$1,069,464	\$1,087,874	\$1,121,704
Debt Service (annual)	\$0	\$0	\$0
Capital Improvements (5-year plan)	<u>\$737,664</u>	<u>\$1,066,800</u>	<u>\$1,153,725</u>
Min Cash Reserve Level - Elec/PP	\$9,298,287	\$8,678,924	\$8,995,374
	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
Operating Benchmark - Elec/Pwr Prod	\$13,947,431	\$13,018,385	\$13,493,061

Table B

Minimum Cash Reserve Levels - WATER			
<u>Inputs</u>	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
Operation & Maintenance less Depreciation	\$2,002,685	\$2,231,000	\$2,360,494
Rate Base	\$29,564,633	\$30,308,133	\$34,733,633
Debt Service (annual)	\$165,000	\$175,000	\$190,000
Capital Improvements (5-year plan)	\$8,967,492	\$9,669,000	\$10,425,500
<u>Percentages</u>			
Operation & Maintenance less Depreciation	25%	25%	25%
Rate Base	2%	2%	2%
Debt Service (annual)	50%	50%	50%
Capital Improvements (5-year plan)	15%	15%	15%
<u>Calculations</u>			
Operation & Maintenance less Depreciation	\$500,671	\$557,750	\$590,124
Rate Base	\$591,293	\$606,163	\$694,673
Debt Service (annual)	\$82,500	\$87,500	\$95,000
Capital Improvements (5-year plan)	<u>\$1,345,124</u>	<u>\$1,450,350</u>	<u>\$1,563,825</u>
Min Cash Reserve Level - Water	\$2,519,588	\$2,701,763	\$2,943,621
	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
Operating Benchmark - Water	\$3,779,382	\$4,052,644	\$4,415,432

CASH FLOW STATEMENT

SOURCE OF CASH

PROJECTED CASH OCTOBER 1, 2022		\$32,529,041
Public Utility Account	\$4,081,799	
Public Utility Money Market	\$200,000	
Working Fund	\$51,450	
State Tax Fund	\$2,000	
Electronic Funds Account	\$200,000	
CAPITAL RESERVE ACCOUNT - Electric		
Restricted Reserves	\$14,250,000	
Money Market Account	\$10,195,583	
CAPITAL RESERVE ACCOUNT - Water		
Certificates of Deposit	\$0	
Money Market Account	\$3,548,209	
OPERATING MARGIN		-\$845,736
Electric Department	-\$833,606	
Water Department	-\$12,130	
NON-OPERATING REVENUE***		\$3,079,500
DEPRECIATION - (Non-Cash Expense)		\$2,492,000
Rolla Municipal Utilities *	\$2,255,000	
City of Rolla	\$237,000	
Total Source of Cash		\$37,254,805

USE OF CASH

CAPITAL EXPENDITURES **		\$6,117,000
Electric Department	\$1,691,500	
Water Department	\$4,425,500	
FY2022 LEASE OBLIGATIONS		\$175,000
Standpipes/Water projects	\$175,000	
PROJECTED CASH OCTOBER 1, 2023		\$30,962,805
Public Utility Account (General Fund)	\$1,030,862	
Public Utility Money Market	\$0	
Working Fund	\$51,450	
State Tax Fund	\$2,000	
Electronic Funds Account	\$200,000	
CAPITAL RESERVE ACCOUNT - Electric		
Restricted Reserves	\$11,770,000	
Sweep Account	\$13,493,061	
CAPITAL RESERVE ACCOUNT - Water		
Certificates of Deposit	\$0	
Sweep Account	\$4,415,432	

Total Use of Cash **\$37,254,805**

* Includes Fiber Depreciation

** Includes Fiber

*** Donated Capital Assets (Contractor Mains) are not included. (Noncash)

TRANSFERS TO CITY

TRANSFERS TO CITY GENERAL FUND

The following charges are billed and collected by RMU for the City of Rolla. The amounts of these charges are adopted and approved by the Rolla City Council.

	FY2023 BUDGET
PAYMENT IN LIEU OF TAX (PILOT)	\$1,509,455
5% of Electric & Water Sales including Service Availability Fees (SAF).	

Rolla Municipal Utilities
FY2023 BUDGET

NON-OPERATING REVENUE

**FY2023
BUDGET**

INTEREST REVENUE

Interest on Fund Accounts \$480,000

Total Interest Revenue \$480,000

OTHER REVENUE

Miscellaneous non-operating revenue from material sales/services, late fees, frontage fees, grants, donated capital assets, state budget appropriation and fiber revenue \$2,985,500

Less non-operating revenue deductions * -\$79,000

Total Other Revenue \$2,906,500

TOTAL NON-OPERATING REVENUE \$3,386,500

* Fiber Depreciation not included

OPERATING STATEMENT - Electric Department

	<u>FY2021</u> <u>ACTUAL</u>	<u>FY2022</u> <u>PROJECTED</u>	<u>FY2023</u> <u>BUDGET</u>
<u>OPERATING REVENUE</u>			
Residential Sales	\$10,617,735	\$10,488,224	\$10,496,670
Commercial Sales	\$4,811,704	\$4,864,046	\$4,867,996
Power Service Sales	\$6,344,691	\$6,428,900	\$6,432,100
Industrial Sales	\$4,445,019	\$4,840,770	\$4,958,500
Area/Street Lighting	\$260,974	\$258,570	\$261,571
Power Production	\$436,466	\$408,086	\$408,086
Miscellaneous Fees	\$66,330	\$66,000	\$66,000
Interdepartmental Services - City	\$146,425	\$151,264	\$151,013
Unbilled Receivables	\$0		
Power Cost Adjustments	\$0	\$0	\$0
Hartmann US	-\$55,753	-\$54,720	-\$95,760
Total Operating Revenue	\$27,073,591	\$27,451,140	\$27,546,176
<u>OPERATING EXPENSES</u>			
Transmission	\$11,145	\$50,000	\$100,000
Depreciation - RMU *	\$1,471,094	\$1,442,000	\$1,445,000
Depreciation - City **	\$55,241	\$55,000	\$55,000
Interest on Electric project	\$0	\$0	\$0
Interest on Deposits	\$14,726	\$7,000	\$7,000
Power Purchases	\$25,692,606	\$21,200,000	\$21,500,000
Distribution	\$1,758,499	\$2,124,000	\$2,617,782
Customer Accounting	\$492,470	\$475,000	\$594,900
Administrative and General	\$1,995,044	\$2,239,000	\$1,960,100
Interdepartmental Expenses - City (nonbillable)	<u>\$148</u>	<u>\$2,000</u>	<u>\$100,000</u>
Total Operating Expenses	\$31,490,973	\$27,594,000	\$28,379,782
OPERATING MARGIN FOR ELECTRIC DEPARTMENT	-\$4,417,382	-\$142,860	-\$833,606

* includes Fiber

** Streetlights (City)

OPERATING REVENUE - Electric Department

	Total kWh/kW sold <u>Avg. Mtrs/Month</u>		<u>FY2023 BUDGET</u>
<u>RESIDENTIAL SALES</u>			
Residential: Single-Phase Energy	102,000,000	\$8,058,000	
Service Availability Fees	8,025	\$2,311,200	
Residential: Three-Phase Energy	1,430,000	\$112,970	
Service Availability Fees	25	\$11,400	
Community Solar		<u>\$3,100</u>	
Total Residential Sales			\$10,496,670
<u>COMMERCIAL SALES</u>			
Commercial: Single-Phase Energy	16,100,000	\$1,271,900	
Service Availability Fee	942	\$271,296	
Commercial: Three-Phase Energy	39,200,000	\$3,096,800	
Service Availability Fees	500	\$228,000	
Total Commercial Sales			\$4,867,996
<u>POWER SERVICE SALES</u>			
Power Service Energy	77,500,000	\$4,572,500	
Power Service Demand	206,000	\$1,648,000	
Service Availability Fees	83	\$199,200	
Renewable Energy		<u>\$12,400</u>	
Total Power Service Sales			\$6,432,100
<u>INDUSTRIAL SALES</u>			
Industrial Energy	69,500,000	\$3,896,900	
Industrial Demand	123,500	\$988,000	
Service Availability Fees	6	\$36,000	
Renewable Energy		\$37,600	
Utility Credit Adjustment		<u>-\$95,760</u>	
Total Industrial Sales			\$4,862,740
<u>AREA LIGHTING</u>			
Metered Lighting			
Metered Lighting Energy	165,000	\$12,210	
Service Availability Fees	16	\$9,600	
NonMetered Lighting		<u>\$78,396</u>	
Total Area Lighting			\$100,206
<u>STREET LIGHTING</u>			
Metered Lighting			
Metered Lighting Energy	365,000	\$73,000	
Service Availability Fees	360	\$36,000	
NonMetered Lighting		<u>\$52,365</u>	
Total Street Lighting			\$161,365
<u>POWER PRODUCTION</u>			
Generation Standby Service		\$83,086	
Capacity & Operating Credits			
MoPep Capacity Credits		\$305,000	
Operating Credit		<u>\$20,000</u>	
Total Power Production			\$408,086
<u>MISCELLANEOUS FEES</u>			
Service Fees		\$62,000	
Credit Card Processing Fees		<u>\$4,000</u>	
Total Miscellaneous Fees			\$66,000
<u>INTERDEPARTMENTAL SERVICES - CITY</u>			\$151,013
Billing City Services (75%)			
TOTAL OPERATING REVENUE FOR ELECTRIC DEPARTMENT			\$27,546,176

Rolla Municipal Utilities
 FY2023 BUDGET

OPERATING EXPENSES - Electric Department

	FY2021 <u>ACTUAL</u>	FY2022 <u>PROJECTED</u>	FY2023 <u>BUDGET</u>
<u>TRANSMISSION</u>			
3566/Bulk Stn; Misc Transmission Exp	\$0	\$0	\$0
3570/Bulk Stn: Station Equipment	\$11,145	\$50,000	\$100,000
3571/Bulk Stn: Towers & Fixtures	\$0	\$0	\$0
3597/Bulk Stn: Meters	\$0	\$0	\$0
Total Transmission	\$11,145	\$50,000	\$100,000
<u>DEPRECIATION</u>			
4403/Rolla Municipal Utilities (RMU)	\$1,349,745	\$1,320,000	\$1,320,000
5403/RMU (Fiber 75%)	\$27,400	\$27,000	\$30,000
7403/RMU (Power Production)	\$93,949	\$95,000	\$95,000
4404/City of Rolla	\$55,241	\$55,000	\$55,000
Total Depreciation	\$1,526,334	\$1,497,000	\$1,500,000
<u>INTEREST</u>			
3430/Power Supply Infrastructure project	\$0	\$0	\$0
4431/Deposits	\$14,726	\$7,000	\$7,000
Total Interest	\$14,726	\$7,000	\$7,000
<u>POWER PURCHASES/4555</u>	\$25,692,606	\$21,200,000	\$21,500,000
<u>DISTRIBUTION</u>			
4571/O & M - Transmission Lines	\$1,405	\$3,000	\$3,000
4584/Transportation	\$0	\$0	\$138,582
4588/Misc Distribution Expense	\$317,913	\$550,000	\$725,200
4591/Maintenance Structures	\$14,178	\$20,000	\$20,000
4592/O & M - Station Equipment	\$44,892	\$40,000	\$45,000
4593/O & M - Overhead Lines	\$701,842	\$950,000	\$1,138,000
4594/O & M - Underground Lines	\$88,187	\$95,000	\$104,700
4595/Maintenance Transformers	\$4,402	\$25,000	\$25,000
4596/O & M - Streetlights	\$179,775	\$190,000	\$190,000
4597/O & M - Meters	\$95,979	\$100,000	\$121,700
4600/Cost of Electric - Plant Removal	\$15,252	\$1,000	\$1,000
7547/Fuel	\$84,969	\$35,000	\$35,000
7548/Generation Expense	\$98,660	\$5,000	\$5,000
7549/Miscellaneous	\$3,862	\$10,000	\$10,000
7552/Structures	\$0	\$0	\$0
7553/Generation & Electric Equipment	\$107,183	\$100,000	\$55,600
Total Distribution	\$1,758,499	\$2,124,000	\$2,617,782
<u>CUSTOMER ACCOUNTING & COLLECTING</u>			
4902/Meter Reading Expenses	\$34,563	\$35,000	\$57,400
4903/Customer Records & Collections	\$434,923	\$420,000	\$517,500
4904/Uncollectible Accounts	\$22,984	\$20,000	\$20,000
Total Customer Acctg & Collecting	\$492,470	\$475,000	\$594,900
<u>ADMINISTRATIVE AND GENERAL</u>			
4913/Advertising	\$9,783	\$18,000	\$20,000
4920/Administrative & General Salaries	\$228,349	\$255,000	\$293,200
4921/Office Supplies and Expenses	\$124,038	\$140,000	\$140,000
4923/Outside Services Employed	\$12,692	\$50,000	\$50,000
4924/Insurance	\$238,217	\$280,000	\$300,000
7924/Insurance (Power Production)	\$1,814	\$4,000	\$5,000
4926/Employee Benefits	\$1,336,216	\$1,415,000	\$1,079,600
7926/Employee Benefits (Power Production)	\$8,862	\$20,000	\$15,300
4930/Misc. General Expenses	-\$7,013	\$22,000	\$22,000
4932/Maintenance General Plant	\$42,086	\$35,000	\$35,000
Total Administrative & General	\$1,995,044	\$2,239,000	\$1,960,100
0426/Interdept Expenses (City)	\$148	\$2,000	\$100,000
TOTAL OPERATING EXPENSES (Elec)	\$31,490,973	\$27,594,000	\$28,379,782

Rolla Municipal Utilities
 FY2023 BUDGET

OPERATING STATEMENT - Water Department

	<u>FY2021 ACTUAL</u>	<u>FY2022 PROJECTED</u>	<u>FY2023 BUDGET</u>
<u>OPERATING REVENUE</u>			
Residential Sales	\$1,973,619	\$1,848,426	\$1,850,886
Non-Residential Sales	\$1,064,230	\$1,108,818	\$1,123,950
Special Sales	\$227,410	\$231,450	\$231,450
Fire Sprinkler Lines	\$60,771	\$61,020	\$61,740
Miscellaneous Fees	\$22,103	\$22,000	\$22,000
Interdepartmental Services - City	\$48,807	\$50,421	\$50,338
Unbilled Receivables	\$0	\$0	\$0
Water Cost Adjustments	\$0	\$0	\$0
Hartmann US	-\$4,995	-\$3,300	\$0
Total Operating Revenue	\$3,391,945	\$3,318,835	\$3,340,364
<u>OPERATING EXPENSES</u>			
Depreciation - RMU *	\$780,708	\$789,000	\$810,000
Depreciation - City **	\$181,208	\$182,000	\$182,000
Interest on Water Project	\$19,292	\$14,000	\$9,500
Interest on Deposits	\$2,151	\$1,000	\$1,000
Source of Supply	\$420,876	\$440,000	\$455,300
Treatment	\$12,990	\$90,000	\$151,600
Distribution	\$623,759	\$805,000	\$860,094
Customer Accounting	\$177,361	\$135,000	\$196,400
Administrative and General	<u>\$746,255</u>	<u>\$746,000</u>	<u>\$686,600</u>
Total Operating Expenses	\$2,964,601	\$3,202,000	\$3,352,494
OPERATING MARGIN FOR WATER DEPARTMENT	\$427,344	\$116,835	-\$12,130

* includes Fiber

** Fire protection (City)

OPERATING REVENUE - Water Department

	<u>Total Gals Sold & Avg Mtrs/Month</u>		<u>FY2023 BUDGET</u>
<u>RESIDENTIAL SALES</u>			
Residential Water	303,800,000	\$1,139,250	
Service Availability Fees			
5/8" or 3/4"	6,396	\$690,768	
1"	55	\$7,260	
1-1/2"	2	\$408	
2"	38	\$11,400	
3"	3	\$1,800	
Total Residential Sales			\$1,850,886
<u>NON-RESIDENTIAL SALES</u>			
Non-Residential Water ^	261,000,000	\$978,750	
Service Availability Fees			
5/8" or 3/4"	588	\$63,504	
1"	118	\$15,576	
1-1/2"	5	\$1,020	
2"	121	\$36,300	
3"	41	\$24,600	
4"	3	\$2,700	
6"	1	\$1,500	
Utility Cost Assistance		<u>\$0</u>	
Total Commercial Sales			\$1,123,950
<u>SPECIAL SALES</u>			
MS&T/Special Sales	33,000,000	\$120,450	
Service Availability Fee			
6"	5	\$7,500	
Water District Sales	23,000,000	\$103,500	
Total Special Sales			\$231,450
<u>FIRE SPRINKLER LINE FEES</u>			
<=4"	119	\$42,840	
6"	30	\$12,600	
8"	12	\$5,760	
10"	1	<u>\$540</u>	
Total Fire Sprinkler Line Fees			\$61,740
<u>MISCELLANEOUS FEES</u>			
Service Fees		\$20,000	
Credit Card Fees		\$2,000	
Total Miscellaneous Fees			\$22,000
<u>INTERDEPARTMENTAL SERVICES - CITY</u>			
Billing City Services (25%)			<u>\$50,338</u>
TOTAL OPERATING REVENUE FOR WATER DEPARTMENT			\$3,340,364

