

Chapter Two: Sanitary Sewer Use Regulations

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Chapter Two: Sanitary Sewer Use Regulations

- 2.1 **Title** - These regulations including appendixes and tables shall be known, referred to and cited as the Sanitary Sewer Use Regulations.
- 2.2 **Scope and Purpose** - These regulations govern the use of public sanitary sewers, the installation and connection of building sanitary sewers, and the discharge of waters and wastes into the public sanitary sewer systems: and provides penalties for violations thereof in the service area of the Boone County Regional Sewer District, as established by the Boone County Regional Sewer District Board of Trustees. These regulations are enacted in order to protect and promote the public health and to ensure the safe and efficient delivery of wastewater collection and centralized treatment services within the areas of Boone County, Missouri, subject to the jurisdiction of the Boone County Regional Sewer District.
- 2.3 **Authority** - These regulations are enacted under the authority vested in the Boone County Regional Sewer District by sections 204.320 and 204.330, Revised Statutes of Missouri.
- 2.4 **Jurisdiction** - These regulations shall be applicable to all areas within Boone County, Missouri, to which the District operates and maintains public sanitary sewer systems.
- 2.5 **Exemptions from District Regulations** - These regulations shall not be applicable in the following circumstances:
- 2.5.1 **Systems Under Jurisdiction of Other Entity** - No construction, operating, or other permit shall be issued in the name of the District for any wastewater collection system or treatment facility if there is another public or governmental wastewater management and treatment agency having jurisdiction, or concurrent jurisdiction with the consent of the District, willing to provide wastewater collection and treatment services.
- 2.5.2 **Systems Permitted by Department to Other Entity** - No wastewater collection system or treatment facility shall be subject to these regulations if constructed and operated under Department permit issued to another public or governmental wastewater management and treatment agency having exclusive jurisdiction or if the District waives the right to act as Continuing Authority for such system or facility.
- 2.6 **General Provisions Governing Disposal of Wastewater** - The following general provisions shall be applicable to the disposal of wastewater or sewage:
- 2.6.1 **Wastewater Treatment Required** - It shall be unlawful for any person to place, deposit, or allow to be deposited in an unsanitary manner on public or private property within any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste which contaminates or pollutes the waters of this state. It shall be unlawful to discharge to any natural outlet within any area under the jurisdiction of the District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of these regulations.

2.6.2 Classes of Sanitary Sewers - The general sanitary sewer system shall be composed of four (4) classes of sanitary sewers: public sanitary sewer systems; private common collector sanitary sewers; private sanitary sewer systems; and on-site systems. The determination as to the class to which any sanitary sewer belongs shall be made without regard to the area drained, the size, character or purpose thereof. All public sanitary sewers shall be constructed along streets, alleys and other public ways wherever practicable; and no such sanitary sewer shall be built or acquired by the District, unless it is on a public way or right-of-way or easement dedicated to the District or easement dedicated to public utilities. Such sanitary sewers may be connected with any other sanitary sewer of any class or with a natural course of drainage in accordance with these regulations and applicable laws.

2.6.2.1 Public Sanitary Sewer Systems - A sanitary sewer controlled by public authority and regulated by the Department. Public sanitary sewers are those which have been or may be constructed or acquired and paid for wholly out of any public funds available for that purpose for the public use, or sanitary sewer systems which have been built by a developer and/or private person and conveyed to the District. Public sanitary sewers shall be established along the principal courses of drainage, at such points, to such extent, of such dimensions and under such conditions as may be provided by regulation, and these may be extensions or branches of sanitary sewers already constructed or entirely new throughout, as may be deemed expedient.

2.6.2.2 Private Common Collector Sanitary Sewers - A private common collector sanitary sewer is a sanitary sewer line which is not owned and maintained by the District or other public entity and which serves two (2) or more lots, tracts or parcels of land or two (2) or more structures under separate ownership. The District shall not accept ownership or responsibility for operation, maintenance, or repair of private common collector sanitary sewers, unless constructed or reconstructed to standards established by the Department and District and the conveyance of which is formally accepted by the District, regardless of whether the District accepts sewage or wastewater therefrom for treatment or disposal, and regardless of whether persons using such sanitary sewers are customers of the District. No person shall record any instrument of conveyance of any interest in a private common collector sanitary sewer without written acceptance of the Board prior to recordation. The District may accept wastewater for treatment from private collection sewers of any type constructed prior to the enactment of these regulations, but the District shall not operate or maintain or repair any collection sewers not owned by the District, nor shall the District assume any legal or financial responsibility for the operation, maintenance, or repair of common collection sewers not owned by the District. Whenever practicable, the District shall notify property owners or other persons who are connected to privately owned common collector sewers and who receive wastewater treatment services from the District of the existence of this regulation by any method deemed appropriate; such notice filed in the land records of Boone County, Missouri, pertaining to property effected by this regulation shall be presumed effective; provided, however, failure of the District to provide such notice shall not affect the validity of this regulation, nor establish any financial or legal obligation of

the District to provide operation, maintenance, or repair serviced to private collection sewers, nor establish any legal liability on the part of the District for any injury or damage caused by non-maintenance or repair of private collection sewers.

(Revised 7/18/2000)

2.6.2.3 Private Sanitary Sewer Systems - A private sanitary sewer system is a system that is not under the jurisdiction of the District or other governmental entity and which is regulated by the Department and, when applicable, the Missouri Public Service Commission. No private sanitary sewer system shall operate within the boundaries of the District without written consent of the District when the District is willing and able to provide wastewater collection and treatment services. No sanitary sewer system within the boundaries of the District operated by a municipal, governmental, private or other entity shall be sold or otherwise transferred to a private person, entity or organization without the District's written consent. If neither the District under the provisions of these regulations nor any other public or governmental agency having jurisdiction is willing and/or able to provide wastewater collection and treatment services, but wastewater collection and treatment services are nonetheless required in the geographic area to which a Department issued operating permit is applicable and it is demonstrated that a competent, qualified and solvent private person, entity or organization is ready, willing and available to provide such services as Continuing Authority pursuant to Department regulations, then such other person, entity or organization may act as Continuing Authority without objection of the District if approved by the Department. Provided, however, that as authorized by section 644.027, RSMo, when the District operates and maintains a public sanitary sewer collection and treatment system to which the private sanitary sewer system can be connected that is located within a reasonable distance of a District owned or operated public sanitary sewer to which connection is practicable, no private sanitary sewer system which is regulated by the Department shall be granted a new operating permit or renewal of an existing operating permit issued by the Department, nor shall any existing operating permit be transferred to a private sanitary sewer system, unless the District provides written consent to the Department and the Continuing Authority to whom such operating permit has been or will be issued or transferred. A District owned or operated public sanitary sewer shall be presumed to be within a reasonable distance of a private sanitary sewer system to which connection is practicable if the District determines that a) the operation of a private sanitary sewer system is or has not been in compliance with a Department issued operating permit or otherwise has been declared a public health nuisance or hazard by state or local authorities having jurisdiction, b) a connection to a District public sewer can be designed and constructed, c) the expense of connection to the District public sanitary sewer, either individually or in combination with one or more other new connections in close proximity to the private sanitary sewer system is no greater than the cost of installing a new private sanitary sewer system or repairing or reconstructing the existing private sanitary sewer system which complies with Department regulations and permit issued under such

regulations as well as applicable District regulations, or d) that no private sanitary sewer system can be constructed or reconstructed which complies with all applicable state and local water pollution control regulations and applicable local zoning or land use regulations. In circumstances in which an existing private sanitary sewer system cannot be repaired or reconstructed to comply with all state and local water pollution control regulations and/or due to topography, local zoning, or other land use regulations, it is impracticable to repair or reconstruct the private sanitary sewer system which complies with all such applicable state and local regulations, then in such circumstances it shall be presumed that connection to a District public sanitary sewer is practicable. In such cases the Department shall deny issuance of a new operating permit, terminate or deny renewal of an existing operating permit, or deny transfer of an existing operating permit in accordance with Department policies and regulations and the operator of such private sanitary sewer system shall connect to the District system within a reasonable time established by the District.

(Revised 11-15-05, 4-19-07, & 2-15-22)

2.6.2.4 Private On-site Sewage Disposal Systems - A private on-site sewage disposal system is defined as any subsurface sewage treatment system, lagoon disposal system or other waterborne waste disposal method employing basic hydrologic or engineering principles which receives 1500 gallons or less of waterborne waste per day. Private on-site sewage disposal systems are regulated by the Boone County Small On-site Wastewater System Regulations and Boone County Subdivision Regulations enforced by the Boone County Health Department. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as otherwise regulated by Boone County and state law. The owner of any house, building, or property used for human employment, recreation, or other purposes, situated within Boone County, and abutting on any street, alley, or right-of-way without public sanitary sewer but which may have public sanitary sewer in the future are hereby required to install suitable toilet and waste water disposal facilities therein in accordance with applicable building and plumbing codes, and to connect such facilities directly with the closest public sanitary sewer at the owner's expense in accordance with the provisions of these regulations, within sixty (60) days after date of official notice to do so or such longer time as reasonably determined necessary by the District for good and sufficient cause, whenever a permit to construct or repair an onsite waste water disposal system is denied by the Boone County Health Director or designee in accordance with chapter IV of the Boone County Code of Health Regulations, which is hereby incorporated by reference.

(Revised 6-20-07)

2.7 Design and Construction of Wastewater Collection Systems and Treatment Facilities - Wastewater collection systems and treatment facilities shall be designed and constructed in accordance with the following requirements:

- 2.7.1 Design Standards for Wastewater Collection Systems and Treatment Facilities** - All collection systems and treatment facilities shall be designed in accordance with generally accepted engineering principles with sufficient capacity to collect and/or treat wastewater generated in the geographic area which is subject to the Department construction permit application to which the system or facility pertains considering the maximum population density and permissible land uses in such area.
- 2.7.1.1 Specifications** - All collection systems and treatment facilities shall be designed in accordance with the following: the Sanitary Sewer Specifications and Standards adopted by City of Columbia, the Septic Tank Effluent Pump Specifications adopted by the District, the Pump Station and Wastewater Treatment Facility Specifications adopted by the District.
- 2.7.1.2 Compliance with District's Long Range Plan** - All plans and specifications issued in support of an application for a construction or operating permit shall be consistent and in compliance with the District's master plan for overall wastewater collection and treatment services to the extent practicable. The District's Long range plan for capital improvements and additions is based on AC Kirkwood report of October 1991, Recommended Sewerage System Improvements and Capital Cost Estimates, and other engineering studies and evaluations of geographic areas in Boone County.
- 2.7.1.2.1 Eliminate Points of Discharge** - Whenever practical, wastewater collection systems and treatment facilities shall be designed in a manner to minimize or eliminate points of wastewater discharge in the environment and shall only create or establish new points of regulated wastewater discharge when no other alternative is reasonably available in the opinion of the District.
- 2.7.1.2.2 Provide for Future Growth** - All collection systems and treatment facility designs submitted in support of construction permit issued in the name of the District as the Continuing Authority shall to the greatest extent practicable provide for or be designed to accommodate anticipated growth in wastewater collection and treatment capacity for the drainage area or service area to which the permit is applicable.
- 2.7.1.3 Design Compliance** - All collection systems and treatment facilities shall be designed by an engineer registered in Missouri in compliance with applicable state of Missouri and federal clean water and pollution control regulations in effect at the time of design, and may only be constructed and modified in accordance with plans and specifications prepared by a registered engineer.
- 2.7.1.3.1 Public Sanitary Sewer Extended to Each Lot** - It shall be unlawful to connect a sanitary sewer line of any type to a public sanitary sewer unless such public sanitary sewer is extended a minimum of ten feet inside the property line of the lot or tract to be provided with public

wastewater collection and treatment service; and in any case where the public sanitary sewer is located deeper than ten feet from grade, it shall be extended at least one foot further inside the property line beyond ten feet for every twelve inches depth in excess of ten feet.

2.7.1.3.2 Private Sanitary Sewer Laterals - It shall be unlawful for any private sanitary sewer lateral to be extended off the described, platted or surveyed lot or tract of land from which it originates except in cases where such private lateral extends into or across a publicly maintained road or street right of way or general utility easement abutting such property in order to connect to an existing District owned and operated sewer line located within or immediately adjacent to such road or street or general utility easement such that such private sewer lateral does not extend into or encroach upon any other private property. Subject to the foregoing, it shall be unlawful for any person to connect a sanitary sewer line of any type to a District owned and operated sanitary sewer unless such public sanitary sewer is extended a minimum of ten feet from and within the property line of the lot or tract to be provided with public wastewater collection and treatment service; and in any case where the public sanitary sewer is located deeper than ten feet from grade, it shall be extended at least one foot further inside the property line beyond ten feet for every twelve inches depth in excess of ten feet.

(Revised 11/21/2006; 9/16/08)

2.7.1.3.3 Common Collectors - It shall be unlawful for two or more privately owned wastewater collection lines originating from separate dwellings, buildings, or other structures, or from two or more septic tanks, lagoons or other wastewater treatment facilities to be connected to each other unless the District grants a variance for such extension or connection. A variance may be granted upon showing that the extension or connection does not violate any applicable federal or state clean water law, rule or regulation, that without the variance the person or persons seeking the variance will incur unreasonable and unnecessary hardship, and that such person or persons can demonstrate that adequate provision has been made for perpetual maintenance and operation of such facilities.

2.7.1.4 Plan Approval - Plans and specifications prepared for any collection system or treatment facility shall be approved by the administrative authority when the District is the permittee and also by all public or governmental agencies having jurisdiction prior to construction, modification or operation.

2.7.1.5 Costs and Liability - Except in cases when the District is both the Owner and permittee under a Department construction permit, all design and construction work performed under such permit shall be performed at the sole cost, expense and liability of the Owner. The District shall have no liability or responsibility for such work.

2.7.1.6 **Fees** - The District by resolution or other official action by its Board may from time to time impose such user fees in the form of permit fees, inspection fees or other charges as it may deem appropriate as long as such user fees are based on the actual cost or reasonable estimate of actual cost of providing permits, inspections or administrative services of direct benefit to the person receiving such services.