OPERATING EXPENSES - Water Department

	<u>FY2021</u> <u>ACTUAL</u>	<u>FY2022</u> <u>PROJECTED</u>	<u>FY2023</u> <u>BUDGET</u>
<u>DEPRECIATION</u>			
8403/Rolla Municipal Utilities	\$771,575	\$780,000	\$800,000
5403/Rolla Municipal Utilities (Fiber 25%)	\$9,133	\$9,000	\$10,000
* 8404/City of Rolla	<u>\$181,208</u>	<u>\$182,000</u>	<u>\$182,000</u>
Total Depreciation	\$961,916	\$971,000	\$992,000
<u>INTEREST</u>			
8430/Water project	\$19,292	\$14,000	\$9,500
8431/Deposits	<u>\$2,151</u>	<u>\$1,000</u>	<u>\$1,000</u>
Total Interest	\$21,444	\$15,000	\$10,500
<u>SOURCE OF SUPPLY</u>			
8611/O & M - Wells & Well Houses	\$60,958	\$75,000	\$90,300
8623/Fuel or Power for Pumping	\$355,437	\$360,000	\$360,000
8633/O & M - Pumps & Pump Houses	<u>\$4,481</u>	<u>\$5,000</u>	<u>\$5,000</u>
Total Source of Supply	\$420,876	\$440,000	\$455,300
<u>TREATMENT</u>			
8641/Chemicals	\$8,324	\$10,000	\$10,000
8652/O & M - Treatment	<u>\$4,666</u>	<u>\$80,000</u>	<u>\$141,600</u>
Total Treatment	\$12,990	\$90,000	\$151,600
<u>DISTRIBUTION</u>			
8584/Transporation	\$0	\$0	\$46,194
8600/Cost of Water Plant Removal	\$0	\$0	\$0
8665/Miscellaneous Distribution	\$164,130	\$185,000	\$247,400
8672/O & M - Towers	\$2,925	\$10,000	\$11,000
8673/O & M - Mains	\$311,937	\$475,000	\$395,000
8675/O & M - Service Lines	\$47,390	\$65,000	\$72,800
8676/O & M - Meters	\$94,032	\$60,000	\$81,700
8677/Maintenance Hydrants	<u>\$3,346</u>	<u>\$10,000</u>	<u>\$6,000</u>
Total Distribution	\$623,759	\$805,000	\$860,094
<u>CUSTOMER ACCOUNTING & COLLECTING</u>			
8902/Meter Reading Expenses	\$27,132	\$25,000	\$40,600
8903/Records & Collection Expenses	\$142,514	\$100,000	\$145,800
8904/Uncollectible Accounts	<u>\$7,714</u>	<u>\$10,000</u>	<u>\$10,000</u>
Total Customer Acctg & Collecting	\$177,361	\$135,000	\$196,400
<u>ADMINISTRATIVE AND GENERAL</u>			
8913/Advertising	\$3,174	\$10,000	\$10,000
8920/Administrative & General Salaries	\$71,933	\$85,000	\$99,400
8921/Office Supplies and Expenses	\$64,550	\$60,000	\$65,000
8923/Outside Services Employed	\$4,231	\$10,000	\$20,000
8924/Insurance	\$85,386	\$99,000	\$105,000
8926/Employee Benefits	\$477,617	\$430,000	\$315,200
8930/Primacy Fees	\$22,310	\$36,000	\$55,000
8930/Misc General - Expenses	\$3,025	\$6,000	\$7,000
8932/Maintenance General Plant	<u>\$14,029</u>	<u>\$10,000</u>	<u>\$10,000</u>
Total Administrative & General	\$746,255	\$746,000	\$686,600
TOTAL OPERATING EXPENSES FOR WATER DEPARTMENT	\$2,964,601	\$3,202,000	\$3,352,494

* Fire Protection (City)

CAPITAL EXPENDITURES - SUMMARY

	<u>FY2021</u> <u>ACTUAL</u>	<u>FY2022</u> <u>PROJECTED</u>	<u>FY2023</u> <u>BUDGET</u>
<u>ELECTRIC</u>			
Transmission (138kV)	-\$1,540,739	\$0	\$0
Sub-Transmission (34.5kV)	\$90,389	\$15,000	\$100,000
Distribution	\$605,072	\$595,000	\$1,080,000
General Plant	\$127,187	\$295,500	\$492,750
Fiber (75%)	<u>\$23,852</u>	<u>\$15,000</u>	<u>\$18,750</u>
Total Electric Cap Exp	-\$694,238	\$920,500	\$1,691,500
<u>WATER</u>			
Source of Supply	\$0	\$0	\$415,000
Pumping Plant	\$22,333	\$100,000	\$200,000
Distribution	\$734,722	\$540,000	\$3,640,000
General Plant	\$37,848	\$98,500	\$164,250
Fiber (25%)	<u>\$3,588</u>	<u>\$5,000</u>	<u>\$6,250</u>
Total Water Cap Exp	\$798,492	\$743,500	\$4,425,500
TOTAL CAPITAL EXPENDITURES	\$104,253	\$1,664,000	\$6,117,000

CAPITAL EXPENDITURES - Electric Department

	<u>FY2021</u> <u>ACTUAL</u>	<u>FY2022</u> <u>PROJECTED</u>	<u>FY2023</u> <u>BUDGET</u>
<u>TRANSMISSION (138 kV)</u>			
3350/Land & Land Rights	-\$31,887	\$0	\$0
3353/Station Equipment	-\$1,508,852	\$0	\$0
3355/Poles, Towers, & Fixtures	\$0	\$0	\$0
3356/Overhead Conductors & Devices	\$0	\$0	\$0
3370/Meters	\$0	\$0	\$0
Total Transmission	-\$1,540,739	\$0	\$0
<u>SUB-TRANSMISSION (34.5 kV)</u>			
4350/Land & Land Rights	\$0	\$0	\$0
4355/Poles & Fixtures	\$5,052	\$15,000	\$50,000
4356/Overhead Conductors & Devices	\$8,726	\$0	\$50,000
4357/Underground Conductors & Devices	\$76,612	\$0	\$0
4358/Underground Conduit	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total Sub-Transmission	\$90,389	\$15,000	\$100,000
<u>DISTRIBUTION</u>			
4360/Land and Land Rights	\$0	\$0	\$0
4361/Structures & Improvements	\$12,061	\$0	\$0
4362/Station Equipment	\$39,757	\$20,000	\$125,000
4364/Poles, Towers & Fixtures	\$72,818	\$75,000	\$100,000
4365/Overhead Conductors & Devices	\$75,465	\$50,000	\$80,000
4366/Underground Conduit	\$76,612	\$75,000	\$75,000
4367/Underground Conductors & Devices	\$71,681	\$50,000	\$75,000
4368/Line Transformers	\$222,492	\$200,000	\$500,000
4369/Services	\$13,788	\$10,000	\$10,000
4370/Meters	\$17,595	\$5,000	\$5,000
4372/Rental Property: Customer Premises	\$197	\$0	\$0
4373/Streetlighting & Signal Systems	\$2,606	\$100,000	\$100,000
7344/Generators	\$0	\$10,000	\$10,000
Total Distribution	\$605,072	\$595,000	\$1,080,000
<u>GENERAL PLANT</u>			
4389/Land and Land Rights (75%)	-\$103,309	\$0	\$0
4390/Structures & Improvements (75%)	\$71,382	\$21,750	\$18,750
4391/Office Furniture & Equipment (75%)	\$30,420	\$82,500	\$60,000
4392/Transportation Equipment (75%)	\$84,498	\$183,750	\$196,500
4394/Tools, Shop & Garage Equip (75%)	\$196	\$3,750	\$3,750
4395/Laboratory Equipment	\$39,470	\$0	\$0
4396/Power Operated Equipment (75%)	\$4,336	\$0	\$202,500
4397/Communication Equipment (75%)	\$193	<u>\$3,750</u>	<u>\$11,250</u>
Total General Plant	\$127,187	\$295,500	\$492,750
<u>CAPITAL EXPENDITURES/FIBER (75%)</u>	\$23,852	\$15,000	\$18,750
TOTAL CAPITAL EXPENDITURES FOR ELECTRIC DEPARTMENT	-\$694,238	\$920,500	\$1,691,500

CAPITAL EXPENDITURES - Water Department

	<u>FY2021 ACTUAL</u>	<u>FY2022 PROJECTED</u>	<u>FY2023 BUDGET</u>
<u>SOURCE OF SUPPLY</u>			
8310/Land and Land Rights	\$0	\$0	\$15,000
8311/Structures & Improvements	\$0	\$0	\$375,000
8314/Wells and Springs	\$0	\$0	\$25,000
Total Source of Supply	\$0	\$0	\$415,000
<u>PUMPING PLANT</u>			
8320/Land and Land Rights	\$0	\$0	\$0
8321/Structures & Improvements	\$0	\$0	\$0
8325/Electric Pumping Equipment	<u>\$22,333</u>	<u>\$100,000</u>	<u>\$200,000</u>
Total Pumping Plant	\$22,333	\$100,000	\$200,000
<u>DISTRIBUTION</u>			
8340/Land and Land Rights	\$0	\$0	\$0
8342/Reservoirs & Standpipes	\$0	\$0	\$0
8343/Transmission & Distribution Mains	\$727,958	\$500,000	\$3,600,000
8346/Meters	\$6,156	\$15,000	\$15,000
8348/Fire Hydrants	<u>\$608</u>	<u>\$25,000</u>	<u>\$25,000</u>
Total Distribution	\$734,722	\$540,000	\$3,640,000
<u>GENERAL PLANT</u>			
8395/Laboratory Equipment	\$0	\$0	\$0
4389/Land and Land Rights (25%)	-\$25,827	\$0	\$0
4390/Structures & Improvements (25%)	\$23,794	\$7,250	\$6,250
4391/Office Furniture & Equipment (25%)	\$10,140	\$27,500	\$20,000
4392/Transportation Equipment (25%)	\$28,166	\$61,250	\$65,500
4394/Tools, Shop & Garage Equip (25%)	\$65	\$1,250	\$1,250
4396/Power Operated Equipment (25%)	\$1,445	\$0	\$67,500
4397/Communication Equipment (25%)	<u>\$64</u>	<u>\$1,250</u>	<u>\$3,750</u>
Total General Plant	\$37,848	\$98,500	\$164,250
<u>CAPITAL EXPENDITURES/FIBER (25%)</u>	\$3,588	\$5,000	\$6,250
TOTAL CAPITAL EXPENDITURES FOR WATER DEPARTMENT	\$798,492	\$743,500	\$4,425,500

RESTRICTED ELECTRIC RESERVE PROJECTS

	FY2022	FY2023	FY2024
<u>Electric Transmission (138kV)</u>			
3353/Station Equipment			
-Spare Alfermann 138kV Breaker	\$0	\$60,000	\$0
4353/Station Equipment			
- Spare Alfermann 34kV Breaker	\$0	\$40,000	\$0
- Spare Alfermann 69kV Breaker	\$0	\$40,000	\$0
4362/Station Equipment			
-Substation Transformer	\$0	\$0	\$600,000
4366/Underground Conduit			
-Phase 1 Underground in East Side (Aintree/Steeplechase Loops)	\$0	\$190,000	\$0
-Phase 2 N. Pine Street Electric Improvements	\$0	\$125,000	\$0
-Phase 3, 9th Street Underground	\$0	\$300,000	\$0
4367/Underground Conductors & Devices			
-Phase 1 Underground East Side (Aintree/Steeplecase Loops)	\$0	\$110,000	\$0
-Phase 2 N. Pine Street Electric Improvements	\$0	\$275,000	\$0
-Phase 3, 9th Street Underground	\$0	\$400,000	\$0
4368/Line Transformers			
-Phase 1 Underground East Side (Aintree/Steeplechase Loop)	\$0	\$100,000	\$0
-Phase 2 Pine Street Improvements	\$0	\$150,000	\$0
-Phase 3, 9th Street Underground	\$0	\$500,000	\$0
4370/Meters			
- Automated Meter Reading	\$0	\$0	\$1,200,000
4390/Structures & Improvements			
- Service Department Equipment Storage (9,500 sq. ft.)	\$0	\$0	\$700,000
- Service Department Equipment Shop (5,000 sq. ft.)	\$0	\$0	\$500,000
- Service Department Equipment Office Addition (15,000 sq. ft.)	\$0	\$0	\$6,000,000
5365/Fiber Overhead Cable Expansion			
-Phase 2 N. Pine Street Electric Improvements	\$0	\$140,000	\$60,000
	\$0	<u>\$50,000</u>	\$0
TOTAL PROJECT EXPENSES	\$0	\$2,480,000	\$9,060,000

**American Rescue Plan Act of 2021 (ARPA)
Competitive Funding for Water Infrastructure Projects**

<u>Water Infrastructure Projects</u>		\$8,800,000
- N. Bishop	\$1,100,000	
- S. Bishop	\$2,600,000	
- Hwy 72	\$2,500,000	
- 10th Street	\$1,000,000	
- Hypoint Well #1&2	\$1,500,000	
- Lead Service Line Identification	<u>\$100,000</u>	
	TOTAL*	\$8,800,000

<u>Water Infrastructure Projects - Funding</u>		
ARPA Grant	\$5,000,000	
20% RMU Match	<u>\$1,125,000</u>	
		\$6,125,000

*Based on final grant money received, RMU staff will shortlist projects to match funding
Planned funding for 20% match will come from water reserves

UNFUNDED BUDGET REQUESTS

ADMINISTRATIVE

\$0

SERVICE DEPARTMENT

\$4,235,000

Equipment/Facilities

- Hy Point #1 Wellhouse Building	\$500,000
- Leak Detection Equipment	\$350,000
- Overhead Line Coverup	\$200,000
- Add'l Undergrounding	\$1,000,000
- Physical Security Improvements	\$1,000,000
- Cyber Security Improvements	\$300,000
- Outage management System	\$75,000
-Short Term Load Forecast Tool	\$60,000
- Fiber to Home/Business	\$500,000
- Boring Machine	\$250,000

**TOTAL UNFUNDED
BUDGET REQUESTS**

\$4,235,000

Rolla Municipal Utilities
CAPITAL EXPENDITURES - FY22 Budget & Projected and FY23 Budget
 As of March 7, 2022

	FY22 Cap Exp Budget			FY22 Cap Exp Projected			FY23 Cap Exp Budget		
	Item \$	Acct Total	TOTALS	Item \$	Acct Total	TOTALS	Item \$	Acct Total	TOTALS
ELECTRIC DEPARTMENT									
ELECTRIC TRANSMISSION (138 kV)									
3350 Land & Land Rights		\$0			\$0			\$0	
3353 Station Equipment		\$85,000			\$0			\$0	
- Transformer Testing/Maintenance	\$85,000						\$0		
3355 Poles and Fixtures		\$0			\$0			\$0	
3356 Overhead Conductors		\$0			\$0			\$0	
3370 Meters		\$0			\$0			\$0	
Total Electric Transmission (138 kV)		\$85,000			\$0			\$0	
ELECTRIC SUB-TRANSMISSION (34.5 kV)									
4350 Land & Land Rights		\$0			\$0			\$0	
4353 Station Equip - 34KV		\$0			\$0			\$0	
4355 Poles and Fixtures		\$20,000		\$15,000			\$50,000		
4356 Overhead Conductors		\$10,000			\$0		\$50,000		
4357 Underground Conductors & Devices		\$20,000			\$0		\$0		
4358 Underground Conduit		\$0			\$0		\$0		
Total Electric Sub-Transmission (34.5 kV)		\$50,000			\$15,000			\$100,000	
ELECTRIC DISTRIBUTION									
4360 Land and Land Rights		\$0			\$0			\$0	
4361 Structures and Improvements		\$0			\$0			\$0	
4362 Station Equipment		\$95,000		\$20,000			\$125,000		
- SCADA Scout Upgrades	\$10,000			\$0			\$10,000		
- Regulator Refurbish	\$15,000			\$0			\$20,000		
- Set of Regulators	\$50,000			\$0			\$75,000		
- Miscellaneous	\$20,000			\$20,000			\$20,000		
4364 Poles, Towers and Fixtures		\$125,000			\$75,000		\$100,000		
4365 Overhead Conductors		\$80,000			\$50,000		\$80,000		
4366 Underground Conduit		\$75,000			\$75,000		\$75,000		
4367 Underground Conductors & Devices		\$100,000			\$50,000		\$75,000		
4368 Line Transformers		\$200,000			\$200,000		\$500,000		
4369 Services		\$10,000			\$10,000		\$10,000		
4370 Meters		\$1,000,000			\$5,000		\$5,000		
4372 Rental Property; Customer Premises		\$2,000			\$0		\$0		
4373 Streetlighting & Signal Systems		\$200,000			\$100,000		\$100,000		
7344 Generators		\$20,000			\$10,000		\$10,000		
7345 Accessory Electric Equipment		\$0			\$0		\$0		
7346 Misc Power Plant Equipment		\$0			\$0		\$0		
7362 Station Equipment & Transformers		\$0			\$0		\$0		
Total Electric Distribution		\$1,907,000			\$595,000			\$1,080,000	
GENERAL PLANT									
4389 Land & Land Rights		\$0			\$0			\$0	
4390 Structures & Improvements		\$410,000		\$29,000			\$25,000		
- Tucker Bldg HVAC	\$10,000			\$0			\$0		
- Office Elevator Controls	\$0			\$4,000			\$0		
- Access Controls	\$60,000			\$0			\$0		
- Gate Operator(s)	\$65,000			\$0			\$0		
- Secure Front Counter	\$250,000			\$0			\$0		
- Miscellaneous	\$25,000			\$25,000			\$25,000		
4391 Office Furniture and Equipment		\$75,000			\$110,000		\$80,000		
- Networking Equipment	\$20,000			\$20,000			\$20,000		
- MC3-LITE (ITRON)				\$25,000			\$0		
- SCADA Updates	\$35,000			\$45,000			\$40,000		
- Miscellaneous	\$20,000			\$20,000			\$20,000		
4392 Transportation Equipment		\$398,000			\$245,000		\$262,000		
- Truck #16	\$32,000			\$0			\$36,000		
- Truck #32	\$32,000			\$0			\$36,000		
- Truck #29	\$39,000			\$0			\$39,000		
- Truck #34	\$45,000			\$0			\$44,000		
- Truck #10	\$250,000			\$240,000			\$0		
- Truck #4				\$0			\$36,000		
- Truck #19				\$0			\$36,000		
- Reel Trailer				\$5,000			\$0		
- Air Brake Trailer				\$0			\$20,000		
- Reel Trailer				\$0			\$15,000		
4394 Tools and Shop Equipment		\$10,000			\$5,000		\$5,000		
- IR Camera									
- Miscellaneous	\$10,000			\$5,000			\$5,000		
- Battery Operated Crimpers									
4395 Laboratory Equipment		\$0			\$0		\$0		
4396 Power Operated Equipment		\$0			\$0		\$270,000		
- Vacuum Trailer							\$100,000		
- Backhoe		\$0		\$0			\$170,000		
4397 Communication Equipment		\$15,000			\$5,000		\$15,000		
- Truck Radio Base Station	\$15,000						\$15,000		
Total General Plant		\$908,000			\$394,000			\$657,000	
Total Electric Department		\$2,950,000			\$1,004,000			\$1,837,000	