2.7.1.7 **Certification** - No collection system or treatment facility shall be made operational unless written certification is issued by a licensed engineer that the facilities constructed or modified under Department construction permit have been completed in accordance with approved plans and specifications for the work under such permit as required by Department regulations.

2.7.1.8 **Conveyance** - Once the collection system and/or treatment facility is found to be in compliance with District regulations, the system and/or facility shall be conveyed to the District. The treatment facility and collection system shall be conveyed by Bill of Sale. Real estate rights to collection systems shall be conveyed by easement. Real estate rights to treatment facilities shall be conveyed by Warranty Deed. Prior to District's acceptance of any warranty deed, the party conveying such warranty deed shall provide the District with a policy of title insurance issued by a reputable insurer in such amount and with such coverage for the full insurable value of the property to be conveyed as determined by District to be appropriate to assure District of marketable title free and clear of all liens and encumbrances. District further reserves the right to require such title insurance on other interests in real property conveyed to District as determined reasonably appropriate by District under the circumstances to protect the interests of the District. Upon District formal acceptance of instruments of conveyance, the District will act as Continuing Authority and be responsible for the upkeep and maintenance of real estate and improvements located therein. The District reserves the right to further extend mains and collection lines and to connect other sanitary sewers without additional or further compensation to the grantors of real and personal property interests after District acceptance of conveyances.

(Revised 6-20-07)

2.7.1.9 **Condition of Conveyed Wastewater Collection and Treatment Equipment** All manufactured wastewater collection and treatment equipment to be transferred and conveyed to the Boone County Regional Sewer District for ownership and operation, including but not limited to pump stations and treatment plants, shall be new or reconditioned, but in all cases shall have at least a one year manufacturer warranty that such equipment is free from defect in material and workmanship and in the event that defects in materials or workmanship are discovered during the warranty period, such equipment shall be repaired or replaced at manufacturer expense. Boone County Regional Sewer District shall be the sole judge of the acceptability of all manufacturer warranties under the provisions of this regulation and reserves the right to refuse for acceptance and operation any equipment that is not

reliably warranted by a manufacturer of established reputation within the industry that produces the equipment to be warranted.

(Adopted 9/17/2002)

2.7.2 Construction Permits - Unless exempt from the provisions of these regulations, no collection system and/or treatment facility shall be constructed or modified except in compliance with the terms and conditions of both the Department construction permit as well as the District construction permit and in accordance with the approved application.

2.7.2.1 Plan Modifications - Unauthorized changes, deviations or modifications that constitute a violation of the Department construction permit shall subject the Owner to imposition of penalties as provided by these regulations.

2.7.2.2 Costs and Liability - Unless otherwise agreed by written contract, the person designated as Owner of the wastewater collection system and/or treatment facility specified in a construction permit application and permit shall be wholly responsible for the performance of and payment for all design and construction work necessary under the permit.

2.7.3 Inspections and Testing of Wastewater Collection Systems and Treatment Facilities - Except in cases in which the District is not the designated Continuing Authority, no collection system and/or treatment facility shall be used or operated except under permit issued to the District pursuant to Department regulations after inspection of same is conducted by the Administrative authority and the system and/or facility is approved and found to be in compliance with these regulations.

2.7.3.1 Access for Inspections - No final inspection shall be conducted or approval granted for the use or operation of any collection system and/or treatment facility unless such system and/or facility is exposed for inspection and/or put in a condition to be tested at the Owner's expense so that the system and/or facility can be examined for compliance with these regulations. Any system and/or facility which has been backfilled in whole or part, or covered or completed such that complete inspection or testing for compliance can not be conducted shall, upon request of the Administrative authority, be uncovered, re-excavated, or otherwise exposed or put in a condition to be inspected or tested at the sole expense of the Owner in order that a complete inspection or testing can be conducted for purposes of determining compliance with these regulations.

2.7.3.2 Failure to Allow Inspections - Any Owner which shall fail to expose or otherwise make a system and/or facility available for complete inspection or testing upon request of the Administrative authority or governmental agency having jurisdiction during construction or after completion of construction but prior to final inspection shall be subject to District's application to the Department to terminate the construction permit, or District's refusal to obtain an operating permit from the Department, and/or penalties or relief provided for under these regulations.

2.7.4 Operation of Wastewater Collection Systems and Treatment Facilities Prior to District Acceptance - If operation and maintenance of a system and/or facility is necessary prior to District acceptance, the following applies:

2.7.4.1 District as Continuing Authority - Unless exempt from the provisions of these regulations, no owner or other person shall operate any wastewater collection system and/or treatment facility not owned by the District except under an operating permit issued in the name of the District.

2.7.4.2 Owner Responsibility - Except as may be otherwise provided by written contract between the District and the Owner or until such time as all property interests of or pertaining to a wastewater collection system and/or treatment facility operated under an operating permit issued to the District are conveyed to and accepted by the District, the Owner of such system and/or facility shall be wholly responsible for the operation and maintenance of such system and/or facility regardless of whether the District receives fees or charges for the use of such system and/or facility.

2.7.4.3 Repair of Deficiencies - The Owner of such system and/or facility shall be wholly responsible for the prompt remedy and repair of any operational defect or deficiency in the system and/or facility or violation of any applicable law, rule or regulation pertaining to such system and/or facility.

2.7.4.4 District Responsibility - The District shall have the right but not the obligation to take any measures necessary to protect the public health, safety or welfare for any system and/or facility for which a construction permit has been applied for from the Department listing the District as the continuing authority or the operating authority or under which an operating permit is or will be issued in the name of the District regardless of whether the Owner of such system and/or facility takes or has a legal obligation to take any such measures.

2.7.4.5 Remedial Measures and Costs - Any Owner which shall fail, neglect or refuse to operate or maintain such system and/or facility, or which shall fail, neglect or refuse to remedy or repair any such defect or deficiency or otherwise correct any such violation shall be liable to the District for the reasonable costs of any remedial measures taken by the District to protect the public health, safety or welfare necessitated by the Owner's failure, neglect or refusal to take necessary remedial measures in addition to being subject to any penalty or relief provided for in these regulations.

2.7.4.6 Enforcement Costs - Any person or Owner who or which obtains any permit issued in the name of the District as controlling or operating authority under Department regulations is presumed to understand and agree to the content of these regulations and in the event any person, entity, or organization, whether singular or plural, who or which is listed as an Owner or agent of the Owner on any such permit violates or facilitates a violation of any regulation hereunder shall be liable to the District for the actual cost of remedial

measures taken to protect the public health or safety and for enforcing these regulations due to such violation, including court costs, reasonable attorney fees and the actual expense of any laboratory testing and expert witness fees incurred by the District in enforcing these regulations as to the person or Owner in violation. Such costs may be entered as a judgment against the person or Owner in violation in addition to or in lieu of any court imposed penalty.

2.8 Acceptance of Existing Sanitary Sewer Systems - The District Board may accept the conveyance of a private sanitary sewer system if the system meets District specifications and is properly conveyed by way of easements, bill of sale and warranty deed.

2.9 Individual Building Connections to District Wastewater Treatment Works - Individual buildings may be connected to District owned and operated sewer lines by means of private service laterals in accordance with applicable plumbing codes and District regulations. Private service laterals extending from the building which they serve to the District sewer line, including the point of connection to the District sewer line, are the property of the person or persons owning the property upon which they are situated. As such, the owner of such property has the responsibility and liability for the installation, maintenance, and repair of such private laterals. Accordingly, individual building connections may be made to the District sewer lines in accordance with the following requirements:

(Revised 11/21/2006)

2.9.1 Application for Service - No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first filing an application for service with the District.

2.9.2 Classes of Applications - There shall be two (2) classes of applications for service:

- (a) For residential and commercial service
- (b) For service to establishments producing industrial wastes.

In either case, the owner or their agent shall make application on a form furnished by the District. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District.

2.9.3 Fees - Payment of inspection fees and connection charges are due at the time of application. The District by resolution or other official action by its Board may from time to time impose such user fees in the form of permit fees or other charges as it may deem appropriate as long as such user fees are based on the actual cost or reasonable estimate of actual cost of providing permits, inspections or administrative services of direct benefit to the person receiving such services.

2.9.3.1 Inspection Fee For Connections -- An inspection fee shall be chargeable for new connections to District owned and operated sewers as follows: Seventy Dollars (\$70.00) for a residential, commercial, and industrial building gravity sanitary sewer connection and One Hundred and Forty Dollars (\$140.00) for

a residential, commercial or industrial pressurized sanitary sewer connection. Inspection fees shall be paid to the District at the time the application for sewer service shall be filed.

(Revised 01/01/2018)

2.9.3.2 Connection Charge – A charge with every new or additional or expanded building connection to the District, shall be paid to the District upon application for sewer service. Each new residential or commercial user of the wastewater system shall pay a wastewater system connection fee per residential or commercial unit. An expanded connection is any existing connection that increases the size or number of water meters serving its premises. The connection charge shall be in accordance with the following connection charge schedule and shall be based upon the water meter(s) size serving the premises excluding those set by special regulation for particular collection systems.

<u>Size of water meter in Inches</u>	<u>BCRSD Connect Fee</u>
<u>5/8 and ¾</u>	<u>\$2,300.00</u>
<u>1</u>	<u>\$3,845.00</u>
<u>1 1/2</u>	<u>\$7,691.00</u>
<u>2</u>	<u>\$12,305.00</u>

The connection fee for water meters larger than 2” will be determined by District staff on a case-by-case basis.

(Revised 1/1/04, 4/20/04, 12/19/06, 5/18/10, 12/17/2014, 12/15/2015, 1/1/2023)

2.9.3.2.1 New User Exemptions - New users of the District shall not be assessed an initial connection charge in the following instances but any increase in the size or number of water meters shall be assessed for expanded use:

- (1) If an unexpired building permit is or was in existence for the premises on the date this new rule is adopted.
- (2) If a user’s premises is served by the District or the new user occupies a structure in and has been or will be assessed for connection to a sanitary sewer improvement project financed under the Neighborhood Improvement District Act for public sanitary sewer services on the effective date this new rule is adopted.
- (3) If there is a break in sanitary sewer service to the user’s premises for less than two years.
- (4) If metered water usage on the user’s premises is solely for purposes of fire protection or landscape irrigation or otherwise not connected to sewage collection or treatment facilities owned or operated by the District.

2.9.3.2.2 Waivers - The Board may waive imposition of connection charges in cases where the District has adopted a sewage capacity cost allocation ordinance in the area subject to connection charges or in cases where a real estate subdivider or developer has entered into a binding agreement with the District in which the subdivider or developer installs or pays for all or substantially all of the costs of installing public wastewater collection facilities and additional sewage treatment capacity, when applicable, and agrees to convey such facilities to the District. Connection charges also may be waived in cases where public wastewater collection and/or treatment facilities to which connection is made are being financed under the provisions of the Neighborhood Improvement District Act.

2.9.3.2.3 Increase in Size and Number of Water Meters - Any user who increases the size of a water meter(s) serving its property or premises shall pay a charge equal to the difference between the connection charge for the meter(s) which existed prior to the increase and the connection charge for the newly installed meter(s). Any user who increases the number of water meters serving its property or premises shall pay a connection charge for each additional water meter in accordance with section 2.9.3.2 above.

2.9.3.3 Elimination of Connection - Failure to pay inspection fees and connection charges and other applicable fees shall be grounds for the District to eliminate the connection until such time as the charges are paid in full or construction requirements are satisfied.

2.9.4 Construction Costs - All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer.

2.9.5 Separate Building Connections - A separate and independent sanitary sewer connection shall be provided for every building.

2.9.6 Connection of New Buildings - The applicant shall install at applicant's expense necessary sewage facilities and sanitary sewer lines along public highways, roadways, streets, or alleys where grades have been established, or within dedicated easements acceptable to the District.

2.9.6.1 Private Service Laterals and Public Sanitary Sewer Extension- No private sewer service lateral shall extend off of the property which it serves except in cases where such private lateral extends into or across a publicly maintained road or street right of way or general utility easement abutting such property in order to connect to an existing District owned and operated sewer line located within or immediately adjacent to such road or street or general utility easement such that such private sewer lateral does not extend into or encroach upon any other private property. Subject to the foregoing, it shall be unlawful for any person to connect a sanitary sewer line of any type

to a District owned and operated sanitary sewer unless such public sanitary sewer is extended a minimum of ten feet from and within the property line of the lot or tract to be provided with public wastewater collection and treatment service; and in any case where the public sanitary sewer is located deeper than ten feet from grade, it shall be extended at least one foot further inside the property line beyond ten feet for every twelve inches depth in excess of ten feet.

(Revised 11/21/2006)

- 2.9.6.2 **Construction Specifications** - The size, slope, alignment, materials of construction of a building sanitary sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Boone County Department of Planning & Building Inspections.
- 2.9.6.3 **Elevation** - Whenever possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to allow gravity flow to the public sanitary sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sanitary sewer.
- 2.9.6.4 **Connection Specifications** - The connection of the building sanitary sewer into the public sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Boone County Department of Planning and Building Inspection and/or the applicable regulations of the City of Columbia. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the administrative authority before installation.
- 2.9.6.5 **Inspection of Connection and Building Lateral Required** - The applicant for the building sanitary sewer connection permit shall notify the District when the connection to the public sanitary sewer is ready for inspection. The connection and the building lateral from the house or building drain to the District's sanitary sewer main shall be left uncovered for inspection. Failure of the applicant to provide for the inspection will result in the lateral and connection being uncovered at the applicant's expense in order that the connection and lateral may be inspected for proper installation by the District personnel.
- 2.9.6.6 **Safety and Reclamation** - All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

2.9.6.7 Use of Existing Sanitary Sewer Lines - Old sanitary sewer lines may be used in connection with new buildings only when they are found, on examination and test by the District, to meet the requirements of these regulations.