(continued)

(continued)

	FY22 Cap Exp Budget			FY22 Cap Exp Projected			FY23 Cap Exp Budget		
	Item \$	Acct Total	TOTALS	Item \$	Acct Total	TOTALS	Item \$	Acct Total	TOTALS
Total Electric Department (see pg 1)			\$2,950,000			\$1,004,000			\$1,837,000
FIBER DEPARTMENT									
5360 Land & Land Rights		\$0			\$0			\$0	
5361 Structures & Improvements		\$0			\$0			\$0	
5362 Station Equipment		\$15,000			\$5,000			\$10,000	
5364 Poles, Towers & Fixtures		\$0			\$0			\$0	
5365 Overhead Cable		\$30,000			\$10,000			\$10,000	
5366 Underground Conduit		\$2,000			\$5,000			\$5,000	
5367 Underground Cable		\$0			\$0			\$0	
5369 Services		\$0			\$0			\$0	
Total - Fiber Department			\$47,000			\$20,000			\$25,000
WATER DEPARTMENT									
SOURCE OF SUPPLY									
8310 Land and Land Rights		\$15,000			\$0			\$15,000	
- Woodcrest Well	\$15,000						\$15,000		
8311 Structures & Improvements		\$350,000			\$0			\$375,000	
- HYPOINT Well House #1	\$325,000						\$350,000		
- Miscellaneous	\$25,000			\$0			\$25,000		
8314 Wells and Springs		\$25,000			\$0			\$25,000	
-Woodcrest Well	\$25,000						\$25,000		
PUMPING PLANT									
8320 Land & Land Rights		\$0			\$0			\$0	
8321 Structures & Improvements		\$0			\$0			\$0	
8325 Electric Pumping Equipment		\$150,000			\$100,000			\$200,000	
- Well pump replacements	\$150,000			\$100,000			\$200,000		
DISTRIBUTION									
8342 Distribution Reservoirs and Standpipes		\$0			\$0			\$0	
8343 Transmission & Distribution Mains		\$600,000			\$600,000			\$3,600,000	
- Normal main replacement	\$600,000			\$600,000			\$600,000		
-MO State Budget Appropriation							\$3,000,000		
8346 Meters		\$20,000			\$15,000			\$15,000	
8348 Fire Hydrants		\$25,000			\$25,000			\$25,000	
GENERAL PLANT									
8395 Laboratory Equipment		\$0			\$0			\$0	
Total - Water Department			\$1,185,000			\$740,000			\$4,255,000
			FY22 BUDGET \$4,182,000			FY22 PROJECTED \$1,764,000			FY23 BUDGET \$6,117,000

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**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Darin Pryor

ACTION REQUESTED: Ordinance

Final Reading

ITEM/SUBJECT: Sewer User Ordinance – Industrial Pretreatment

BUDGET APPROPRIATION:

DATE: 08/15/22

COMMENTARY:

City staff received notification from the Missouri Department of Natural Resources (MDNR) in 2018 that we would be required to update our pretreatment program due to Hartmann US being an EPA designated categorical pretreatment industry. This update required us to bring our sewer user ordinance concerning pretreatment into compliance with the 2005 EPA amendments to the general pretreatment regulations, evaluate our wastewater system for possible local limits on industrial discharges, update our enforcement response plan, and conduct surveys of the entire city for other possible significant industrial users. The surveys were conducted in 2018/2019 and no additional significant industrial users were found. The local limits evaluation was completed in early 2022 and this new proposed ordinance establishes local limits for 15 national pollutants of concern. The local limits protects our ability to land apply bio-solids produced at our wastewater plants. The proposed revisions to our sewer user ordinance and enforcement response plan were put on public notice by the MDNR on May 13th, 2022. This notice was posted at city hall, on the MDNR website, and in the Phelps County Focus. No comments were received during the 30 day comment period. On July 6th, 2022 staff received a letter from MDNR approving our proposed updates to our pretreatment program.

Staff is requesting the final reading of the ordinance to repeal the current pretreatment ordinance and replace with the revised pretreatment ordinance approved by MDNR.

ITEM NO. _____ III.A.1

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTIONS 35-194 THRU 35-275 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS 35-194 THRU 35-275 IN LIEU THEREOF RELATING TO PRETREATMENT FOR INDUSTRIAL WASTEWATER USERS .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: That the entirety of Sections 35-194 thru 35-275 of the Code of the City of Rolla, Missouri, pertaining to Pretreatment for Industrial Wastewater Users are hereby repealed.

Section 2: That Sections 35-194 thru 35-275 of the Code of the City of Rolla, Missouri, pertaining to Pretreatment for Industrial Wastewater Users is hereby amended by adding the following:

ARTICLE XIV PRETREATMENT FOR INDUSTRIAL WASTEWATER USERS

Section 35-194 PURPOSE AND POLICY

This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Rolla and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (10 CSR 20-6.100(2); 40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatmentworks;
- (c) To protect both publicly owned treatment works personnel from injury who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (f) 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 publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of 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.

Section 35-195 ADMINISTRATION

Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to other City personnel.

Section 35-196 ABBREVIATIONS

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

- AHL – Allowable Headworks Loading
- BMP- Best Management Practices
- BOD -Biochemical Oxygen Demand
- CFR -Code of Federal Regulations
- COD -Chemical Oxygen Demand
- CSR –Code State Regulations
- EPA -U.S. Environmental Protection Agency
- gpd -gallons per day
- IU – Industrial User
- MAHL -Maximum Allowable Headworks Loading
- MAIL –Maximum Allowable Industrial Loading
- mg/l -milligrams per liter
- NPDES-National Pollutant Discharge Elimination System
- POTW-Publicly owned treatment works
- RCRA -Resource Conservation and Recovery Act
- SIC -Standard Industrial Classification
- SIU – Significant Industrial User
- SNC – Significant Non-Compliance
- TSS -Total Suspended Solids
- U.S.C. -United States Code

Section 35-197 DEFINITIONS

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

(a) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

(b) Allowable Headworks Loading (AHL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks that should not cause a POTW to violate a particular treatment plant or environmental criterion. AHLs are developed to prevent interference or pass through.

(c) Approval Authority. State of Missouri.

(d) Authorized Representative of the User.

1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs

similar policy or decision-making functions for the corporation; or

- (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second- quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- 2) If the user is a partnership or sole proprietorship:

A general partner or proprietor, respectively.

- 3) 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.

- 4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.

- (e) 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° centigrade, usually expressed as a concentration (e.g., mg/l).
- (f) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (g) 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. § 1317) which apply to a specific category of users and which appear in 10 CSR 406-471; 10 CSR 20-6.300(4)(C); 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (h) City. The City of Rolla.
- (i) Control Authority. The City of Rolla
- (j) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (k) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (l) **Grab Sample.** A sample which 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.
- (m) **Headworks.** The point at which wastewater enters a wastewater treatment plant. The headworks may consist of bar screens, comminutors, a wet well or pumps.
- (n) **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (o) **Instantaneous Maximum Allowable Discharge 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.
- (p) **Interference.** A discharge, which 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 there under, or any more stringent State or local regulations: Section 405 of the 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.
- (q) **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).
- (r) **Maximum Allowable Industrial Loading (MAIL).** The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled waste and growth allowance.
- (s) **Maximum Allowable Headworks Loading (MAHL).** The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the AHLs (see definition) estimated for a pollutant.
- (t) **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.
- (u) **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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- i (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- ii (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
- iii (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.

(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 35-194 (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

- i. (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - 1. (i) any placement, assembly, or installation of facilities or equipment; or
 - 2. (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
- ii. (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

- (v) **Noncontact Cooling Water.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product..
- (w) **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.
- (x) **Person.** Any individual, partnership, copartnership, 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.
- (y) **pH.** Measure of the acidity or alkalinity of a solution, expressed in standard units (SU).
- (z) **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)
- (aa) **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.
- (bb) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (cc) **Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (dd) **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 35- 198 of this ordinance.
- (ee) **Publicly owned treatment works or POTW.** A "treatment Works," as defined by Section 212 of the Act (33 U.S.C. § 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.
- (ff) **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (gg) **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)
- (gg) **Significant Industrial User.**
 - a. A user subject to categorical pretreatment standards; or
 - b. A user that:
 - i. (a) 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. (b) 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. (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

c. Upon finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

- (hh) Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 35-198 of this ordinance.
- (ii) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (jj) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (kk) 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, or a duly authorized representative.
- (ll) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (mm) User or Industrial User. A source of indirect discharge.
- (nn) 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.
- (oo) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord, 3183)

Section 35-198 PROHIBITED DISCHARGE STANDARDS

(a) 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.

(b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(l) 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° F (60°C) using

the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment

(3) ;Sewer surcharge is applied in conjunction with the standard sewer discharge for BOD (250 mg/L) or TSS (300 mg/L) exceeds the limits established in the Sewer Use Ordinance. The surcharge shall be in effect until the allocated portion of the MAIL value in Section 35-200 for a user is exceeded and when industrial IUs discharge in excess of a Local Limit in their permit, they are subject to enforcement action.

(4) 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- and one-half inches (1.5") or three and eighty one, one hundredth centimeters (3.81 cm) in any dimension. Sanitary Sewer surcharge means the charge imposed herein for the discharge of user's discharge of biochemical oxygen demand and suspended solids into the City's sewer system;

(5) 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;

(6) Wastewater having a temperature greater than 140°F (60 °C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(8) 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; Trucked or hauled pollutants, except at discharge points designated by the Public Works Director in accordance with Section 35-206 of this ordinance;

(9) 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;

(10) Wastewater which imparts color: 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;

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

(12) 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 Works Director;

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

(14) Medical wastes, except as specifically authorized by the Public Works Director in a wastewater discharge permit;

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

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l; or

(18) 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 one hundred percent (100%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

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.

Section 35-199 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

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 may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (1) To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - b. 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;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, 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;

- d. 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
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Public Works Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph Section 35-199(1)a. of this Section. Upon notification of a revised production rate, the Public Works Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs Section 35-199(1a) of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Public Works Director:
- a. 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 or the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. 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 35-202. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.
- (4) The Public Works Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Works Director.
- (5) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Public Works Director within two (2) business days after the User has a reasonable basis to

know that the production level will significantly change within the next calendar month. Any User not notifying the Public Works Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

a. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

b. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

Section 35-200 LOCAL LIMITS

In addition to the prohibitions of Section 35-198, no user shall discharge any wastewater containing toxic pollutants that exceed specific local standards to the extent that said local standards are more stringent than State or Federal standards, requirements, or limitations. Specific local standards shall be developed for all SIUs and other users, as appropriate, by the Public Works Director by allocating between those users the total allowable industrial pollutant loads as determined by plant headworks calculations.

(a) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5

(b) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Table:

Pollutants	Maximum Daily Limits MAIL (Lbs) ¹
Silver (Ag)	0.59
Arsenic (As)	0.47
Cadmium (Cd)	0.10
Cyanide (CN)	0.189
Chromium (Cr)	10.72
Copper (Cu)	2.79
Mercury (Hg)	0.03
Molybdenum (Mo)	0.41
Nickel (Ni)	2.85
Lead (Pb)	0.59
Selenium (Se)	0.19
Zinc (Zn)	22.60
Conventional Pollutant²	
Ammonia as N	366
BOD ₅	1510
TSS	954
pH (SU)	6.0-9.0 ³
Temperature	140°F ⁴
Oil and Grease	100 mg/L

¹The Local Limits are mass based and a mass allocation method for distributing mass to each CIU/SIU/IU will be used for those in need of an allocation. These mass-based limits are to be applied to those industries requiring a limit and the industries must have the ability to meter their discharge flow.

²BOD and TSS discharges must not exceed the Sewer Use Ordinance 35-125(a) and/or (b) are surcharge limits until the maximum allocated CIU/SIU mass limit is reached.

³pH is not to be averaged and is expressed in standard units (SU).

⁴Temperature is not to be averaged and expressed in Fahrenheit.

Section 35-201 CITY'S RIGHT OF REVISION

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

Section 35-202 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 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.

Section 35-203 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 35-198 of this ordinance within the time limitations specified by EPA, the State, or the Public Works Director, whichever time limitation 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 for review, and shall be acceptable to the Public Works Director 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.

Section 35-204 ADDITIONAL PRETREATMENT MEASURES

(a) Whenever deemed necessary, the Public Works Director 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(b) The Public Works Director 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. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, 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 type and capacity approved by the Public Works Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 35-205 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two (2) years, the Public Works Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Public Works Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Public Works Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemical,

(c) Procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by Section 35-227 of this ordinance; and

(d) 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 plan 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.

Section 35-206 HAULED WASTEWATER

(a) Septic tank waste may be introduced into the POTW only at locations designated by the Public Works Director, and at such times as are established by the Public Works Director. Such waste shall not violate Section 35-198 of this ordinance or any other requirements established by the City. The Public Works Director may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The Public Works Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Public Works Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Public Works Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the Public Works Director. No load may be discharged without prior consent of the Public Works Director. The Public Works Director may collect samples of each hauled load to ensure compliance with applicable standards. The Public Works Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

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, and whether any wastes are RCRA hazardous wastes.

(d) Section 35-207 WASTEWATER ANALYSIS

When requested by the Public Works Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The city engineer is authorized to prepare a form for this purpose and may periodically require users to update this information.

Section 35-208 WASTEWATER DISCHARGE PERMIT REQUIREMENT

(a) No significant industrial user shall discharge wastewater into the POTW without first

obtaining a wastewater discharge permit from the Public Works Director, except that a significant industrial user that has filed a timely application pursuant to Section 35-209 of this ordinance may continue to discharge for the time period specified therein.

(b) The Public Works Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 35-239 through 35-255 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Section 35-209 WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS

Any user required to obtain a 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 ninety (90) days after said date, apply to the Public Works Director for a wastewater discharge permit in accordance with Section 35-21 I of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Public Works Director.

Section 35-210 WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS

Any user required to obtain a 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 wastewater discharge permit, in accordance with Section 35-21 I of this ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

Section 35-211 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

All users required to obtain a wastewater discharge permit must submit a permit application. The Public Works Director may require all users to submit as part of an application the following information:

- (a) All information required by Section 35-222(b) of this ordinance;
- (b) Description of activities, facilities, and plant processes on the premises, including 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;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation.
- (d) Each product produced by type, amount, process or processes, and rate of

- production.
- (e) Type and amount of raw materials processed (average and maximum per day);
 - (f) 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.
 - (g) Time and duration of discharges; and
 - (h) Any other information as may be deemed necessary by the Public Works Director to evaluate the wastewater discharge permit application.

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

Section 35-212 APPLICATION SIGNATORIES AND CERTIFICATION

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

Section 35-213 WASTEWATER DISCHARGE PERMIT DECISIONS

The Public Works Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Public Works Director will determine whether or not to issue a wastewater discharge permit. The Public Works Director may deny any application for a wastewater discharge permit.

Section 35-214 WASTEWATER DISCHARGE PERMIT DURATION

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

Section 35-215 WASTEWATER DISCHARGE PERMIT CONTENTS

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Public Works Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to

the POTW.

(a) Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years not more than five;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 35-218 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) 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.
- (6) Requirements to control Slug Discharge, if determined by the Public Works Director to be necessary

(b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) 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;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the 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 wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Section 35-216 WASTEWATER DISCHARGE PERMIT APPEALS

The Public Works Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Public Works Director to reconsider the terms of a wastewater discharge permit within sixty (60) 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 wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

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

(d) If the Public Works Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the municipal court for the twenty fifth Judicial Circuit Court of Missouri within ninety (90) calendar days of the Notice of Issuance.

Section 35-217 WASTEWATER DISCHARGE PERMIT MODIFICATION

The Public Works Director may modify a 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 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 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 wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- Note: Modification for this purpose may not be allowed unless the permit is transferable as provided in Section 33-218

Section 35-218 WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Public Works Director and the Public Works Director approves the wastewater discharge permit transfer. The notice to the Public Works Director must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

Section 35-219 WASTEWATER DISCHARGE PERMIT REVOCATION

The Public Works Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Public Works Director of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Public Works Director of changed conditions pursuant to Section 35-226 of this ordinance;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application,

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the Public Works Director timely access to the facility premises and records;

- (g) Failure to meet effluent limitations;
- (h) Failure to pay penalties;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

Section 35-220 WASTEWATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 35-211 of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

Section 35-221 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

- a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Public Works Director shall enter into an inter-municipal agreement with the contributing municipality.
- b) Prior to entering into an agreement required by paragraph A, above, the Public Works Director shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Public Works Director may deem necessary.
- c) An inter-municipal agreement, as required by paragraph a), above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are

at least as stringent as those set out in Section 35-222 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Rolla's ordinance or Local Limits;

- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Public Works Director and which of these activities will be conducted jointly by the contributing municipality and the Public Works Director;
- (4) A requirement for the contributing municipality to provide the Public Works Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Public Works Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Public Works Director; and
- (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

Section 35-222 BASELINE MONITORING REPORTS

(a) 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 users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Public Works Director 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.

(b) Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

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

(3) Description of Operations. A brief description of the nature, average 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.

(4) 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 40 CFR 403.6(e).

(5) Measurement of Pollutants. All analysis must be 40 CFR 136 compliant.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) 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, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 35-222 of this ordinance.

(c) Sampling must be performed in accordance with procedures set out in Section 35-222 of this ordinance.

(6) Certification. A statement, reviewed by the user's authorized representative 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.

(7) Compliance Schedule. If additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 35-223 of this ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 35-212 of this ordinance.

Section 35-223 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 35-222(b)(7) of this ordinance:

(a) 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);

(b) No increment referred to above shall exceed nine (9) months;

(c) 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 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

(d) In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director.

Section 35-224 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 a report containing the information described in Section 35-222(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), 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 35-212 of this ordinance.

Section 35-225 PERIODIC COMPLIANCE REPORTS

(a) All significant industrial users shall, at a frequency determined by the Public Works Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows 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 the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 35-212 of this ordinance.

(b) All periodic compliance reports must be signed and certified in accordance with this ordinance.

- (c) 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.
- (d) 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 Director, using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

Section 35-226 Reports of Changed Conditions

Each user must notify the Public Works Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The Public Works Director 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 35-211 of this ordinance.

(b) The Public Works Director may issue a wastewater discharge permit under Section 35-213 of this ordinance or modify an existing wastewater discharge permit under Section 35-217 of this ordinance in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

Section 35-227 Reports of Potential Problems

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine episodic nature, a noncustomary batch discharge, or a slug discharge or slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Public Works Director 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.

(b) Within five (5) days following such discharge, the user shall, unless waived by the Public Works Director, 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 may be incurred as a result of damage to the POTW, natural resources, or any other damages 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. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a),

above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(c) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 35-228 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require.

Section 35-229 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicated a violation, the user must notify the Public Works Director 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 within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Public Works Director monitors at the user's facility at least once a month, or if the Public Works Director samples between the user's initial sampling and when the user receives the results of this sampling.

Section 35-230 Notification of the Discharge of Hazardous Waste

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 35-226 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section 35-222, 35-224, and 35-224 of this ordinance. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15)

kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(b) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Public Works Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

(d) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Section 35-231 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, 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, sampling and analyses must be performed in accordance with procedures approved by EPA.

Section 35-232 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. The monitoring frequency shall be twice per year with one sample being in January-June and second sample to be in July-December.

A. Except as indicated in Section B and C 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. 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.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in [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 may authorize a lower minimum. For the reports required by this ordinance. (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.

Section 35-233 Timing

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.

Section 35-234 Record Keeping

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 35-200. 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 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.

Section 35-235 (Reserved)

Section 35-236 Refused Access

If the Public Works Director 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, then the Public Works Director may proceed as outlined in Sec. 35-245 and immediately suspend the user's discharge.

Section 35-237 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Public Works Director's 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, 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. 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 by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 3183)

Section 35-238 Publication of Users in Significant Noncompliance

The Public Works Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, 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 this ordinance.

(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 this ordinance 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 discharge violation of a Pretreatment Standard or Requirement as defined by this ordinance (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Public Works Director believes 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 pollutants that have caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's 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 compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (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 the Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 3183)

(i) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Section 35-239 Notification of Violation

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon that user a written Notice of Violation. Within thirty (30) 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 user to the Public Works Director. Submission of this 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 to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. 3183)

Section 35-240 Consent Orders

The Public Works Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 35-242 and 35-243 of this ordinance and shall be judicially

enforceable. (Ord. 3183)

Section 35-241 Show Cause Hearing

The Public Works Director may order a user which has violated, or continues to violate, any provision of this ordinance, a 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. 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 of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 3183)

Section 35-242 Compliance Orders

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director 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 violations, 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. (Ord. 3183)

Section 35-243 Cease and Desist Orders

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a 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 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. (Ord. 3183)

Section 35-244 Administrative Penalties

(a) When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director, with City of Rolla Council approval, may penalize such user in an amount not to exceed five hundred dollars (\$500 per violation per day). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalties shall be assessed for each day during the period of violation.

(b) Unpaid charges and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one tenth percent (0.1%) of the unpaid balance, and interest shall accrue thereafter at a rate of three percent (3%) per month. A lien against the user's property will be sought for unpaid charges and penalties.

(c) Users desiring to dispute such penalties must file a written request for the Public Works Director to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. The City of Rolla Council will 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 City of Rolla Council may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 3183)

Section 35-245 Emergency Suspensions

The Public Works Director 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 reasonable 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 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.

(a) 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 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 user to recommence its discharge when the user has demonstrated to the satisfaction of the Public Works Director that the period of endangerment has passed, unless the termination proceedings in Section 35-246 of this ordinance are initiated against the user.

(b) 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 prior to the date of any show cause or termination hearing under Sections 35-241 or 35-246 of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 3183)

Section 35-246 Termination of Discharge

In addition to the provisions in Section 35-219 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Section 35-198 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 35-241 of this 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. (Ord. 3183)

Section 35-247 Injunctive Relief

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may petition the Municipal Court 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 wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Public Works Director 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. Section 35-248 Civil Penalties

(a) A user who has violated, or continues to violate, any provision of this ordinance, a 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 of five

hundred dollars (\$500) per violation, per day. 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.

(b) The Public Works Director 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.

(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstance, 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.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 35-249 Prosecution for Violations

(a) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be in violation of this chapter, punishable by a penalty of not more than five hundred dollars (\$500.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be in violation of this chapter and be subject to a penalty of at least five hundred dollars (\$500.00), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) 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, 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 subject to a penalty of not more than five hundred dollars (\$500.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(d) In the event of a second conviction, a user shall be subject to a penalty of not more than five hundred dollars (\$500.00) per violation, per day, or imprisonment for not more than one (1) year(s), or both.

Section 35-250 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Public Works Director 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 may take other action against any user when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant user.

Section 35-251 Performance Bonds

The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous 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 to be necessary to achieve consistent compliance.

Section 35-252 Liability Insurance

The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous 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.

Section 35-253 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

Section 35-254 Public Nuisances

A violation of any provision of this ordinance, a 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. Any person(s) creating a public nuisance shall be subject to the provisions of the Rolla City Code Chapter 28, Sections 28-1 thru 28-17 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Section 35-255 (Reserved)

Section 35-256 Upset

(a) For the purposes of this section, "upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the 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.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Public Works Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days.

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance;

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof;

(e) Users will have the opportunity for a judicial determination on an claim of upset only in an enforcement action brought of noncompliance with categorical pretreatment standards;

(f) 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.

Section 35-257 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 35-198(a) of this ordinance or the specific prohibitions in Section 35-198(b)(3) through 35-256(f) 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:

(a) 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

(b) 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.

Section 35-258 Bypass

13.3 Bypass

A. For the purposes of this Section

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) 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.

B. 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 of this Section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Public Works Director 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 may waive the written report on a case-by-case basis if the oral report has been received within twenty- four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Public Works Director may take an enforcement

- action against a User for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) 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
 - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

Section 35-259 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:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) 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 and penalties chargeable by the City.
- (f) 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.

Section 35-260 Severability

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

Section 35-261 Effective Date

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

Section 35-262 to 35-275 Reserved

Section 3: That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 15TH DAY OF AUGUST, 2022.

APPROVED:

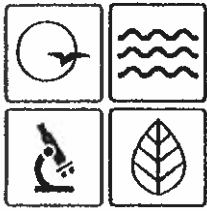
ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

July 6, 2022

Steve Hargis, P.E., Public Works Director
City of Rolla
P.O. Box 979
901 North Elm Street
Rolla, MO 65402

RE: Approval of Pretreatment Program Modifications, City of Rolla SE, Wastewater Treatment Facility, MO-0050562

Dear Steve Hargis:

Missouri State Operating Permit number MO-0050562 issued on March 1, 2019, is hereby modified as per the enclosed. This modification is to incorporate the changes to the approved pretreatment program modification (see the factsheet addendum in the modified permit).

The city of Rolla is adopting the U.S. Environmental Protection Agency's (EPA's) 2005 amendments to the federal General Pretreatment Regulation at 40 CFR 403. Modifications to the Article XIV, Pretreatment of its sewer use ordinance (SUO), and enforcement response plan (ERP) incorporate the revisions to a federal rule. The city modified Section 25-200, where no prior local limits were established, with new local limits as maximum allowable industrial loadings (MAILs) for 15 National Pollutants of Concern after completing a detailed reevaluation of local limit analysis that is part of this program modification. The city, additionally, updated the enforcement response plan (ERP) to improve the planning procedures and guide table with additional enforcement actions for specific types of violations.

Please read your permit and enclosed Standard Conditions. They contain important information on monitoring requirements, effluent limitations, sampling frequencies and reporting requirements.

This permit may include requirements with which you may not be familiar. If you would like the Missouri Department of Natural Resources to meet with you to discuss how to satisfy the permit requirements, an appointment can be set up by contacting the Central Field Operations Office at 573-840-9750. These visits are called Compliance Assistance Visits and focus on explaining the requirements to the permit holder.

This permit is both your Federal National Pollutant Discharge Elimination System Permit and your new Missouri State Operating Permit and replaces all previous State Operating Permits issued for this facility under this permit number. In all future correspondence regarding this facility, please refer to your State Operating Permit number and facility name as shown on page one of the permit.

III.A.41





**MISSOURI
DEPARTMENT OF
NATURAL RESOURCES
NOTICE OF INTENT TO APPROVE
PRETREATMENT PROGRAM MODIFICATION
CITY OF ROLLA
MO-0050652**

DATE: May 13, 2022

In accordance with the state Clean Water Law, Chapter 644, RSMo and the Federal Clean Water Act, the city of Rolla has an approved pretreatment program to meet the requirements of 40 CFR Part 403 and 10 CSR 20-6.100. The Missouri Department of Natural Resources (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 Article XIV, Pretreatment For Industrial Wastewater Users, 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 Department designated the City's pretreatment program modifications as substantial because the City modified Section 25-200, where no prior local limits were established, with new local limits as maximum allowable industrial loadings (MAILs) for 15 National Pollutants of Concern after completing a detailed reevaluation of local limit analysis that is part of this program modification. The City, additionally, updated the enforcement response plan (ERP) to improve the planning procedures and guide table with additional enforcement actions for specific types of violations. 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 Rolla, City Hall, Department of Public Works, 901 North Elm Street, PO Box 979, Rolla, 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: <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/wastewater/construction-engineering/pretreatment>

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: Pretreatment@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 , **June 13, 2022**. The Department 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 ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Discussion/Direction

SUBJECT: Text Amendment: Sections 42-141 Definitions; Division 5, R-3, Multi-family districts; Division 7, C-O, Office districts; Division 9, C-2, General Retail districts; Division 10, C-3 Highway Commercial districts; Division 11, CC, Center-City districts; 42-233 Reserved; 42-234 Residential Group Homes; 42-225 and 42-226 Reserved, pertaining to Homeless Shelters and related uses.

(TXT22-01)

MEETING DATE: August 15, 2022

Application and Notice:

Applicant - City of Rolla
Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>

Background:

The current zoning ordinance does not contemplate homeless shelters or related uses. Rolla does currently have a few organizations what may be considered to be a homeless shelter or a related use. Lacking clear direction on how to regulate the use, staff had difficulty with how to approach the uses. Consequently City Council authorized the drafting of a text amendment to bring some definition and structure to the issue of homeless shelters.

The proposed text amendment should bring some clarity as to how to regulate these uses. The text amendment defines the uses, permits the uses in certain zoning district by-right or with approval of a conditional use permit, and imposes some requirements for how the uses operate.

The desire for clearer regulations is related to the general increase in homelessness and related issues in Rolla. While the changes have been brought on by the recent desire for the Rolla Mission to relocate and/or increase their services, review should consider that other organizations may seek to provide such services.

The City Council conducted a public hearing to receive input at the June 20, 2022 meeting and at the July 5, 2022 meeting. The Council tabled further discussions to allow for time to consider the proposal. The Council directed staff in closed session on July 18, 2022 to make some revisions to the proposed text amendment and create a draft ordinance for further discussion.

The revisions did impact a portion of the zoning code which was not included in the original public notice. The City Council will need to conduct another public hearing, planned for the September 6, 2022 meeting date, before the ordinance readings may occur.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend that the original proposed text amendment not be approved by the City Council. No proposed amendments were offered. The Commission has not been asked to review the revised draft.

Action

City Council can amend the proposed text; or can postpone action for further consideration; or take no action at this time. A public hearing will be advertised for the September 6, 2022 City Council meeting if the Council chooses to proceed with the ordinance readings.

Prepared by:

Tom Coots, City Planner

Attachments:

Proposed Text Amendment; Draft Ordinance

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING EMERGENCY SHELTERS, OVERNIGHT SHELTERS, SOUP KITCHENS, AND TRANSITIONAL HOUSING.

WHEREAS, provisions for homeless shelters and related uses was not clearly indicated in the adopted zoning codes.

WHEREAS, these uses have the potential to cause adverse impacts to surrounding properties.

WHEREAS, the Rolla Planning and Zoning Commission did hold a public hearing following the provision of public notice pursuant to Section 42-143 and applicable state statutes. The Commission voted to recommend the City Council not approve the text amendment as proposed at the time; and

WHEREAS, the Rolla City Council did hold a public hearing(s); and

WHEREAS, based on the testimony received, evidence provided, reports from city staff, the Rolla City Council did find that the requested action is in the best interest of the city:

NOW, THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

SECTION 1: Section 42-141 “Definitions,” is hereby amended to add the following definitions:

Emergency Shelter: A facility, building, or property where temporary housing services are provided to persons impacted by a publicly declared emergency or a natural disaster, at no cost, whether or not other related services are provided at the location. Such use may be permitted in any location needed to provide relief for the emergency or natural disaster.

Overnight Shelter: A facility, building, or property where overnight housing services are provided temporarily to persons impacted by temporary or chronic homelessness, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location. Such use shall not include any of the following:

- (a) Residential group homes;
- (b) Temporary lodging for families of patients, or patients themselves, of state-licensed health facilities within Phelps County;
- (c) University or educational institution residence halls;
- (d) Fraternity or sorority houses;
- (e) State and city licensed nursing homes and day care centers;
- (f) Foster homes licensed under Chapter 210, RSMo.;
- (g) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (h) Emergency shelters related to relocation and are available during or after a fire or natural disaster for a limited duration;
- (i) Food pantries and distribution
- (j) Hotels, motels, boarding houses, and other similar forms of lodging

Transitional housing: A multi-family residential use intended to provide temporary housing for persons who have been impacted by homelessness, incarceration, or rehabilitation, generally for longer than 30 days at any

one time for individual residents, intended to provide interim stability and support to enable individuals to transition into permanent housing, and is not classified as a group home. Transitional housing is differentiated from overnight shelters by criteria such as 1) the provision of housing for generally greater than 30 days, 2) less tenant turn-over, 3) separate dwelling units, 4) and leases or occupancy agreements, similar to a residential rental unit.

Soup kitchen: An establishment where meals are provided to a person or persons at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals and related services is the principal service of the establishment, whether or not additional services are provided. A soup kitchen is differentiated from a restaurant or food service establishment by providing services for no cost or for less than the cost of providing the services and provision of related social services.

SECTION 2: Division 5 “R-3, Multi-family District” is hereby amended to add “Conditional Uses” as Section 42-177.2 and renumber accordingly. Section 42-177.2 and Section 42-177.3 are to be revised as needed to read as follows:

Sec. 42-177.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the R-3 zoning district.

1. Transitional Housing
2. Overnight Shelters

Sec. 42-177.3 Area Requirements.

Minimum size of lot:

- Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units.

Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and overnight shelters.

Lot frontage: 75 feet at front lot line.

Width: 75 feet at building line.

Maximum percentage of lot that may be occupied by buildings:

- All buildings: 40 percent.

Minimum open space per lot:

- Not less than twenty five (25) percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, parking areas, driveways, side walk, patio, accessory structures and internal streets. Open space shall contain living ground cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such as rock, bark, and mulch are also permitted.
- No open space shall be required on a lot if existing buildings and structures are replaced with new buildings and structures using the same floor area, provided a building permit for replacement is applied for within one (1) year after the existing buildings are removed. In addition, no open space is required if an existing use expands operations or is established in existing floor area that previously was unfinished or not otherwise available for occupancy.

Maximum height of buildings:

- Four stories and sixty-four feet.

Minimum setback dimensions:

- Front yard: 25 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.

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- Rear yard: 10 feet from the rear property line.

SECTION 3: Division 7 “C-O, Office District” is hereby amended to add “overnight shelters” to Section 42-183.1, line 1 as an excluded use.

SECTION 4: Division 9 “C-2, General Commercial District” is hereby amended to add “Overnight Shelters” and “Soup Kitchens” to Section 42-189.2 as a Conditional Use.

SECTION 5: Division 10 “C-3, Highway Commercial District”, Section 42-192.1, line 1 is hereby amended to read as follows:

1. Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts, except overnight shelters.

SECTION 6: Division 10 “C-3, Highway Commercial District”, is hereby amended to add “Overnight Shelters” and “Soup Kitchens” to Section 42-192.2 as a Conditional Use.

SECTION 7: Division 11 “CC, Center City District”, Section 42-194.1, line 1 is hereby amended to add “overnight shelters” as an excluded use.

SECTION 8: Division 11 “CC, Center City District” is hereby amended to add “Conditional Uses” as Section 42-192.2 and renumber accordingly. Section 42-192.2 and Section 42-192.3 are to be revised as needed to read as follows:

Sec. 42-192.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-C zoning district.

1. Overnight Shelters
2. Transitional Housing

Sec. 42.194.3. Area Requirements.

Minimum size of lot: No minimum

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and overnight shelters.

Lot frontage: No minimum

Width: No minimum.

Maximum percentage of lot that may be occupied by building footprint: 100 percent.

Maximum height of buildings: No maximum

Minimum setback dimensions:

- (a) Front yard: None
- (b) Each side yard: None
- (d) Rear yard: None

Minimum parking requirements: None, except for new construction where sufficient land area exists to allow the provision of adequate parking consistent with the requirements of this Article.

SECTION 9: Section 42-224 “Residential Group Homes” is to be renumbered as Section 42-223.