2.9.7 Connection of Existing Buildings - At such time as public sanitary sewer with sufficient treatment capacity becomes available to a property served by a private on-site sewage disposal system, a direct connection shall be made to the public sanitary sewer within ninety (90) days of availability in compliance with this regulation, if practicable. Any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

2.9.8 Unlawful Connections - It shall be unlawful to make any connection to a public sanitary sewer in the following respects:

2.9.8.1 Sources of Surface Runoff or Groundwater - No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

2.9.8.2 Substantial Additions to the Water-using Equipment or Appliances - No substantial additions to the water-using equipment or appliances connected to the sanitary sewer system of the District shall be made except upon written notice to, and with the written consent of, the District.

2.9.9 Maintenance and Repair of Private Service Laterals and Connections – Any person or persons owning or possessing property served by and connected to a District owned and operated sewer line shall be solely responsible for the operation, maintenance and repair of the service lateral line from the building it serves up to and including the point of connection to the District sewer line unless otherwise specifically provided for by District regulation. In addition to the provisions of other District regulations and in the event that the District gives any person or persons owning or possessing property served by and connected to a District owned and operated sewer line a warning or notice of violation as a result of inspection and determination that their private service lateral or connection to the District sewer line is defective or in disrepair, then such person or persons shall immediately repair or replace such lateral or connection or take such other remedial action as necessary in accordance with the requirements of such warning or notice so given.

(Revised 11/21/2006)

2.10 Backflow Prevention Devices - The District may require any customer to install a backflow prevention device at the customer's expense on the customer's lateral or house drain as a condition to provision of wastewater collection and treatment services to the customer's property if the District finds that installation of such device is necessary to prevent a possible sewage backup into a habitable dwelling or structure. The District shall require every customer to install a backflow prevention device at the customer's expense on the customer's lateral or house drain as a condition to provision of wastewater collection and treatment services to the customer's property for all new construction and/or all repair, renovation, or rehabilitation of laterals or house drains. Such backflow prevention devices may include

backwater valves, grinder pumps, or other equipment designed to prevent sewage backflow, so long as the particular device to be installed is approved by the District prior to installation; provided, however, that the District's approval of any backflow prevention device chosen by the customer is not intended and shall not be construed to indicate that the District assumes responsibility or liability for the adequacy or sufficiency of the design or function of any such device. The extendable backwater valve manufactured by Clean Check, Inc., Part # EBV-P401AP with adapter and plug, and approved equal, is hereby recognized and approved by the District for such installation. It shall be the responsibility of the customer or qualified professionals retained by the customer to periodically inspect, maintain, and repair any such device installed in accordance with manufacturer specifications and recommendations. The District assumes no responsibility or liability for the failure of a backflow prevention device to function or otherwise prevent sewage backflow after installation.

(Revised 9/21/04 & 11/21/2006, 6/15/10)

- 2.11 **Notice Required Prior to Excavation** - Any person desiring to lay pipes for water, gas, steam, or other purposes, in any street or alley upon which sanitary sewers are to be laid, shall give at least forty-eight (48) hours' notice to the District before opening the street, and the manner of excavating and backfilling over such pipe shall be subject to the approval of the District. All such work shall be planned and executed so that no injury shall occur to any public sanitary sewer or to any building sanitary sewer connected therewith.
- 2.12 **Unlawful Discharges** - The following discharges shall be prohibited in the public sanitary sewers:
- 2.12.1 **Pollutant Limits** - Except as hereinafter provided, it shall be unlawful for any person to discharge or cause to be discharged into any sanitary sewer any of the following described substances, materials, water or wastes:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
 - (2) Any pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius.
 - (3) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.
 - (4) Any water or wastes containing more than two hundred (200) milligrams per liter (mg/l) of fat, oil or grease [emulsified oil or grease exceeding on analysis an average of one hundred (100) mg/l floatable and six hundred (600) mg/l dispersed of other soluble matter].
 - (5) Any water or wastes that contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).

- (6) Any garbage that has not been properly shredded or comminuted to a degree that all particles will be carried freely under the flow conditions of the sanitary sewer with no particle greater than one-half inch in any dimension.
- (7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, chemical residues, paint residues, unapproved cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in sanitary sewers or other interference with the proper operation of the wastewater treatment facility.
- (8) Any water or wastes having corrosive properties capable of causing damage or hazard to pipe, structures, equipment or personnel of the wastewater treatment facility or collection system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 5.5 and 9.5. The administrative authority may grant variances for higher pH than 9.5, but in no event lower than 5.5.
- (9) Any water or wastes containing a toxic or poisonous substance, that result in toxic gases, fumes, or vapors, or of high chlorine demand in sufficient quantity to injure or interfere with any wastewater treatment works process, constitute a hazard to worker health and safety, or to other humans or animals, or create any hazard in the receiving waters or the effluent of the wastewater treatment facility.
- (10) Any water or wastes that contain more than ten (10) mg/l by weight of the following gases: hydrogen sulfide, sulfur dioxide or nitrous oxide.
- (11) Any water or wastes containing the discharge of acid pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing any obstruction, damage or corrosion in the sanitary sewers or the wastewater treatment facility.
- (12) Any waters containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the wastewater treatment facility.
- (13) Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating public nuisance or hazard to life or of preventing entry into sanitary sewers for maintenance and repair.
- (14) Any waters, wastes, materials or substances which react with water or wastes in the sanitary sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.
- (15) Any water or wastes that do not comply with applicable state and federal pretreatment standards and requirements.

- (16) No user shall introduce or cause to be introduced into the wastewater treatment works any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the wastewater treatment works whether or not they are subject to categorical pretreatment standards, any regulation containing pollutant discharge limits promulgated by EPA in accordance with 33 U.S.C. ' 1317 which applies to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 or any other national, state, or local pretreatment standards or requirements.
- (17) No user shall introduce or cause to be introduced into the wastewater treatment works any pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the wastewater treatment works.

2.12.2 Remedies for Pollutant Limits - If any waters or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in these regulations, and which in the judgment of the District, may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the District may: reject the wastes; require pretreatment to an acceptable condition for discharge to the public sanitary sewers; require control over the quantities and rates of discharge; and/or require payment to cover the added cost of handling and treating the wastes not covered by existing sanitary sewer charges under the provisions of these regulations.

2.12.3 Pretreatment - If the District allows the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirements of all applicable codes, regulations and laws including those dictated by the City of Columbia's pretreatment program. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern.

(Revised 9/16/08)

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

2.12.3.2 Pretreatment Costs - Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

2.12.3.3 **Pretreatment Monitoring** - When required by the District, the owner of any property serviced by a buildings sanitary sewer carrying wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building's sanitary sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

2.12.3.4 **Pretreatment Analysis** - All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sanitary sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls or a premise is appropriate or whether a grab sample or samples should be taken. A grab sample is an individual sample collected in less than fifteen (15) minutes, without regard for flow or time. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH analyses are determined from periodic grab samples.)