SECTION 10: Section 42-224 “Overnight Shelter Uses.” is hereby established as follows:

These Overnight Shelter requirements are intended to help mitigate the impacts of an overnight shelter use on public safety services and surrounding properties. Such facilities should generally be located such that clients will have access to jobs, counseling, and other resources for assistance. Any Overnight Shelter use must adhere to the following requirements:

1. No individual or family shall reside in an overnight shelter for more than 30 days without entering into case management to obtain housing. Generally, clients are not expected to reside on the premises for more than 6 months without demonstrating extenuating circumstances.
2. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures and tracking outcomes, and an outreach plan for surrounding property owners and residents.
3. A log of each person receiving temporary housing must be kept, including the person's name, last place of residence, and a photo of the person and/or their government issued identification. Such logs are to be submitted to the Rolla Police Department upon request.
3. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property for more than three (3) days.
4. Any facility providing overnight shelter services must be located a minimum of 1,000 feet from any other property operating an overnight shelter facility.
5. Unless specifically permitted as a family or youth shelter, overnight shelters must be located a minimum of 500 feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare.
6. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
7. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement if a crime is alleged or committed.
8. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
9. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide 30 days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.
10. An annual inspection fee of \$300 must be submitted prior to commencing operations and an annual inspection fee of \$100 must be submitted annually thereafter.

SECTION 11: Section 42-225 "Soup Kitchen Uses." is hereby established as follows:

These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup kitchen use. Such facilities should generally be located such that clients will have easy access by transit or walking. Any Soup Kitchen use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, and outreach plan for surrounding property owners and residents.
2. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.

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3. Security cameras are required at a minimum to film any persons using the building entrances.
4. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
5. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.

SECTION 12: Section 42-226 “Transitional Housing Uses.” is hereby established as follows:

Such facilities must be located a minimum of 500 feet from another transitional housing facility located on a separate property.

SECTION 13. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 14. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 19TH DAY OF SEPTEMBER 2022.

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

Proposed Homeless Shelter Zoning Code Amendments

(Note: underlined text is proposed new language; ~~struck text~~ is to be removed; text in RED are new revisions)

Sec. 42-141. Definitions.

Words found in the text or tables of this Article shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. The following terms are hereby defined:

Emergency Shelter: A facility, building, or property where temporary housing services are provided to persons impacted by a publicly declared emergency or a natural disaster ~~or for victims of domestic violence and unrelated by family to the provider~~, at no cost ~~or at a charge that is less than the full cost of providing the services~~, whether or not other related services are provided at the location. ~~Such use may be permitted in any location needed to provide relief for the emergency or natural disaster.~~

Overnight Shelter: A facility, building, or property where ~~year-round~~ overnight housing services are provided temporarily ~~(not to exceed 180 consecutive days)~~ to persons impacted by temporary or chronic homelessness ~~and unrelated by family to the provider~~, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location. Such use shall not include any of the following:

- (a) Residential group homes;
- (b) Temporary lodging for families of patients, or patients themselves, of state-licensed health facilities within Phelps County;
- (c) University or educational institution residence halls;
- (d) Fraternity or sorority houses;
- (e) State and city licensed nursing homes and day care centers;
- (f) Foster homes licensed under Chapter 210, RSMo;
- (g) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (h) Emergency shelters related to relocation and are available during or after a fire or natural disaster for a limited duration;
- ~~(i) Facilities for victims of domestic violence~~
- (j) Food pantries and distribution
- (k) ~~Hotels, motels, boarding houses, and other similar forms of lodging~~

Transitional housing: A multi-family residential use intended to provide ~~transitional~~ temporary housing for persons who have been impacted by homelessness, incarceration, or rehabilitation, generally for longer than 30 days ~~and up to six months~~ at any one time for individual residents, intended to ~~provide interim stability and support~~ to enable individuals to transition into permanent housing, and is not classified as a group home. ~~Transitional housing is differentiated from overnight shelters by criteria such as 1) the provision of housing for generally greater than 30 days, 2) less tenant turn-over, 3) separate dwelling units, 4) and leases or occupancy agreements, similar to a residential rental unit.~~

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Soup kitchen: An establishment where meals are provided to a person or persons unrelated by family to the provider at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals and related services is the principal service of the establishment, whether or not additional services are provided. A soup kitchen use may also include temporary overnight housing services are provided to persons impacted by temporary or chronic homelessness and unrelated by family to the provider during times of extreme weather conditions (i.e. overnight freezing conditions, extreme heat, thunderstorm or tornado warnings or watches). A soup kitchen is differentiated from a restaurant or food service establishment by providing services for no cost or for less than the cost of providing the services and provision of related social services.

	Zoning District					
	R-3, Multi- family	C-2 General Retail	C-3, Highway Commercial	C-C Center City	M-1, Light Mfg	M-2, Heavy Mfg
Overnight Shelter	C	C	C	C	P	P
Transitional Housing	C	X	X	C	X	X
Soup Kitchen	X	C	P	P	P	P
<i>P - Permitted by-right</i>		<i>X - Not Permitted</i>		<i>C - Conditional Use</i>		

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DIVISION 5. "R-3" MULTI-FAMILY DISTRICT

Sec. 42-177. Purpose of the Multi-family District.

The R-3 Multi Family District is intended to support apartment type development at a maximum density of twenty six (26) dwelling units per acre. Developments of this intensity should be established adjacent to and with vehicular access from collector or higher classified streets. Traffic circulation should be designed to minimize the impact on adjoining residential neighborhoods.

Sec. 42-177.1. Uses Permitted.

1. Uses and conditional uses permitted in any of the foregoing R-1 or R-2 Districts.
2. Boarding, rooming, and lodging houses.
3. Child care centers.
4. Multi-Family dwellings and apartment houses, including efficiency apartments.
5. Private parking areas.
6. Private clubs, lodges, fraternities, sororities, and dormitories.
7. Private schools and academies.
8. Trailers and mobile homes located in the R-3 Multi-Family District at the date this Article is enacted shall not be considered as non-conforming uses.

~~9. Emergency Shelters~~

Sec. 42-177.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the R-3 zoning district.

1. Transitional Housing
2. Overnight Shelters

Sec. ~~42-177.3~~ ~~42-177.2~~ Area Requirements.

Minimum size of lot:

- Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units.

Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and overnight emergency shelters.

Lot frontage: 75 feet at front lot line.

Width: 75 feet at building line.

Maximum percentage of lot that may be occupied by buildings:

- All buildings: 40 percent.

Minimum open space per lot:

- Not less than twenty five (25) percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, parking areas, driveways, side walk, patio, accessory structures and internal streets. Open space shall contain living ground cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such as rock, bark, and mulch are also permitted.

- No open space shall be required on a lot if existing buildings and structures are replaced with new buildings and structures using the same floor area, provided a building permit for replacement is applied for within one (1) year after the existing buildings are removed. In addition, no open space is required if an existing use expands operations or is established in existing floor area that previously was unfinished or not otherwise available for occupancy.

Maximum height of buildings:

- Four stories and sixty-four feet.

Minimum setback dimensions:

- Front yard: 25 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.
- Rear yard: 10 feet from the rear property line.

Sec. ~~42-177.4~~ 42-177.3 Separation and Access to Buildings.

All new development on parcels zoned R-3 Multi-Family District shall provide a minimum distance between all residential buildings of twelve (12) feet. All required driveways and parking areas shall be provided with a permanent dust-free paved surface and shall be constructed with curbs and gutters. Driveways shall be a minimum of sixteen (16) feet in width and no parking shall be allowed in the driveways. Driveways and buildings shall be located on the parcel in such a manner as to provide safe and convenient access for solid waste pick-up and emergency vehicles.

Sec. ~~42-177.5~~ 42-177.4 Buffer-Yard Requirements.

Whenever any development in an R-3 Multi-Family District is located adjacent to an R-1 Single Family District, a buffer-yard shall be provided in accordance with Section 42-230.6 and meeting the width and landscaping standards for a "Buffer-Yard A".

Sec. ~~42-177.6~~ 42-177.5 Site Plan Required.

All rezoning requests for R-3 Multi-Family District zoning for parcels one (1) acre in size or greater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1 (b) of the Planning and Zoning Code.

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DIVISION 7. "C-O" OFFICE DISTRICT

Sec. 42-183. Purpose of the Office District.

The C-O District is designed to be a restrictive district for low intensity office or professional uses to allow their location near any residential district without creating an adverse effect.

Sec. 42-183.1. Uses Permitted.

1. All uses and conditional uses permitted in any residential district, excluding veterinarian services, animal hospitals, customary agricultural activities, and overnight shelters.
2. Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:
 - a. Accountant, appraiser, architects, brokers, engineers, insurance agents, interior decorators, landscape architects, lawyers, realtors, travel agency and similar types of professional uses.
 - b. Artists, sculptors, photographers.
 - c. Authors, writers, composers.
 - d. Physicians, dentists, chiropractors, or other licensed medical practitioners, excluding facilities where significant diagnostic or out patient surgery is performed as normally associated with a clinic or hospital.
 - e. Teachers of private lessons in art, music or dance.
 - f. Museums, libraries, galleries and exhibit halls.
 - g. Administrative offices of a single organization or by a single professional organization or society.

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DIVISION 9. "C-2" GENERAL RETAIL DISTRICT

Sec. 42-189. Purpose of the General Retail District.

This District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops which depend upon high visibility, generate high traffic volumes or cater to the traveling public. The District is also intended for on-site production of hand crafted items in conjunction with retail sales. No un-screened outside display of merchandise is permitted, except where indicated. Commercial uses permitted in this District are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets.

Sec. 42-189.1. Uses Permitted.

- (1) Any use or conditional uses permitted in the foregoing C-1 District, including existing single-family and two-family residential uses.
- (2) Any conditional use permitted in the R-R District.
- (3) Athletic clubs.
- (4) Auto repair, body and paint shops, radiator repair.
- (5) Auto laundries or car/truck wash establishments.
- (6) Automobile sales and service, including tire sales, and rental of new or used vehicles (outside display permitted).
- (7) Automobile service stations or garages, including sales of petroleum products.
- (8) Automobile parts and accessory stores, including installation and repair.
- (9) Boat and marine sales and service.
- (10) Bowling alleys.
- (11) Cold storage and self or mini-storage facilities.
- (12) Drive-in, pick-up, and drive-through restaurants.
- (13) Funeral homes, excluding crematoriums.
- (14) Furniture and/or appliance stores (new and used), sales and service, including rentals.
- (15) Heating and air-conditioning sales and service, including customized sheet metal fabrication as an accessory activity.
- (16) Hotels and motels, and hotel apartments.
- (17) Medical equipment and supplies sales and rental.
- (18) Medical Marijuana Dispensary Facility.
- (19) Miniature golf courses and driving ranges.
- (20) Monument sales, retail dealers (outside display permitted).
- (21) Parking garages, commercial.
- (22) Pest control services.
- (23) Pet shops, animal hospitals, clinics and kennels.
- (24) Plumbing shops.
- (25) Printing, publishing, book binding, and photo-processing, including drive-through facilities.
- (26) Produce market, retail (outside display permitted).
- (27) Radio-TV. repair shops.
- (28) Recreation vehicle or mobile home sales or service (outside storage permitted).
- (29) Restaurant, on-site sales and consumption of alcoholic beverages permitted.

- (30) Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.
- (31) Retail establishments which provide supplies and/or services primarily to commercial and industrial customers, such as janitorial services, packaging and shipping service, locksmith services, lithographing and engraving, and blueprinting businesses.
- (32) Recording studios.
- (33) Second hand goods store and pawn shops.
- (34) Second hand or used car sales yard, not including wrecking and repairing (outside display permitted).
- (35) Skating rinks, swimming pools, gymnasiums, commercial.
- (36) Sporting goods sales.
- (37) Store and restaurant fixture sales.
- (38) Taxi and limousine transportation services.
- (39) Reserved. (Ord. 4470, §2)
- (40) Theaters, motion picture and performing arts.
- (41) Tobacco product sales.
- (42) Water, bottled, sales.
- (43) Video game arcades.
- (44) Seasonal businesses; such as fireworks stands, Christmas tree lots, snow cone vendors, and similar outlets that are temporary uses.

Sec. 42-189.2. Conditional uses that may be permitted by the Planning and Zoning Commission and the City Council in accordance with Section 42-234.

- (1) Bars, cocktail lounges, and night clubs (including dance halls).
- (2) Billiard or pool halls.
- (3) Convenience stores, with or without gas pumps.
- (4) Package liquor stores.
- (5) Cabinet or carpentry shop.
- (6) Advertising services (sign shop).
- (7) Laboratories, offices and other facilities.
- (8) Medical Marijuana Testing Facility.
- (9) Overnight Shelters.
- (10) Soup Kitchens.

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DIVISION 10. "C-3" HIGHWAY COMMERCIAL DISTRICT

Sec. 42-192. Purpose of the Highway Commercial District.

This District is intended for business uses which provide essential commercial services and support activities of community and regional significance that require high visibility and may have higher environmental impacts in terms of noise, dust, glare, etc. which may make them incompatible with office or some retail uses. This District is also intended for businesses that combine wholesale, retail, and light manufacturing (assembly) functions on site. Merchandise may be displayed outside without screening. This District is also intended to function as a transition between industrial development and strictly commercial development.

Sec. 42-192.1. Uses Permitted.

1. Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts, except overnight shelters.
2. Agriculture implements sales and service, agri businesses.
3. Sexually oriented businesses, as defined in Chapter 29 of the Rolla City Code, provided such uses are prohibited within the area circumscribed by a circle which has a radius of seven hundred fifty (750) feet, as measured by a straight line drawn from the lot line of any proposed sexually oriented business, to any residential zoning district, school, park, or church.
4. Auction sales, flea markets and swap meets, permanent location; livestock sales not permitted
5. Archery and firearms ranges, commercial.
6. Battery shops, sales and service.
7. Builder's supply and lumber yards.
8. Bus stations.
9. Bottling plants.
10. Carpet cleaning.
11. Contractor's equipment, sales and service
12. Commercial laundry, dry cleaning, linen and towel or diaper supply service
13. Crematoriums
14. Dairy supply dealers
15. Dry ice storage.
16. Engine and transmission repair and rebuilding.
17. Electrical equipment repairs, sales and parts distribution.
18. Feed stores, no manufacturing or grinding or mixing of feed.
19. Frozen food lockers.
20. Glass and mirror sales.
21. Landscape company, sales and service.
22. Magazine and newspaper, printing and distribution agency.
23. Road machinery, heavy equipment and tools, sales and rental service.
24. Storage warehouses and baggage transfers.
25. Tire repair and recapping
26. Tattoo and/or body piercing parlors, palm reading, and fortune telling establishments.
27. Wholesale operations, sales office/warehouse combination.

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Sec. 42-192.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-3 zoning district.

1. Advertising services
2. Bus terminals, maintenance shops
3. Cabinet or carpentry shops
4. Canvas goods shops, tents and awnings, manufacture, sales and rental
5. Concrete batching or transit mix plant (temporary use only)
6. Irrigation sales and services
7. Laboratories, offices and other facilities for research, basic and applied
8. Private utilities
9. Produce markets, wholesale.
10. Medical Marijuana-Infused Products Facility
11. Overnight Shelters
12. Soup Kitchens

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DIVISION 11. "CC" CENTER CITY DISTRICT

Sec. 42-194. Purpose of the Center City District.

The CC District is intended to be a mixed-use district that accommodates a variety of residential and commercial uses. It is intended to address the unique character of Rolla's traditional Central Business District, an area that developed early in the City's history, generally encompassing both sides of Rolla and Pine Streets between 6th and 12th Streets, and does not display the features of modern suburban development. This district is designed to support the transition that must occur if the CBD is to experience revitalization.

Sec. 42-194.1. Uses Permitted.

- (1) Any use or conditional uses permitted in the foregoing GI and C-3 Districts, except trailers or mobile homes and overnight shelters.
- (2) Accessory structures and uses, in accordance with Section 42-204.
- (3) Accessory residential uses, either to the rear or above the first floor of a building used for permitted business activities.
- (4) Medical Marijuana Dispensary Facility.

Sec. 42-192.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-C zoning district.

1. Overnight Shelters
2. Transitional Housing

Sec. ~~42.194.3~~ 42-194.2. Area Requirements.

Minimum size of lot: No minimum

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and overnight shelters.

Lot frontage: No minimum

Width: No minimum.

Maximum percentage of lot that may be occupied by building footprint: 100 percent.

Maximum height of buildings: No maximum

Minimum setback dimensions:

- (a) Front yard: None
- (b) Each side yard: None
- (d) Rear yard: None

Minimum parking requirements: None, except for new construction where sufficient land area exists to allow the provision of adequate parking consistent with the requirements of this Article.

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DIVISION 12. "M-1" LIGHT MANUFACTURING DISTRICT

Sec. 42-196. Purpose of the Light Manufacturing District

This District is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. Industrial operations and activities are permitted as long as they do not have an adverse impact on neighboring properties resulting from dust, fumes, noxious odors, glare, vibration, or other atmospheric influence. M-1 light manufacturing activities are generally conducted inside a building, although related outdoor storage and display is permitted.

Sec. 42-196.1 Uses Permitted.

- (1) All of the uses listed under Section 42-192.1, except for item "1" ("item 1". Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts.)
- (2) Advertising services (sign shop)
- (3) Agri-businesses.
- (4) Asphalt storage.
- (5) Blacksmithing.
- (6) Broom manufacturing.
- (7) Builders supply, hardware and lumberyards.
- (8) Bus terminals, maintenance shops.
- (9) Cabinet or carpentry shops.
- (10) Candle manufacturing.
- (11) Canvas goods shops, tents and awnings, manufacture, sales and rental.
- (12) Carpet cleaning.
- (13) Child care centers.
- (14) Clothing, footwear, and leather goods manufacturing.
- (15) Cold storage plants.
- (16) Concrete batching or transit mix plant (temporary use only).
- (17) Construction materials manufacturing and storage.
- (18) Heavy machinery, including diesel engine, repairs.
- (19) Egg storage, candling or processing plants.
- (20) Electronic component manufacture and assembly.
- (21) Food products processing, storage, and distribution (except uses listed under the M-2 District).
- (22) Freight terminals.
- (23) Furniture packing and crating.
- (24) Hatchery, fish or fowl.
- (25) Ice manufacturing.
- (26) Insulation applicator.
- (27) Irrigation sales and service.
- (28) Laboratories, offices and other facilities for research, basic and applied.
- (29) Live stock sales.
- (30) Lumber mills and storage.
- (31) Machine shops.
- (32) Mattress and bedding manufacturer and renovator.
- (33) Magazine and newspaper printing.

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- (34) Monument manufacture.
- (35) Motor freight terminals and depots.
- (36) Oil well equipment service, supply and storage.
- (37) Pharmaceutical manufacture.
- (38) Paper products manufacturing.
- (39) Plastic processing and converting.
- (40) Prefabricated house manufacture.
- (41) Printing, publishing, book binding.
- (42) Private utilities.
- (43) Produce markets, wholesale.
- (44) Sash and door manufacturing.
- (45) Seed storage and warehousing.
- (46) Sheet metal workshops.
- (47) Spray painting.
- (48) Store and restaurant fixture manufacturing.
- (49) Storage of baling or rags.
- (50) Textile manufacturing.
- (51) Welding shops, industrial equipment and supply sales.
- (52) Wholesale operations, sales office/warehouse combination.
- (53) Accessory structures and uses, in accordance with Section 42- 204.
- (54) Medical Marijuana Cultivation Facility; Medical Marijuana-Infused Products Facility.
- ~~(55) Overnight Shelters.~~

~~Sec. 42-223. Reserved.~~

Sec. ~~42-223~~ 42-224. Residential Group Homes - Purpose.

Residential group homes for eight (8) or fewer unrelated mentally or physically handicapped persons that may include up to two (2) house parents or guardians when:

1. The structure, building, landscaping, fencing, etc. for the residential group home suits the character of the immediate neighborhood.
2. There are no other residential group homes within fifteen hundred (1,500) feet.
3. No sign identifying the residential group home exceeds four (4) square feet in area.
4. Signs may not be illuminated and must be attached to the residential group home.
5. There are no more than two (2) residents per bedroom.

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Sec. 42-224 Overnight Shelter Uses.

These Overnight Shelter requirements are intended to help mitigate the impacts of an overnight shelter use on public safety services and surrounding properties. Overnight shelters, in addition to other individuals, may serve individuals who have substance or alcohol use disorders, are in active use of illegal substances, have mental health conditions, or may have been previously incarcerated. Therefore, overnight shelters may have severe impacts to surrounding properties. Such facilities should generally be located such that clients will have access to jobs, counseling, and other resources for assistance. ~~No individual or family shall reside in an overnight shelter for more than 180 consecutive days. A minimum 60 days shall be required between maximum consecutive days.~~ Any Overnight Shelter use must adhere to the following requirements:

1. No individual or family shall reside in an overnight shelter for more than 30 days without entering into case management to obtain housing. Generally, clients are not expected to reside on the premises for more than 6 months without demonstrating extenuating circumstances.
2. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures and tracking outcomes, and an outreach plan for surrounding property owners and residents.
3. A log of each person receiving temporary housing must be kept, including the person's name, last place of residence, and a photo of the person and/or their government issued identification. Such logs are to be submitted to the Rolla Police Department upon request.
3. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property for more than three (3) days.
4. Any facility providing overnight shelter services must be located a minimum of 1,000 feet from any other property operating an overnight shelter facility.
5. Unless specifically permitted as a family or youth shelter, overnight shelters must be located a minimum of 500 feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare.
6. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
7. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement if a crime is alleged or committed.
8. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
9. The operator of such facility must allow the City Administrator, or designee, City Representatives, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide 30 ~~15~~ days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.
10. An annual inspection fee of \$300 ~~\$500~~ must be submitted prior to commencing operations and an annual inspection fee of \$100 must be submitted annually thereafter.

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Sec 42-225 Soup Kitchen Uses to 42-226. Reserved.

These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup kitchen use. ~~If not properly managed, the use can have severe impacts to surrounding properties.~~ Such facilities should generally be located such that clients will have easy access by transit or walking. Any Soup Kitchen Use use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, and outreach plan for surrounding property owners and residents.
- ~~2. If an outdoor congregation area is provided and such area must be screened from view from adjacent properties and streets if within 25 feet of such property or street.~~
3. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
4. Security cameras are required at a minimum to film any persons using the building entrances.
5. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
6. The operator of such facility must allow the ~~City Administrator~~ Development Services Director, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit ~~or occupancy permit~~. The operator may appeal the termination to the City Council.
- ~~7. An annual inspection fee of \$300 must be submitted prior to commencing operations and annually thereafter.~~

Sec. 42-226. Transitional Housing Uses.

Such facilities must be located a minimum of 500 feet from another transitional housing facility located on a separate property.

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DIVISION 16. CONDITIONAL USE PERMITS (for reference; no proposed text amendments)

Sec. 42-234. Purpose of Conditional Use Permits

The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish uses or construct structures which may not be specifically allowed in a given zoning district, but may be deemed desirable or in the public interest to locate in that zoning district. The purpose of the review is to determine whether the proposed location of the use or structure is consistent with the overall intent of the zoning district regulations and to permit the imposition of conditions designed to minimize or mitigate potential adverse effects. Conditional Use Permits do not constitute a zoning change and only allow for a designated use, on a specific lot or tract, within the established zoning district. Conditional Use Permits shall not be required within the Planned Unit Development "PUD" District.

Sec. 42-234.1. Procedures.

In order for an applicant, who may be the property owner(s) or any person having a contractual interest in the subject property, to initiate the review process for the approval of a Conditional Use Permit, the applicant or an agent of the applicant must submit a Conditional Use Permit application, a site plan, and the Conditional Use Permit application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code. The application and site plan shall contain the information described below.

1. The Conditional Use Permit application shall contain the following information:
 1. The names, addresses, signatures, and contact information for both the applicant and, if applicable, the agent of the applicant.
 2. The legal description of the property;
 3. The zoning classification and present use of the property;
 4. A description of the proposed conditional use;
 5. A Site Plan in accordance with this Section;
 6. A statement describing how the proposed conditional use will comply with the applicable standards of this Section; and
 7. A statement describing how the proposed conditional use is to be designed, arranged, and operated will be submitted in order to ensure that future development, which is consistent with District regulations, will not be prevented or made unlikely and that the value, use, and reasonable enjoyment of such property will not be impaired or adversely affected.
2. Site Plan content.
 1. Approximate location of proposed and existing designated uses or buildings and other structures, including adjoining property, as well as parking and open areas shall be indicated for the proposed conditional use and adjacent property;
 2. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated;
 3. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping/screening plan;

4. An elevation view of the site showing preliminary building form (new construction only);
5. Proposed ingress and egress to the site, including right-of-way and pavement width for proposed and existing streets;
6. A plan for the provision of sanitation and drainage facilities;
7. The location, lighting and type of signs and the relationship of signs to traffic control;
8. The location and number of required off-street parking areas; and
9. The location of existing utilities.

Sec. 42-234.2. Burden of Proof/Standards.

In presenting any application for a Conditional Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

1. The proposed conditional use complies with all applicable provisions of the applicable District regulations.
2. The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion or other hazards.
3. The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations or the policies of the Rolla Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls, and fences on the site,
 2. The nature and extent of proposed landscaping and screening on the site,
 3. The noise characteristics of the use compared to the typical use in the District and any reduction solutions;
 4. The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;
 5. Sign location, type, size, and lighting, and
 6. The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and storm water management systems. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Article.
4. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
5. The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Rolla.

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Sec. 42-234.3. Public Hearing.

1. The Planning and Zoning Commission in accordance with the provisions of this Article shall hold a public hearing on the application for a Conditional Use Permit.
2. Subsequent to the public hearing, the Community Development Director shall certify that the application is complete and shall prepare a report to the Planning and Zoning Commission. Upon receipt of said report and after the holding of a Public Hearing, the Commission shall recommend to the City Council approval or denial of the Permit.

Sec. 42-234.4. Approval or Denial of a Permit by the Planning and Zoning Commission.

1. In recommending approval of conditional uses, the planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:
 1. Permitted uses, including maximum floor area;
 2. Performance standards;
 3. Height limitations,
 4. Minimum yard requirements;
 5. Off-street parking and loading requirements;
 6. Sign regulations;
 7. Minimum requirements for Site Plans; and
 8. Time limitations for commencement of construction.
2. Upon denial by the Planning and Zoning Commission of an application for a Conditional Use Permit, the Community Development Director shall notify the applicant of such recommendation. If no appeal is filed, the application shall be deemed denied. No subsequent application for a Conditional Use Permit with reference to the same proposed use shall be filed by any applicant until the expiration of twelve (12) months after the denial.

Sec. 42-234.5. Appeal of Denial Recommendation.

Upon the recommendation of denial by the Planning and Zoning Commission of an application, the applicant may file an appeal with the City Council requesting a determination by that body. A Notice of Appeal shall be filed within ten (10) days after the Commission's hearing is concluded. An appeal shall be in writing and shall be filed in duplicate with the City Clerk. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations.

Sec. 42-234.6. Protest of the Commission's Decision.

A protest against a proposed Conditional Use Permit may be filed in accordance with the provisions of this Article that address protest petitions for zoning cases.

Sec. 42-234.7. City Council Review.

In any case, subsequent to proper notification as described above, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission.

Sec. 42-234.8. Permit Effective-When.

The Conditional Use Permit shall become effective upon approval by the City Council. In the event that some additional approval is required by some other governmental authority or agency, the permit request shall not be acted upon until that approval is received.

Sec. 42-234.9. Final Site Plans.

Subsequent to the effective date of the Conditional Use Permit, a Final Site Plan shall be submitted for review by the Community Development Director to determine compliance with the specified conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit shall be issued prior to the effective date of the Final Site Plan. The Final Site Plan shall be retained on file in the office of the Community Development Director.

Sec. 42-234.10. Procedure to Amend a Conditional Use Permit or Site Plan.

In order to amend an existing Conditional Use Permit or to amend the Site Plan approved for a Conditional Use Permit, the following procedures shall be executed:

1. To amend a Conditional Use Permit
 1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application to request amendments to such a permit's conditions. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing. A report shall be formulated that outlines the findings of such an analysis.
 2. The Community Development Director shall then forward the request and his/her report to the Planning and Zoning Commission. The Commission shall review the proposed amendments and file a report with the City Council in which the Commission shall recommend to grant, deny, or modify the requested condition amendments. If the Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require that a new public hearing on the matter be held. If a new public hearing is ordered for the amendment, the amendment becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.
2. To amend the Site Plan:
 1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application and an amended Site Plan in order for such an amended Site Plan to be considered for approval. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the

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proposal as originally approved by the City Council.

2. If the Community Development Director determines that the proposed amendment to the Site Plan is not in conflict with the Final Site Plan and meets all conditions of the Conditional Use Permit, the Community Development Director may approve said amended Plan. The approved Site Plan shall be retained on file in the office of the Community Development Director.
3. If the Community Development Director determines that the amended Site Plan is not consistent in purpose and content with the Final Site Plan, the Community Development Director shall report this conclusion to the applicant and the Planning and Zoning Commission. In which case, the entire review process for the submittal of Conditional Use Permits shall be conducted for the amendment's approval. If the entire Conditional Use Permit approval process is required for the amendment, the amendment to the site plan becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.

Sec. 42-234.11. Time Limit of Conditional Use Permits.

Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the City Council, which may extend it for an unlimited period or for a specified additional period of years.

Sec. 42-234.12. Failure to Commence Construction.

Unless otherwise stated in the Conditional Use Permit, substantial work or construction shall commence within one (1) year of the effective date of the permit, unless such time period is extended through appeal to the City Council. If no extension of time is granted the permit shall terminate.

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Darin Pryor

ACTION REQUESTED: Resolution

ITEM/SUBJECT: Enforcement Response Plan – Industrial Pretreatment

BUDGET APPROPRIATION:

DATE: 08/15/22

COMMENTARY:

Included in your packet is the proposed enforcement response plan (Exhibit A). MDNR suggested that it be approved by a resolution. The resolution to approve the enforcement response plan is also included in the packet. This plan is required by MDNR and EPA as the framework for enforcement for non-compliance with industrial pretreatment regulations. If any industry is out of compliance with our industrial pretreatment ordinance staff will use this plan to guide any enforcement actions.

ITEM NO. IV.A.1

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ENFORCEMENT RESPONSE PLAN CONCERNING INDUSTRIAL PRETREATMENT.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That the City of Rolla hereby adopts an enforcement response plan for industrial pretreatment. A copy of said agreement being attached hereto and marked Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 15th DAY OF AUGUST 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

Enforcement Response Plan

Right of Entry: Inspection and Sampling

The Public Works Director 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 wastewater discharge permit or order issued hereunder. Users shall allow the Public Works Director 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.

(a) 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 will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The Public Works Director 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.

(c) The Public Works Director 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 every six (6) months to ensure their accuracy.

(d) 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 and shall not be replaced. The costs of clearing such access shall be borne by the user.

Unreasonable delays in allowing the Public Works Director access to the user's premises shall be a violation of this ordinance.

(e) Search Warrants

If the superintendent 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 may seek issuance of a search warrant from the appropriate court.

1. GENERAL

- A. The purpose of the Enforcement Response Plan (ERP) is to provide guidance in all phases of enforcement related to the City's Pretreatment Program. General guidance has been provided by Article XIV of the Code of Ordinances of the City of Rolla but specific application of that general guidance to the range of possible enforcement actions is provided in the ERP.
- B. The City reserves the right to escalate enforcement actions as needed to prevent imminent harm to the POTW or the environment. This includes the immediate and effective prevention of any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons, pursuant to Code of Ordinances Article XIV

2. ENFORCEMENT RESPONSE PLAN

Article XIV of the Code of Ordinances implements the City's Pretreatment Program mandated by the Clean Water Act and the General Pretreatment Regulations. It provides specific limitations in Article XIV Section 35-200. The enforcement philosophy is progressive that is, problems are addressed at the lowest level and with least formality possible consistent with the specific problem. No enforcement procedure is contingent upon the completion of any less formal procedure. For particularly severe violations, a Show Cause Hearing may be scheduled immediately without the need for Notice of Violation, Standards Meeting and compliance schedules.

Article XIV Section 35-208 requires that all significant industrial users obtain a wastewater discharge permit as a condition of discharge. Permits may limit wastewater effluent limitations, may require installation and operation of sampling and monitoring facilities, establish compliance schedules and require submission of periodic reports and notices as needed. The wastewater discharge permit represents the City's first means of controlling the wastewater discharge by significant industrial users since, if permit requirements are met by the permittee, no further enforcement activity should be required.

The permit also represents a major enforcement tool for the City's use against significant industrial users violating the City's ERP, since the City Council, after a Show Cause Hearing, may direct a revocation of a user's permit which effectively bars discharge of industrial process wastewater to the City's sewers.

3. RESPONSIBILITIES

The ERP is administered by the City Engineer (CE) under the general supervision of the Public Works Director and in close coordination with the City Counselor. The CE may delegate certain tasks to subordinates. The CE shall maintain complete, accurate records of activities conducted as part of the ERP and render periodic reports as required. Specific responsibilities are set forth in succeeding sections of this document.

4. COLLECTION AND DISSEMINATION OF INFORMATION

For industrial users, the CE shall determine what data is required or needed to determine compliance with applicable pretreatment standards as well as when and how it can be obtained. The CE shall specify reporting requirements for each industrial user in its permit as required by the United States Environmental Protection Agency and shall then track the submission of reports. If information submitted is deficient or late, the industrial user shall be notified and required to complete the submission as detailed in the appropriate enforcement response.

Baseline monitoring reports, 90-day compliance reports, reports required by the compliance directives and continuing compliance reports as received shall be retained for at least three years under the provisions of 40 CFR 403.112(n).

The CE shall notify significant industrial users of applicable pretreatment standards and any RCRA requirements as described in 40 CFR Part 403.8 (f.2.iii). By reporting the results of City sampling and analysis to industrial users, the CE will provide feedback to users on compliance status and inform industrial users of their compliance with responses to instances of noncompliance.

5. SAMPLING AND INSPECTION OF INDUSTRIAL USERS

The CE shall prepare and continually update an inspection plan for field investigation including sample collection, facility inspections and flow monitoring. Field investigations shall be used to verify compliance status, to monitor industrial self-monitoring activities, to collect samples, to initiate emergency or remedial action and to gather additional information. City personnel may conduct routine compliance monitoring or special monitoring in response to violations, technical problems or support for permit modifications. Routine wastewater sampling shall be conducted for each significant industrial user at least twice annually. The CE shall further develop such checklists and procedures for routine inspections as are necessary to assure that the results of each visit is documented and notify industrial users of any deficiencies found during any inspection. The CE shall advise the Missouri Department of Natural Resources of its routine and special field investigations each year. Joint investigation of industrial users with Environmental Protection Agency or the Missouri Department of Natural Resources may be conducted by mutual agreement.

6. COMPLIANCE SCREENING

Using all available information, the CE shall review and assess compliance with schedules, reporting requirements and applicable pretreatment standards. Reviews completed are designed to identify apparent violations rather than to determine an appropriate enforcement response to such apparent violations. During the screening process, the reviewer shall verify that any required reports are submitted on schedule, that they cover the proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with requirements in the industrial user's permit. Any discrepancy shall be considered to be a violation of the ERP. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

7. ENFORCEMENT VIOLATION

Violations and discrepancies identified during the compliance screening process will be reviewed by the CE to evaluate the type of enforcement response required. The enforcement response guide attached to this ERP will be used for this determination.

The CE will set deadlines for industrial users to respond to letters of violation. If contracts and commitments are oral, they will be confirmed in writing to preserve the record.

8. SIGNIFICANT NONCOMPLIANCE (SNC)

After completion of the compliance screening, violations will be characterized and a determination made as to whether the user is in Significant Noncompliance (SNC). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations are significant and must be identified as such. Such SNC may be on a long term basis of occurrence. Categorization of industrial users as being in SNC allows the City to establish priorities for enforcement action and provides a means for reporting on significant industrial user performance summary. Instances of SNC are industrial user violations which meet one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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 human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

EXHIBIT A

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

When an industrial user is in SNC, the City shall;

(1) Report such information to the Missouri Department of Natural Resources as part of the Pretreatment Annual Report;

(2) List the industrial user in the City of Rolla newspaper in accordance with paragraph 9 as having significant violations; and

(3) Address the SNC through appropriate enforcement action.