2.12.3.5 **Other Pretreatment Standards Applicable** - Whenever a District customer is connected to a District collection line for which waste water treatment is provided by the City of Columbia or other municipality, and such waste water treatment provider has adopted ordinances or regulations requiring pretreatment and monitoring, then the customer's compliance with the requirements of those ordinances or regulations shall be applicable to the customer as a condition to District services to the customer regardless of whether District imposes the same or differing requirements; in the event of conflict between particular requirements, the higher or more rigorous standards intended to protect the public health shall be applicable.

(Revised 5/12/04)

2.12.4 **Unusual Waste Subject to Review, Regulation and Approval** - Unusual wastes discharged into the District wastewater treatment works shall be subject to the following:

2.12.4.1 **Wastes Unusual in Composition** - Wastes which are unusual in composition, i.e., contain an extremely large amount of TSS or BOD; are

high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; or are in any other way unusual, shall be reviewed by the administrative authority, who will determine whether such wastes shall be prohibited from or may be admitted to the District sanitary sewers or shall be modified or treated before being admitted. Wastes that, in the opinion of the administrative authority, are unusual or highly variable in volume shall be subject to flow equalization or other forms of regulation.

2.12.4.2 Unusual Water or Wastewater Due to Interaction - Any water or waste which, by interaction with other water or wastes in the public sanitary sewer system, releases obnoxious gases or develops color of undesirable intensity, or forms suspended solids in objectionable concentration, or creates any other condition deleterious to structures and treatment processes, shall be subject to control of the administrative authority.

2.12.5 Treatment or Flow Control May be Required - In cases where the administrative authority determines that wastes may be deleterious to the wastewater treatment works or have an adverse effect upon the wastewater treatment process or the receiving stream, or body of water, the administrative authority may require treatment to reduce the TSS, BOD or other constituents to levels more closely approaching those of normal wastewater before discharging such wastes into the District sanitary sewers. The administrative authority may also require any user to control its discharge to the public sanitary sewers so that it will not exceed a maximum percentage of the total flow in a sanitary sewer or to a treatment facility.

2.13 Unlawful Acts - The following acts or conduct shall be unlawful:

2.13.1 Allowing Pollutants to Enter Sanitary Sewer - It shall be unlawful to place or deposit or cause to be deposited or placed into any sanitary sewer any normal domestic wastewater, industrial waste or other polluted water except in accordance with the provisions of these regulations.

2.13.2 Tampering or Vandalism - It shall be unlawful to adjust, obstruct, damage, break or remove any portion of any manhole, cleanout, catch basin, inlet, outlet, or any part of the wastewater treatment works, or throw or deposit or cause to be thrown or deposited in any sanitary sewer opening or receptacle connecting with the wastewater treatment works, any matter or thing whatsoever, except in accordance with the provisions of these regulations or to obstruct in any way or uncover the public sanitary sewers for any purpose, or to make connection therewith, or uncover the public connection branches thereof, unless and except with the consent and under the supervision of the administrative authority.

2.13.3 Unauthorized or Deficient Connections - It shall be unlawful to make or cause to be made any such connections, except as herein provided, and by a competent and skillful mechanic, or to make such connections in any manner other than provided for by regulations adopted by the District.

2.13.4 Infiltration and Inflow - It shall be unlawful to allow the entry of ground water or storm water to the wastewater treatment works through: a faulty sanitary sewer

service line or connection point with the public sanitary sewer; surface water area drain; subsurface cleanout; roof drain; or by pumping any unpolluted industrial process waters to any wastewater collection system.

2.13.5 Utilizing a Structurally Poor Connection - It shall be unlawful to utilize a service connection point that is structurally poor and deteriorated, protruding into the public sanitary sewer, causing infiltration or inflow of subsurface water, or allowing the growth of tree roots into the wastewater collection system.

2.13.6 Prohibited STEP System Waste Products – – It shall be unlawful to deposit or permit the deposit of solid or insoluble organic or inorganic waste products into a plumbing drainage system which uses a septic tank effluent pump except waste products generated by the human body and paper tissue products designed to dissolve and be used in sanitary sewer systems; provided, however, that no enforcement action shall be taken for violation of this rule unless the property owner or resident has first been given written notice of violation of this rule and thereafter commits a further violation of this rule.
(Revised 12-18-07)

2.13.7 Constructing or Utilizing a Private Lateral that extends into or encroaches upon any other private property - It shall be unlawful for any private sanitary sewer lateral to be extended off the described, platted or surveyed lot or tract of land from which it originates except in cases where such private lateral extends into or across a publicly maintained road or street right of way or general utility easement abutting such property in order to connect to an existing District owned and operated sewer line located within or immediately adjacent to such road or street or general utility easement such that such private sewer lateral does not extend into or encroach upon any other private property.

(Revised 9/16/08)

2.14 Enforcement - These regulations shall be enforced in the following manner:

2.14.1 Commission of Unlawful Act - Any person who commits an unlawful act under these regulations or who knowingly makes any false statement, representation or certification in any application, record plan or other document filed or required to be maintained or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required hereunder shall be subject to the remedies provided for in section 2.15 below. Each day the unlawful act occurs or continues shall constitute a separate violation.

2.14.2 Violation of Chapter 644 RSMo Prohibited - It shall be unlawful for any person to violate or allow violation of any provision of Chapter 644 RSMo within the geographic boundaries of the District and any person who violates or allows violation of any such provision shall be subject to any penalties or relief provided for in these regulations; provided, however, that no enforcement proceeding hereunder shall be brought by or on behalf of the District or maintained by the District if any enforcement proceeding is brought by the Missouri Clean Water Commission or the Missouri Department of Natural Resources for the same violation or if either such agency shall notify the District of its intent to bring an enforcement proceeding for

any such violation. No violation proceeding shall be brought by or on behalf of the District for violation of any provision of Chapter 644 RSMo except in emergency or exigent circumstances unless the District has provided the Missouri Clean Water Commission or the Missouri Department of Natural Resources with actual notice of its intent to bring such proceeding, in writing or otherwise, and the fact of such notice is stated in the pleading filed in the legal proceeding for enforcement.

- 2.15 **Remedies** - If any person is found to be violating any provision of these regulations, the administrative authority may, at his or her discretion, pursue any combination of the following remedies. The penalty provided in this section shall not be construed to be exclusive but is intended to be supplementary and in addition to any other remedy provided by law or at equity. Any person who repeatedly violates the same provision or provisions of these regulations shall be subject to injunctive relief in addition to the remedies provided for herein.

2.15.1 **Injunctive Relief** - Injunctive or other appropriate relief in circuit court restraining the violation, requiring compliance with District regulations and recovering the District's cost in remediating any damage caused by the violation.

2.15.2 **Civil Penalty** - Any person or Owner who violates or facilitates the violation of any provision of these regulations shall be subject to payment of a civil penalty as determined by the Circuit Court of Boone County, Missouri, in a sum not to exceed \$300.00 per day for each day's violation of any such regulation. Every separate violation of these regulations shall be considered subject to a separate penalty and each day's violation of each such regulation shall subject the violator to a cumulative penalty.