9. PUBLISHING LISTS OF INDUSTRIAL USERS WITH SIGNIFICANT VIOLATIONS

General Pretreatment Regulations require the City to publish at least annually, in the largest daily newspaper within the City, a list of industrial users which were significantly violating applicable pretreatment standards and requirements during the previous twelve months. The procedures for complying the list of such industrial users is as follows:

- A. The CE shall prepare a compliance history from City records for each individual significant industrial user.
- B. The compliance history so obtained for each industrial user shall be reviewed to determine if a pattern of noncompliance exists or if the industry has been or continues to be in SNC. To the extent that an industry meets these criteria, it will be placed on the list for publication.

10. INFORMAL AND FORMAL MEANS OF ENFORCEMENT Means

of enforcement available to the City are:

A. Informal Actions

- Informal Notice to Industrial User, including verbal warnings by telephone or in person
- Notice of Violation
- Review Meetings

B. Formal Actions

- Standards Meeting and Compliance Schedule
- Administrative Order
- Appearance before the City Council
- Show Cause Hearing
- Revocation of Permit
- Termination of Service
- Civil Suit for Injunctive Relief of Civil Penalties

- Criminal Prosecution

11. DESCRIPTION OF ENFORCEMENT ACTIVITIES

The categories of enforcement activities are described in the succeeding paragraphs.

A. Informal Actions

1. **Informal Notice to Industrial User.** Informal notice consists of personal contact, telephone calls or reminder letters to an appropriate official of an industrial user. The CE may use such a call or letter to notify industrial users of a minor violation and to seek an explanation, suggest the exercise of more due care or notify the violator that subsequent violations of the same type may be dealt with more severely. Such informal notice may be used to correct minor inadvertent noncompliance. Instances of informal notice shall be reduced to writing to preserve the record.
2. **Notice of Violation.** A Notice of violation is a written notice to the industrial user that the City has observed a violation of pretreatment standards or requirements and expects the noncompliance to be corrected and explained together with a statement that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. A Notice of violation shall also state that an explanation of the violation does not excuse it or any previous violations. Notice of violation shall be sent by certified mail, return receipt requested, with copies maintained in the industrial user's file.
3. **Review Meetings.** Where violations of City ordinances have occurred, or appear to have occurred, the user shall be notified by the CE in writing as to the particulars of the violation and be called for a voluntary meeting with the industrial user. The notice sent to the industrial user shall be sent by certified mail and shall be entitled "Notice of Review". The meeting held shall be called a Review Meeting. Review meetings are intended to provide a voluntary means of preventing future violations of the City's Pretreatment Program.

At such meetings, the CE or a designee shall preside and minutes shall be kept.

The industrial user may be required to respond in writing to the violations and provide an explanation for such violations and describe the means to eliminate such violations in the future.

Neither the informal notice or notice of violation is a precondition for calling a review meeting and no informal procedure is a prerequisite for instituting formal enforcement procedures.

B. Formal Actions

1. **Standards Meeting.** In cases where, following a review meeting, continued violations occur or where violations of themselves are either of significant magnitude or duration, a user may be required through a Notice of Standards Meeting to attend a Standards Meeting. Notice of such a meeting shall be sent by certified mail, return receipt requested. Attendance is mandatory by the industrial user and failure to comply with such a notice may result in an order for Show Cause Hearing or suit for fines or penalties or such other remedies as are provided by Article XIV Sections 35-247, 35-248, 35-249 of the Code of Ordinances. The Standards Meeting shall establish

EXHIBIT A

procedures, investigations and studies as the CE deems necessary and desirable to determine the cause of such violations and methods to correct them. The City Counselor shall chair the Standards Meeting and minutes shall be kept.

At the conclusion of the Standards Meeting, the industry may be issued a compliance directive specifying actions to be undertaken including studies to identify and solve the problem. Timetables may also be established to complete any such studies as are required and variances, as set forth in paragraph 12, may be issued as required. Failure to comply with terms of the compliance directive or to implement the results of studies to alleviate the cause for violations may result in an order for Show Cause Hearing or Civil Litigation.

2. **Administrative Order.** An Administrative Order is a written document which orders a user to perform a specific act or refrain from an act. Administrative Order shall be sent by certified mail, return receipt requested.
3. **Appearance before City Council.** At any time after a user is issued a compliance directive and thereafter violates the terms of such compliance directive, including any variance issued therewith, or violates City Ordinances in such manner as to warrant such action, the Public Works Director may, by written notice sent by certified mail, return receipt requested, require such user to be present at any regular or special meeting of the City Council to review such violations and for the City Council to take such actions as it is empowered to take without the formality of a Show Cause Hearing. An appearance before the City Council is not a condition precedent for other enforcement action and no previous enforcement action against the user is required before and appearance before the City Council is ordered.
4. **Show Cause Hearing.** The Public Works Director may order any user who causes or allows an unauthorized discharge or violates the City's pretreatment program to show cause before the City Council why the Council should not revoke the user's wastewater discharge permit or take such o t h e r enforcement actions as is dictated by the facts of the case. The Public Works Director shall issue such Orders for Show Cause Hearings and they shall be served upon the user specifying the time and place of a hearing to be held by the City Council regarding the violations, the reason why the action is to be taken, the proposed enforcement action, and shall direct the user to show cause before the Council why such action should not be taken. The notice of hearing shall be served personally or be certified or registered mail. Service may be made on any agent or officer of a corporation or agent of a partnership.

Show Cause Hearings shall be conducted by the City Council. Subpoenas shall be issued by the President of the Council upon request of any party to compel attendance of witnesses at such hearing. All testimony shall be under oath in accordance with rules of procedure and evidence developed by the Council for the conduct to show cause hearing.

Following such hearing, the City Council may take such action as it deems appropriate in the circumstances, including, but not limited to, revocation of permit, direction that discharge be ceased immediately or after a specified period of time, that suit be instituted against the industrial user to collect fines and penalties or to terminate service or for such other purposes as directed by the City Council.

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5. Civil Litigation. If a user continues to allow an unauthorized discharge or continues to violate the City's pretreatment program after previous enforcement actions have been taken, the City Council may direct the City Counselor to seek Civil Litigation and/or Criminal Prosecution against the user.

12. PERMIT MODIFICATIONS

The Public Works Director may modify a wastewater discharge permit for good cause but in no event shall the director be allowed to alter a federally mandated prohibition to make it less stringent than allowed under applicable federal law. Wastewater discharge permit modifications are specified in Article XIV Section 35-201 of the Code of Ordinances.

13. ENFORCEMENT RESPONSE GUIDE

A. Using the Enforcement Response Guide:

The enforcement response guide is used as follows:

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
2. Assess the appropriateness of the recommended response(s) in column two. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response. Other factors to consider when selecting a response are as follows:
 - a. Compliance history of the user.
 - b. Previous success of enforcement actions taken against the particular user (e.g., if NOV's have not previously succeeded in returning the user to compliance, an administrative order is the more appropriate response).
 - c. Violations effect on the receiving waters.
 - d. Violations effect on the POTW.
3. Apply the enforcement response to the industrial user. Specify corrective action or other response required of the industrial user, if any. Column three indicates personnel to take each response and the time frame in which that response should be taken.
4. Follow-up with escalated enforcement action if the industrial user's response is not received or violation continues.

B. Descriptions of Terms:

Terms and abbreviations used in the Enforcement Guide are defined as follows: AO

Administrative Order.

Civil Litigation

Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual

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	damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty.
I	Inspector.
IU	Industrial User.
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation.
CE	City Engineer.
D	Public Works Director.
CC	City Counselor.
SV	Significant Violation.
Show Cause Hearing	Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

DEFINITIONS

ADMINISTRATIVE ACTION (a fine or order) – An enforcement action authorized by the City’s legal authority which is taken without the involvement of a court.

ADMINISTRATIVE FINE – A punitive monetary charge unrelated to actual treatment costs which is assessed by the City rather than a court.

ADMINISTRATIVE ORDER – A document which orders a violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

CEASE AND DESIST ORDER – An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

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UNAUTHORIZED DISCHARGES (No permit)			
<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	- Phone call - NOV with application form	CE
	IU unaware of requirement; harm to POTW	- NOV with Review Meeting - AO	C E, D D
	Failure to comply continues after notice by the POTW	- Standards Meeting - Appearance before City Council - Show Cause Hearing	D D D C C
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 60 day prior to permit expiration	- Phone call - NOV	CE

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DISCHARGE LIMIT VIOLATION			
<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Violation of Pretreatment Standards and Requirements (including permit limits, narrative conditions, Best Management Practices)	Isolated, not significant	- Phone call - NOV	CE
	Isolated, significant (no harm)	- Review Meeting - AO - Standards Meeting	C E, D C E
	Isolated, harm to POTW or environment	- AO - Standards Meeting - Appearance before City Council - Show Cause Hearing - Civil Litigation	D D D D C C
	Recurring; no harm on POTW/environment	- AO - Standards Meeting	C E, D D
	Recurring, significant (harm)	- Show Cause Hearing - Civil Litigation	D C C

CIVIL LITIGATION – A lawsuit filed in a civil court. If the court rules that the defendant industrial user violated the law, the court may impose civil penalties, injunctions or equitable remedies and/or cost recovery.

CIVIL PENALTY – A punitive monetary award granted by a court to the Control Authority against a non-compliant industrial user.

COMPLIANCE ORDER – An administrative order directing a non-compliant industry to achieve or restore compliance by a date specified in the order.

CONSECT ORDER – An administrative order embodying a legally enforceable agreement between the Control Authority and the non-compliant industrial user designed to restore the user to compliance status.

NOTICE OF VIOLATION – A City document notifying an industrial user that is has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.

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ENFORCEMENT RESPONSE GUIDE

MONITORING AND REPORTING VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Reporting violation	Report is improperly signed or certified	<ul style="list-style-type: none"> - Phone call - NOV 	CE
	Report is improperly signed or certified after notice by POTW	<ul style="list-style-type: none"> - Review Meeting - AO 	CE, D CE, D
	Isolated, not significant (e.g., 5 days late)	<ul style="list-style-type: none"> - Phone call - NOV 	CE
	Significant (e.g., report 30 days or more late)	<ul style="list-style-type: none"> - Review Meeting - AO 	CE CE, D
	Reports are always late or no reports at all	<ul style="list-style-type: none"> - AO - Appearance before City Council - Show Cause Hearing - Civil Litigation 	CE, D D D C C

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	Failure to report spill or changed discharge (no harm)	- NOV - Review Meeting	C E C E
	Failure to report spill or changed discharge (results in harm)	- Standards Meeting - AO - Appearance before City Council - Civil Litigation	D CE, D D CC
	Repeated failure to report spills	- Show Cause Hearing - Civil Litigation	D C C
	Falsification	- Show Cause Hearing - Civil Litigation	D C C
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	- NOV - Review Meeting	CE CE, D
	Recurring failure to monitor	- Standards Meeting - Appearance before City Council	CE, D D
3. Improper sampling	Evidence of intent	- Show Cause Hearing - Civil Litigation	D C C

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MONITORING AND REPORTING VIOLATIONS (continued)			
<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
4. Failure to install monitoring equipment	Delay of less than 30 days	- NOV	CE
	Delay of 30 days or more	- Review Meeting - Standards Meeting - AO	CE, D CE,
	Recurring, violation of AO	- Appearance before City Council - Show Cause Hearing - Civil Litigation	D D C C
5. Compliance Schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	- NOV - Review Meeting	CE CE, D
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	- Standards Meeting - AO	D CE, D
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	- Appearance before City Council - Show cause order - Civil Litigation	D D C C
	Recurring violation or violation of schedule in AO	- Show Cause Hearing - Civil Litigation	D C C
OTHER PERMIT VIOLATIONS			
<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Wastestreams are diluted in lieu of treatment	Initial violation	- Standards Meeting - AO	D CE, D
	Recurring	- Appearance before City Council - Show Cause Hearing - Civil Litigation	D D C C
2. Failure to mitigate	Does not result in harm	- NOV - Review Meeting	CE CE,

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noncompliance or halt production	Does result in harm	- Standards Meeting - Appearance before City Council - Show Cause	D D D C C
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		Hearing - Civil Litigation	
3. Failure to properly operate and maintain pretreatment facility	See No. 2 above		

VIOLATIONS DETECTED DURING SITE VISITS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Entry Denial	Entry denied or consent withdrawn. Copies of records denied	- Obtain warrant and return to IU	I, CE, D
2. Illegal Discharge	No harm to POTW or environment	- NOV - Review Meeting	CE CE,
	Discharges causes harm or evidence of	- Standards Meeting - AO	D CE, D
	Recurring, violation of AO	- Appearance before City Council - Show Cause Hearing - Civil Litigation	D D C C
3. Improper Sampling	Unintentional sampling at incorrect location	- NOV - Review Meeting	I, CE
	Unintentionally using incorrect sample	- NOV - Review Meeting	I, CE
	Unintentionally using incorrect sample collection	- NOV - Review Meeting	I, CE
4. Inadequate recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	- NOV - Review Meeting	I, CE CE,
	Recurring	- Standards Meeting - AO	D CE, D
5. Failure to report additional monitoring	Inspection finds additional	- NOV	I, CE
	Recurring	- Standards Meeting - AO	D CE, D

TIMEFRAMES FOR RESPONSES

A. All violations will be identified and documented within fifteen days of receiving compliance information.

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<p>B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative actions(s)) will occur within 15 days of violation detection.</p>
<p>C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.</p>
<p>D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.</p>
<p>E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order, in addition to noncompliance publication.</p>

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: John Butz, City Administrator

ACTION REQUESTED: Motion to approve

ITEM/SUBJECT: Motion to approve of the disposal of various records pursuant to the Missouri Records Retention Law.

BUDGET APPROPRIATION: NA

DATE: August 15th, 2022

COMMENTARY:

The destruction of records that have no further useful value and have met their minimum retention period is essential for efficient and effective records management.

Attached are listings of records which may be disposed of pursuant to the State Records Retention Law.

Recommendation: Motion to approve

City of Rolla - Document Destruction Report

Document Name	Creation Date	Expiration Date	Retention #	Min Ret.	Available Dest Date	Storage Location	Box #	DB#	Notes
Surplus Sales 1994-2015 specifically 1994-2001, 2013, 2014, 2015		12/30/2015	MUNI 0764	5	12/30/2020				box under counter
Correspondence Emails 2019 and older		12/30/2019	GS 012	1	12/30/2021				Electronic
Various Leases expiring 1989-2015		12/30/2015	GS 060	5	12/30/2020				box under counter
records requests 1997-2001 2003-2017		12/30/2017	GS 066	3	12/30/2021				box under counter
Public Notices 1992-2017		12/30/2017	GS 022	3	12/30/2021				box under counter
unsuccessful application 2015		12/30/2016	GS 062	1	12/30/2017				box under counter
Airport Fuel Logs 2000-2008					12/30/2020				
purchase orders 1998 and 1999					12/30/2020				
petitions 1992-2005		12/30/2010	MUNI 0039	5	12/30/2015				box under counter
lease to purchase airport fuel farm	4/5/2004	4/9/2012	GS 060	5	12/30/2017		1	1	
lease to purchase John Deere Backhoe with hydraulic braking hammer	6/20/2005	6/24/2009	GS 060	5	12/30/2014		1	2	

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Document Name	Creation Date	Expiration Date	Retention #	Min Ret.	Available Dest Date	Storage Location	Box #	DB#	Notes
2006 caterpillar 420E Backhoe	1/2/2007	1/7/2011	GS 010	10	12/30/2021		1	3	audit plus 1 year.... 10 years should be sufficient
lease to purchase dump truck and loader	12/17/2007	12/19/2011	GS 060	5	12/30/2016		1	4	
lease to purchase 2010 International dump truck	11/2/2009	11/16/2013	GS 060	5	12/30/2018		1	5	
lease to purchase Elgin Street Sweeper	2/8/1994	2/8/1999	GS 060	5	12/30/2004		1	9	
lease Fabick and Co Caterpillar Intergrated tool carrier	1/21/1988	1/29/1992	GS 060	5	12/30/1997		1	10	
lease to purchase Ikon Office solutions Finance Dept Copier	2/5/2009	1/7/2014	GS 060	5	12/30/2019		1	11	
lease to purchase vactor jet rodder model 2110-J4	5/24/2005	5/1/2011	GS 060	5	12/30/2016		1	12	
lease to purchase john deere 410 backhoe loader	5/24/2005	3/25/2011	GS 060	5	12/30/2016		1	13	
lease to purchase vermeer limb chipper	2/6/2007	2/5/2012	GS 060	5	12/30/2017		1	14	
lease to purchase rubber tired backhoe	8/19/1997	8/19/2002	GS 060	5	12/30/2007		1	15	
lease to purchase xerox 1025 S. N. K011-329412 Copier (Police Dept)	7/5/2007	7/5/2012	GS 060	5	12/30/2017		1	16	
lease to purchase caterpillar track type loader	10/30/2002	10/30/2007	GS 060	5	12/30/2012		1	19	

Document Name	Creation Date	Expiration Date	Retention #	Min Ret.	Available Dest Date	Storage Location	Box #	DB#	Notes
lease to purchase TUMCO Street Sweeper model 600BAH	5/4/1998	9/1/2002	GS 060	5	12/30/2007		1	22	
lease to purchase self propelled diesel powered roller	5/24/1996	5/24/2000	GS 060	5	12/30/2005		1	23	
lease to purchase tool carrier	9/3/1996	9/3/2000	GS 060	5	12/30/2005		1	24	
lease to purchase ikon office solutions muni court copier	9/11/2006	9/11/2009	GS 060	5	12/30/2014		1	25	
lease to purchase 1999 Backhoe	7/15/1999	7/15/2005	GS 060	5	12/30/2010		1	26	
lease identi-kit police dept	12/1/1985	12/1/1986	GS 060	5	12/30/1991		1	27	
lease to purchase IBM	10/17/1985	1/1/1990	GS 060	5	12/30/1995		1	28	
lease to purchase John Deere 5510 utility tractor and Tigger cheeta boom mower	5/1/2001	5/1/2006	GS 060	5	12/30/2011		1	29	
lease police vehicles	1/19/2012	1/18/2016	GS 060	5	12/30/2021		1	30	
lease fire truck	9/21/1998	8/28/2003	GS 060	5	12/30/2008		1	31	
lease to purchase 2006 all terrain lawn mower	5/31/2007	5/30/2007	GS 060	5	12/30/2012		1	32	
lease to purchase new hollard motor grader	3/1/2002	3/1/2003	GS 060	5	12/30/2008		1	33	

IV.B.4

Document Name	Creation Date	Expiration Date	Retention #	Min Ret.	Available Dest Date	Storage Location	Box #	DB#	Notes
lease to purchase motorola central comm console	9/2/1986	10/1/1988	GS 060	5	12/30/1993		1	34	
lease to purchase 1988 ottowa Fire truck	10/8/1993	10/8/1998	GS 060	5	12/30/2003		1	35	
lease to purchase self contained breathing apparatus	3/1/2007	3/1/2012	GS 060	5	12/30/2017		1	36	
lease to purchase 2001 Pierce Fire Truck	5/15/2001	5/15/2009	GS 060	5	12/30/2002		1	37	
lease to purchase sludge truck and backhoe	6/3/2003	6/3/2008	GS 060	5	12/30/2013		1	38	
Various Bid Bonds Dating from 1991 to 1998		12/30/2013	GS 060	5	12/30/2018		1	39	
Acetyline Gas Company oxygen tank lease	4/7/1995	12/30/2020	GS 060	5	12/30/2020		1	50	
ACORN contracts from 1997-2009	9/22/1997	5/25/2011	GS 060	5	12/30/2016		1	51	
National Championship Tormament Agreement	12/14/2009	8/31/2010	GS 060	5	12/30/2015		1	52	
Commercial Lease with Ameron and Aquila 1994-2004	8/29/1994	9/30/2004	GS 060	5	12/30/2009		1	53	
American Red Cross Agreement CPR/Water Safety training Centre	7/1/2006	7/1/2011	GS 060	5	12/30/2016		1	54	
AT&T Individual Commission Agreement	9/21/1992	9/21/1995	GS 060	5	12/30/2000		1	55	

IV.B.5

Document Name	Creation Date	Expiration Date	Retention #	Min Ret.	Available Dest Date	Storage Location	Box #	DB#	Notes
Audubon Contract	8/12/2002	8/12/2005	GS 060	5	12/30/2010		1	56	
Contract with Ballard King for aquatic center	11/2/1998	6/1/2006	GS060	5	12/30/2006		1	58	
BEL Office Service Agreement for Typewriters	1/1/1989	1/1/1990	GS060	5	12/30/1995		1	60	
Barlidge Development Sewer Services 1983	1/1/1983	1/1/1988	GS060	5	12/30/1993		1	61	
Pasture Lease with Paul Birdwell	11/1/1999	11/1/2002	GS060	5	12/30/2007		1	62	
Fire Protection Agreement with Bourbon	8/6/1997	8/6/2002	GS060	5	12/30/2002		1	63	
Agreement for consult with Bucher, Willis & Ratliff Corp	4/11/2003	9/30/2003	GS060	5	12/30/2008		1	64	
Sewer Service Agreement with RA Brookshire Construction INC	1/8/1990	1/8/1991	GS060	5	12/30/1996		1	65	Annexed into the City
Beger & Bushle City Attorney agreement 1995-2008	6/2/2008	6/30/2010	GS060	5	12/30/2015		1	66	
Haying Service for landfill board Birdwell and Malopne	3/14/2000	3/14/2005	GS060	5	12/30/2010		1	67	
Briggs and Stratton lease on osj	8/2/1999	2/6/2000	GS060	5	12/30/2005		1	68	
Brewer Science performance agreement	8/3/1998	8/3/2003	GS060	5	12/30/2008		1	69	

IV.B.6

Document Name	Creation Date	Expiration Date	Retention #	Min Ret.	Available Dest Date	Storage Location	Box #	DB#	Notes
Contract with barbara bohley consultant for CDBG Brewer Science project	2/2/1998	2/2/1999	G5060	5	12/30/2004		1	70	
Agreement with Batis Developmen and Walgreens	12/17/2007	5/1/2008	G5060	5	12/30/2013		1	71	
Capital Quarry Lease for LEO gun range	10/4/2010	3/21/2012	G5060	5	12/30/2017		1	77	
Fire MA to local cities including CUBA	9/7/2004	9/7/2009	G5060	5	12/30/2014		1	80	
Counsliman Hunsaker contract work for park master plan	8/20/1996	12/30/1996	G5060	5	12/30/2001		1	81	
CCCI Complete Communication Co Inc - phone line maintenance	5/1/1991	5/1/1996	G5060	5	12/30/2001		1	82	
Come Play Products - plastics agreement	2/8/1994	2/8/1999	G5060	5	12/30/2005		1	83	
City Hall 2nd floor lease to Chamber of Commerce	12/7/1993	1/1/1994	G5060	5	12/30/2000		1	85	
Central Security & Electric Alarm Panel	3/5/1984	3/5/1984	G5060	5	12/30/1988		1	89	
FACTS and Conclution denying renewal with Rolla Cable Television	8/14/1989	8/14/1989	G5060	5	12/30/1994		1	90	
Dictaphone 5000-fec-RPD	3/9/1984	3/9/1989	G5060	5	12/30/1994		2	91	
Davis Lynn and Moots CPA	8/19/1998	12/30/2000	G5060	5	12/30/2005		2	92	

IV.B.7



RECORDS DESTRUCTION FORM

Council Approval Date: _____ (to be completed by City Clerk)

Department: Police (Records Division)

Date of Request: August 15, 2022

MMRS SEC GOVERNING RETENTION SCHEDULE	NAME OF RECORDS	YEAR(S) OF RECORDS	MINIMUM RETENTION PERIOD
POL001: Criminal Incident POL002: Non-Criminal Incident POL004: Missing/Runaway POL006: Arrest POL027: Death Investigations MUN0101: Animal Bite Incident MUN0104: Other Animal Inv.	Incident/Arrest Reports	2005-2009	Retention periods range from 6 mo to permanent. However, ALL have been microfilmed for permanent retention, regardless of requirements.
POL001	Voided Tickets	2011	5 yrs
POL003	Accident Reports	2004-2007	7 yrs felony, 5 yrs all others Public Property accidents have been microfilmed for permanent retention
GS012	Distribution Receipts	2004, 2007-2011	1 yr
POL006	Incarceration Logs	2004, 2006-2007	5 yrs
POL002	Lost & Found Property Receipts	2004, 2009, 2011	1 yr
POL001	Warning Tickets	2007-2008, 2010, 2012	5 yrs
POL001	Citations	2009	5 yrs Muni traffic; Citations associated w/ cases are included in case files & microfilmed
POL003	Accident Statements	2010	7 yrs felony, 5 yrs all others
POL001	Expired Unused Parking Tickets	NA	6 mo; Series # sent to Municipal Court
GS008	Cash Drawer Receipts	2001-2003, 2007-2013	COA
POL001	Parking Tickets	2001-2002	6 mo
POL008	Vacation Security Checks	2004, 2006	5 yrs or COA
POL008	Parking Enforcement Log	2004, 2006	5 yrs or COA
POL008	BAC Log	2006	5 yrs or COA (7 yrs - dept policy)
GS069	BAC Maintenance Reports	2004	Life of Equip. (or 7 yrs, if longer - dept policy)
POL002	Lockout Waivers	2004	1 yr
GS066	Records Checks	2004	3 yrs

GS = General Schedule, MUN = Municipal, POL = Police, COA = Completion of Audit, MMRS = Municipal Record Retention Schedule

Submitted by: Kandi Grisham

Approved by: Chief Sean Fagan

Date: 8-10-22

Verification of Destruction of Records (Return to City Clerk)

I hereby verify that I destroyed, or witnessed the destruction of, the above records on _____ (date).

Method & Location: _____

Printed Name: _____

Signature: _____

Date: _____



RECORDS DESTRUCTION FORM

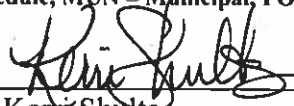
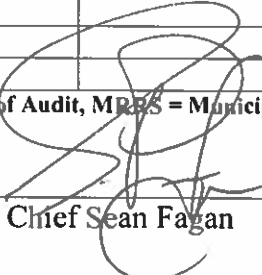
Council Approval Date: _____ (to be completed by City Clerk)

Department: Police (Administrative Records)

Date of Request: August 15, 2022

MMRS SEC GOVERNING RETENTION SCHEDULE	NAME OF RECORDS	YEAR(S) OF RECORDS	MINIMUM RETENTION PERIOD
POL025	Internal Investigations	2006-2014	5 yrs following end of investigation
POL024	Internal Investigations – Complaint Driven	2006-2014 Except ones involving current employees	Must keep for current employees. Otherwise: 5 yrs following end of investigation or 1 yr from date of separation, whichever is longer. (Copies of face sheets have been placed in personnel files for permanent retention.)
POL026	Use of Force Reports	1992-2014	5 yrs following end of investigation
POL010	Traffic Stop Reports	2001-2014	1 yr after submission to AG
GS012	General Correspondence	2002-2014	1 yr
GS066	Clery Requests	2001-2018	3 yrs
GS050	Parade Permits	1996-2014	2 yrs after expiration
GS050	Noise Permits	2001-2014	2 yrs after expiration
GS062, GS022	Hiring Processes, including Public Notices of Police Personnel Board	2014-July 2019	3 yrs
GS012 or N/A	Promotion Processes	2003-2014	1 yr or our discretion (2 different people at SOS) (5 yrs – dept policy)

GS = General Schedule, MUN = Municipal, POL = Police, COA = Completion of Audit, MRRS = Municipal Record Retention Schedule

Submitted by:  Approved by:  Date: 8/10/22
 Kerr Shults Chief Sean Fagan

Verification of Destruction of Records (Return to City Clerk)

I hereby verify that I destroyed, or witnessed the destruction of, the above records on _____ (date).

Method & Location: _____

Printed Name: _____ Signature: _____ Date: _____

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**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Discussion

SUBJECT: Chapter 39, Trailers and Mobile Homes, Section 39-15, pertaining to Travel Trailer Occupancy (length of stays).

(TXT22-02)

MEETING DATE: August 15, 2022

Application and Notice:

Applicant - City of Rolla
Public Notice - <https://www.rollacity.org/agenda.shtml>

Background:

The current ordinance pertaining to how mobile home parks or travel trailer parks are approved and designed was adopted in 1968, a few years before the current zoning codes were adopted. The ordinance has not been used since adoption, as no new mobile home parks or travel trailer parks have been pursued within the city. Since that time new building and zoning codes have been adopted.

A large property, which includes Blues Lake, has been for sale for several years. A prospective buyer is interested in purchasing the property and desires to develop the property as an RV park. By definition, an RV park is considered to be a "Travel Trailer Park" and is subject to the requirements of Chapter 39.

Chapter 39 includes a provision that limits occupancy of travel trailers in parks to limit rental of spaces to daily or weekly rentals and limits the **total length of stays to seven days**.

The prospective buyer has indicated that their business model requires that the park be able to rent on a monthly basis or longer (not the limiting seven days). The buyer indicates that stays of six months or more are not unusual for persons who are working in the area temporarily (i.e. traveling nurses or contractors). The buyer is not interested in buying/developing this property without some modification of night stays.

Although the discussion is centered on a particular prospective buyer and a particular property, Council may want to consider a change in the ordinance that would apply to all properties on which an RV park is proposed. Another option that Staff has offered for several months is the pursuit of a Planned Unit Development – allows for more flexible consideration for a particular piece of property. Council should also note that Ch 39 of the City Code will be reviewed and proposed to be revised by the Zoning Code Review Ad-Hoc Committee. Revisions should be ready for Council review by the end of this year.

Code Section:

Chapter 39 - Trailers and Mobile Homes

Sec. 39-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Travel trailer - Any of the following:

1. **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight feet, and a body length not exceeding thirty-two feet.
2. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
3. **Motor-home.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
4. **Camping Trailer.** A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Travel trailer parking area - A parcel of land in which two or more spaces are occupied or intended for occupancy by trailers for transient dwelling purposes.

Sec. 39-15. Restrictions on occupancy.

- a. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities.
- b. **Travel trailer spaces shall be rented by the day or week only, and the occupant of a trailer space shall remain in the same travel trailer parking area not more than seven days.**

Discussion:

If the length of stays in RV parks is to be lengthened, there are two natural durations that align with other laws and codes. Tenancy is established after 30 days. Generally, short term accommodations, like motels and hotels, try to limit stays to 30 days to avoid the need to evict residents. The building code also defines transient guests as people who stay for 30 days or less. Uses which have guests or residents who stay for more than 30 days are designed and reviewed differently.

Next, the building code also defines temporary buildings and uses as being for 180 days or less. A temporary building or use may also be reviewed or designed differently. The building code does not have any other general length of time that impacts review and design.

The International Fire Code does not have any specific provisions for RV parks. The NFPA does have a standard for RV parks that could be adopted. NFPA 1194 does state

restricting the duration of stay in an RV park is not necessary. Rolla has not adopted the NFPA standard.

In general, RV's are not designed for full-time long-term occupancy. The codes which an RV are manufactured assume temporary and short-term occupancy. RV's may not have adequate ventilation, heating, cooling, insulation, water systems, electric systems, smoke detectors, etc. for safe long-term occupancy. In addition, connections for power are not designed for long-term use.

Staff is comfortable with increasing the maximum duration of stay to 30 days to match other transient accommodations. A 180 day maximum duration could also be acceptable. Any length over 180 days is not recommended unless the city adopts NFPA 1194 and enforces all provisions of that code. However, such an accommodation could be provided in a PUD (full review/public hearing process).

Action:

City Council is being asked to consider the maximum duration of occupancy for travel trailers. Council could choose to maintain Codes as they are (project would likely not proceed) or Council could direct Staff to consider an ordinance change to Ch. 39 pertaining to duration of stays or Council could be open to extending the length of stays in a PUD that provides a full review process. Staff is recommending that the Developer pursue a PUD but with Council being open to extending the length of days from 7 days to something between 30 – 180 days. Discussion needed.

Prepared by:

Tom Coots, City Planner

August 10, 2022

Jaden Gurney
435-979-5299
Jaden.gurney@yahoo.com

Please accept this letter as part of my due diligence for a potential RV Park located at Blues Lake. This new and popular form of leisure travel will allow a large quantity of new visitors to visit and spend money in your community. The primary targeted guests would consist of the interstate traffic, weekend RV warriors, retirees, and construction/contract workers.

My conceptual site plan consists of 164 RV sites that are 30ft x 70ft with individual water, power, and sewer hookups from one master meter. Sites will not be individually sold as they will be specifically used by guests on a nightly, weekly, and monthly basis. Ideally, the roads which are 20' wide will be finished as a clean compacted stone surface built to handle the largest of rigs in any weather environment free from dust. This park will be loaded with additional amenities such as bathroom and showers, multiple dog parks, basketball/pickleball courts, an outdoor pavilion, a playground, fishing station, and a small dock on Blues Lake which will be stocked with various fish.

The RV community has made massive progress over the last decade. The cost of these units alone ranging from \$20,000-\$1,000,000 with lengths easily over 40ft long; the game has changed. This is now a high-class steak dinner eating group of people that are looking for a comfortable area to recreate and, in some cases, choose to extend the duration of their stay for the rest of the season. The rigs are now so large that they have outgrown many of the older more established parks that are available today. My goal is to provide that resort style property and attract these high-quality guests to your city.

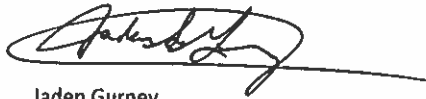
This raises my main issue of Rolla Ordinance Section 39-15 b. *"Travel trailer spaces shall be rented by the day or week only, and the occupant of a trailer space shall remain in the same travel trailer parking area not more than seven days"*. This ordinance negatively impacts this project by not allowing us to properly accommodate all types of guests. The out of area construction worker who is building current and future projects within your city limits may be on the job for 6-8 months at a time. The traveling nurse who signed a 4+ month work contract wouldn't be able to stay either. How about the retired couple ready to spend a portion of their year within your city? This ordinance prevents these wonderful people from staying at this property in your city and forces them to neighboring communities.

I ask that you give some thought and consideration to the purpose and intent of this current policy. Perhaps this is something that has existed in the code historically only because there hasn't been a legitimate reason to revisit its purpose? As it stands, this will prevent me from building this beautiful property within your city as I refuse to take the risk of being unable to properly accommodate my guests and operate my business. I would ask for you to consider

removing the length of stay restriction altogether or at a minimum modifying the duration of stay to 6-9 months.

If you have any additional comments or concerns, please contact me. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jaden Gurney", with a long horizontal line extending to the right.

Jaden Gurney

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FRED L. STONE

DIRECTOR, DESIGN, CONSTRUCTION AND SPACE MANAGEMENT
MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY

PERSONAL BIOGRAPHY

In his current role as Director, Mr. Stone is responsible for the oversight of Missouri S&T's planning, design, and construction efforts on campus. The department provides professional design and planning services for campus, includes a team of construction managers and craftsmen, and is responsible for the development of the campus master plan. The department also leads campus in shaping an inspiring and functional physical environment to support its mission through effective space planning and a comprehensive, inclusive master planning process. Fred is also responsible for ensuring the campus construction projects meet all applicable building codes, university design standards, and code inspection requirements.

Fred has served as project manager for a number of capital projects and most recently has led S&T's most recent master planning study. The 2020 campus master plan will be instrumental in altering the trajectory of the university through enhancing student recruitment and retention efforts, supporting best-in-class research activities, and engaging industry partners to promote regional economic development. In pursuit of the bold vision detailed in the master plan, the campus is currently underway with over \$200,000,000 in construction to occur over the next three years.

Fred earned his bachelor's degree in metallurgical engineering and MBA from Missouri University of Science and Technology.

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