2.15.3 **Costs and Expense of Violation and Remedy are Responsibility of Violator** - In addition to any other remedy available to the District authorized under these regulations, any person violating any of the provisions of these regulations in accordance with their terms shall be liable to the District for any expense, loss, or damage occasioned to the District by reason of such violation. As an alternative to an enforcement action, the District may specially invoice or add as a special charge to a customer account the costs and expenses incurred by the District to respond to and repair or remedy defects or damages to property or equipment owned or otherwise maintained by the District resulting from any violation of these regulations.

(Revised 12/18/07)

- 2.16 **Failure to Remedy Violation** - The District is authorized to do any combination of the following if any person shall fail to remedy a violation after notice of the violation: revoke any application for service or construction permit granted by the District; discontinue sanitary sewer service to that person; use District or contract forces to remedy the violation and charge the costs of the remedy to the person in violation.
- 2.17 **Operational Inspections and Monitoring** - The following provisions shall be applicable to operational inspections and monitoring of facilities subject to these regulations:

- 2.17.1 **Residential and Commercial Users** - The District is duly authorized to inspect and approve the installation of building laterals and their connection to the public sanitary sewer system, and to inspect such wastewater as may be discharged therefrom.
- 2.17.1.1 **Access to Systems** - The District's duly authorized employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The District's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or waterways or facilities for wastewater treatment.
- 2.17.1.2 **Access to Easement** - The District's duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the District facilities lying within said easement.
- 2.17.2 **Industrial Users** - Industrial users of the District's wastewater treatment works shall be subject to the following:
- 2.17.2.1 **Certification Statement** - 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 fine and imprisonment for knowing violations."
- 2.17.2.2 **Preliminary Treatment Facilities** - Where preliminary treatment facilities are provided for any waters or wastes, they shall be owned and maintained continuously in satisfactory and effective operation by the owner at his or her expense.
- 2.17.2.3 **Accidental Discharges and Slug Control Plans** - At least once every two (2) years, the District shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. A significant industrial user is a noncategorical industry with >25,000 GPD; >5% of dry weather hydraulic or organic capacity; categorical industry; or any industrial user designated by continuing authority to have a reasonable potential to adversely affect the wastewater treatment works' operation. The District

may require any user to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the District of any accidental or slug discharge, as required by of this regulation; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

2.17.2.4 Reporting Accidental and/or Slug Discharges - The following shall be applicable to accidental and/or slug discharges:

2.17.2.4.1 Immediate Notification - 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 load, that may cause potential problems for the wastewater treatment works, the user shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

2.17.2.4.2 Written Report - Within five (5) days following such discharge, the user shall, unless waived by the District, 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 that may be incurred as a result of damage to the wastewater treatment works, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any penalties or other liability that may be imposed pursuant to this regulation.

2.17.2.4.3 Posted Notice - A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

2.18 **Accounts and Billing** - The following regulations shall be applicable to customer accounts and billing:

2.18.1 **Liability For Payment of Accounts and Applications for Service**- The liability for payment of any user charges, connection fees, or other charges levied by the sewer district shall be against the owner or owners of real property which is connected to District sanitary sewers made available for collection and treatment of waste water generated on the property and such property is subject to a statutory lien for payment as provided in section 204.455, RSMo. The District may permit the establishment of customer accounts by tenants, lessees and other persons who occupy or use property which is connected to District sanitary sewers with the express or implied consent of the property owner(s), but the establishment of such accounts shall not relieve the property owner(s) from financial responsibility for payment of all such user charges, connection fees, or other charges levied by the sewer district, nor otherwise affect the discharge rights to assert a lien against the property served under section 204.455, RSMo. Customers shall apply for sewer service by submitting their name and address, the kind of service requested, and the location to be served. No customer shall be refused service due to race, sex, creed, national origin, marital status, age, number of dependents, source of income, or place of residence in the service area.

(Revised 2/17/04)

2.18.2 **Billing & Payment** - The manner of furnishing the statement shall be as determined by the Board, provided each customer is billed in a reasonable, predictable manner. The District may divide the service area into sections, and/or the customers into various classes for the purpose of rendering statements. Such sections or classes may be changed from time to time to meet the operating requirements of the District. Such sections or classes are for the sole purpose of establishing a billing rotation and shall have no affect on the amount or rate of billing.

2.18.2.1 **Billing Period** - The District shall render a bill once during each billing period to every customer in accordance with the applicable rate schedule. A billing period covers thirty (30) days of service. Each customer is billed for thirty (30) days of service in advance. When bills are rendered for a period of less than a complete billing period due to the connection or termination of service, the billing shall be for the proportionate part of the charge.

(Revised 4-19-07)

2.18.2.2 **Due and Payable** - All service bills shall be due and payable in full ten (10) days from the date of the bill, after which they shall be subject to late charges. If the last day for remittance falls upon a weekend or holiday, or any other day when the offices regularly used for the payment of customer bills, are not open to the general public, the final payment date shall be extended through to the close of the next business day. The date of payment for remittance through the mail shall be the date on which the department receives the remittance.

(Revised 4-19-07)

2.18.2.3 **Late Charge** - The District shall assess a two percent (2%) late charge upon the bill of a customer for the reason that any balance due and owing upon the bill remains outstanding beyond the ten (10) day period of time established for payment.

(Revised 4-19-07)

2.18.2.4 **Contents of Statement** - The statement shall contain the number of days of service, billing date, due date, previous balance, current amount due, total due, date delinquent, address and phone number to call for information. Billing or clerical errors or omissions contained on a statement shall not serve as a defense to late payment charges of the actual account balance when due to the extent of amounts actually due, nor a defense to the costs and expenses chargeable for delinquent accounts and collection thereof resulting from nonpayment in whole or in part of the actual account balance due and not paid.

(Revised 4-19-07)

2.18.2.5 **Delinquent Accounts** - A delinquent account is a bill remaining unpaid by a customer at least twenty (20) days from rendition of the bill by the District. The District is hereby authorized to establish an administrative procedure to handle delinquent accounts. Collections of delinquent payments may be pursued through collection agencies and in the courts of jurisdiction and may include for collection the amount of the delinquent payments, service charges and collection costs, court costs, reasonable attorney's fees, and all other expenses incurred regarding the collection of the delinquent account. Any account remaining unpaid after six (6) months shall be subject to Section 204.455 RSMo relating to liens being placed upon property where services were provided.

(Revised 4-19-07)

2.18.2.6 **Termination of Service** - Whenever a customer shall order services terminated or otherwise cease to be a customer, all amounts owed by the customer to the District shall immediately become due. Bills for accounts to which services have been terminated or discontinued for a period of thirty (30) days shall be considered delinquent thirty (30) days after the final billing date. Should the account remain outstanding for a period of sixty (60) days, the account will be submitted to a collection agency or attorney for collection as determined under District administrative procedures. All costs, fees and expenses chargeable for delinquent accounts as specified in section 2.18.2.5. shall be applicable to the debt owed under the delinquent account.

(Revised 4-19-07)

2.18.3 **Temporary Interruptions of Service** - The District reserves the right to discontinue sanitary services in its mains at any time, without notice, for making repairs, extensions, or alterations to the wastewater treatment works.

2.18.3.1 **Notification of Customers** - Whenever service is interrupted for repairs, all customers affected by such interruptions will be notified in advance if it is possible to do so. Every effort will be made to minimize the interruption and temporary methods of disposing of bulk sewage will be provided for when possible.

2.18.3.2 **Refunds** - No refunds of charges for sanitary sewer service will be made for interruption of service unless the interruption is in effect for a continuous period in excess of forty-eight (48) hours without disposal by the District.

2.19 **Disconnection** - The following provisions shall be applicable to disconnections of service:

2.19.1 **Reasons for Disconnection of Service** - The District shall have the right to discontinue sanitary sewer service to the customer for the following reasons. Discontinuance of sanitary sewer service to a premise for any reason shall not prevent the District from pursuing any lawful remedy for the collection of monies due from the Customer, and the District shall have the right to include court costs, applicable service charge(s), disconnect and/or reconnect charges, collection charges and reasonable attorney's fees for collection.

2.19.1.1 **Non-payment** - Service may be discontinued for: nonpayment of a delinquent account; failure to comply with the terms and conditions of a settlement agreement relating to a current or prior sanitary sewer account; failure to inform the District of their intent to terminate sanitary sewer services; or for failure to respond to a delinquent notice.

2.19.1.2 **Tampering or Vandalism** - No person, except authorized employees of the District, shall connect to the service lines without written authorization. In the event the District shall discover evidence of tampering with lines used for sewage distribution, or other such line of the sanitary sewer having the probable effect of rendering actual meter readings inaccurate, or to receive the service of the sanitary sewer without proper payments, sanitary sewer service may be discontinued.

2.19.1.3 **Violation of Health Regulation and/or Unsafe Conditions** - Service may be disconnected upon request from health department because of unsafe condition of structure or dwelling and/or non-compliance with sanitary sewer use regulations.

2.19.2 **Procedures for Disconnection of Service** - Prior to any service disconnection for any of the reasons listed in section 2.19.1.1-3, the District shall give five (5) working days' written notice of such intent by mail to the customer at their billing address. Service of notice is complete upon mailing. The District shall maintain an accurate record of the date of mailing. Such notice shall give a telephone number and address at which such disconnection may be contested. The general manager is hereby authorized to promulgate rules and regulations to establish an administrative procedure to handle such contests. The District may disconnect service between the hours of 8:00 a.m. and 4:00 p.m. on the date specified on the disconnection notice, or within a reasonable time thereafter. Service shall not be disconnected on a day when

the offices of the District are not available to the public for the purpose of reconnecting discontinued service.

- 2.19.2.1 **Notice of Disconnection** - A Disconnection Notice shall contain the following: name and address of the customer; clear and concise statement of the reason for the proposed disconnection; cost of reconnection; date on or after which service shall be discontinued unless action is taken by the customer; terms under which disconnection may be avoided by the customer; and the telephone number where inquiry/complaint may be made.
- 2.19.2.2 **Reasonable Effort to Contact** - Immediately preceding the disconnection of service, the employee of the District designated to perform such function shall make a reasonable effort to contact and identify her/himself to the customer or responsible person then upon the premises stating action taken, reason for action, and phone numbers where inquiries may be made.
- 2.19.2.3 **Postponement Due to Medical Circumstances** - Notwithstanding any other provisions of this section, the District may postpone the disconnection of sanitary sewer service to a residential customer for a time not in excess of twenty-one (21) days if the disconnection will aggravate an existent medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered.
- 2.19.2.4 **Customer Dispute** - If the District is advised, prior to the date of disconnection that any portion of bill is in dispute, the District shall record the date, place and time the complaint was made, and enter into the resolution process with the customer. The complaint may be initiated in person, by phone, or in writing. The District, in attempting to resolve the dispute in a mutually satisfactory manner, may employ those methods set forth by the management in the customer complaints process.
- 2.19.2.5 **Failure to Pay Undisputed Amount** - When a complaint is made, the customer shall make payment of the nondisputed amount; if customer fails to make payment of the nondisputed amount within three (3) working days from the date of registering the complaint, the customer shall waive their right to continuance of service and disconnection of service may proceed.
- 2.19.2.6 **Failure to Negotiate** - Failure of the customer to enter into negotiation with the District to resolve a dispute shall constitute a waiver of the customer's right to continuance of service and the District may then proceed to disconnect service as provided.
- 2.19.3 **Disconnect/Reconnect Charge** - A fee equal to the actual costs of the District, to a minimum of three hundred dollars (\$300.00), shall be charged to all accounts when it is necessary to utilize District forces to physically disconnect sanitary sewer service. Reconnection charges shall also be levied against the affected account on the basis of the actual costs of reconnection, to a minimum of three hundred dollars (\$300.00). Total fees to disconnect and reconnect service will be a minimum of six hundred dollars (\$600.00).

- 2.20 **Reconnection/Restoration of Service** - Upon the customer's request, the District shall restore service promptly if the cause for disconnection of service has been eliminated, applicable restoration charges paid and, if required, satisfactory credit arrangements have been made.
- 2.21 **Resale of Sanitary Sewer Services** - Should the resale of sanitary sewer service become necessary, the following regulations apply.
- 2.21.1 **Resale at a Profit Prohibited** - No customer shall sell at a profit, or offer for sale at a profit any sanitary sewer service purchased for their sole use from the District unless authorized by the District.
- 2.21.2 **Authorization Required** - Any customer wishing to resell a sanitary sewer service, shall do so only after having first obtained authorization from the District.
- 2.21.3 **Evidence of Compliance** - Any customer reselling sanitary sewer service, regardless of whether the sanitary sewer service so resold is metered or not, shall from time to time as determined by the District, furnish evidence that such resale is in compliance with all rules relating to such.
- 2.21.4 **Submeters May be Required** - Any customer wishing to resell sanitary sewer service may be required, as determined by the District, to install submeters where required and maintain records at such customer's expense, for the purpose of determining compliance with this section.
- 2.22 **Interpretation and Severability** - The regulations enacted hereunder are intended to be supplementary to all of the provisions or remedies authorized or prescribed by law, rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. In the event these regulations conflict with another law, rule or regulation, the law, rule or regulation imposed by a higher governmental authority shall be applicable in cases of preemption, but otherwise the law, rule or regulation which affords the greater protection to the public health or safety shall prevail. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.
- 2.23 **Variances** - The Board may grant a variance from the strict application of the regulations adopted in this chapter upon application if it finds after public hearing and upon competent and substantial evidence that the applicant meets the criteria for grant of a variance required by these regulations. No variance from any requirement contained within chapter two of these regulations shall be granted unless the Board finds: (a) the applicant will incur unreasonable and unnecessary hardship if a variance is not granted and the variance is not sought primarily to avoid financial expense in complying with the requirements of these regulations (b) grant of a variance will not endanger the health, safety or welfare of the public, and (c) grant of a variance will not hinder, thwart or circumvent the general intent or any specific purpose of these regulations. All applications for variances shall be filed with

the General Manager of the District and after review thereof the General Manager shall make a recommendation to the Board to grant or deny the application and state the reasons for his recommendation. The applicant may appeal any decision of the Board as provided by law.

- 2.24 **Effective Date** - This regulation shall be in full force and effect from the 15th day of September 1998.