

AN EMERGENCY ORDINANCE OF THE CITY OF NEVADA, MISSOURI, APPROVING SEWER SURCHARGES AND FINES IMPOSED ON NF PROTEIN, LLC, 3000 INDUSTRIAL PARKWAY, NEVADA, MO 64772.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:

Section 1. Surcharges. The surcharges based on the strength of the wastewater discharged monthly by NF Protein, LLC, (BOD discharges) into the city's system in May and June, 2016, imposed by the superintendent of the city's wastewater transmission and treatment facilities which are set forth in the spreadsheet attached hereto and incorporated herein by reference, are hereby approved by the city council.

Section 2. Fines. The Council is advised that NF Protein, LLC, during the Months of May and June, 2016, violated provisions of the municipal pretreatment ordinances related to BOD, TSS, Ammonia and Oil and Grease Disc discharges on numerous occasions. The following six violations have been noted which justify the levy of administrative fines under Section 28-107 of the Code:

1. Violations of the daily BOD limit (610) occurred on 06/01/16 (663), 06/15/16 (1410), 06/22/16 (1350) and 06/29/16 (2020).
2. A violation of the daily TSS limit (600) occurred on 06/29/16 (890).
3. Violations of the daily Ammonia limit (200) occurred on 06/01/16 (224), 06/08/16 (479), 06/15/16 (500), 06/22/16 (261), and 06/29/16 (360).
4. A violation of the daily Oil & Grease limit (100) occurred on 06/08/16 (110).
5. A violation of the monthly BOD limit of 500 average occurred during June (1207).
6. A violation of the monthly Ammonia limit of 150 average occurred during June (365).

These six violations listed individually and conjointly constitute a disregard of the pretreatment requirements of the municipality and justify six administrative fines of \$1,000 for each of the six violations are recommended to the council. Said six fines of \$1,000 each for a total of \$6,000 is hereby approved by the city council.

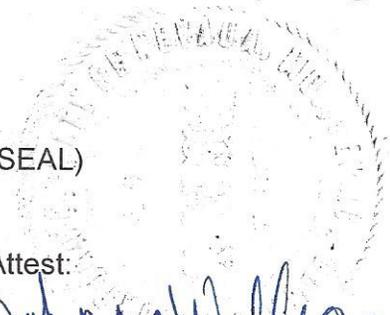
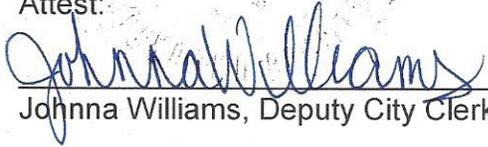
Section 3. Emergency Ordinance. This ordinance is an emergency ordinance by reason of repeated violations of the city's pre-treatment ordinances. The industry must

become attentive to compliance with the pre-treatment regulations of the city and compliance must be obtained and maintained.

PASSED, APPROVED and ADOPTED by the City Council of the City of Nevada, Missouri, this 2nd day of August, 2016.

(SEAL)

Attest:



Johnna Williams, Deputy City Clerk


Brian L. Leonard, Mayor



110 SOUTH ASH
NEVADA, MISSOURI 64772

August 2, 2016

Mr. Dan Scannell
NF Protein, LLC
3000 Industrial Parkway
Nevada, MO 64772

Re: Suspension of Wastewater Service July 29, 2016

Dear Mr. Scannell,

This letter is being written as follow-up to the suspension of your wastewater service on July 29, 2016. Sanitary sewer service (non-process) may be re-instated upon the following requirements being met satisfactorily:

- Inspection of the capped discharge line from the process area. Cap shall prevent the discharge of any liquid into the discharge pipe. Cap shall be protected from the collection of wastewater around/above the capped area (e.g., isolated and sloped away from the capped area). Repeated verification inspections must be allowed by the City's designed personnel at any reasonable time.
- Flushing of the line from your facility to the City's Lift Station. Alliance will perform the flushing and will notify you when it is complete.
- Written certification that no process wastewater is being discharged to the City's collection system and that the integrity of the cap for process wastewater is maintained. Certification shall be provided monthly until further notice.
- Payment in full for all BOD surcharge fees (for May and June BOD; refer to attached detail). Total surcharge fee is \$3,288. Note that July surcharges will also be billed.
- Administrative fines of \$6,000 must be paid per the City Council meeting on 8/2/2016.

Alliance has visually inspected the capped process wastewater and documented the inspection with photos on August 1, 2016. Periodic inspections will be made to the capped line and analytical testing may be performed at the City's discretion to verify the characteristics of the wastewater leaving your facility. Please let us know when the requested information is available so that sanitary service can be restored.

The IU Permit for discharging industrial wastewater is hereby suspended until further notice.
Please contact me if you have any questions at 448-5101 or Kim Hoskins at 314-276-9575.

Sincerely,

A handwritten signature in black ink, appearing to read 'JD Kehrman', written over the printed name.

JD Kehrman
City Manager

Enclosure

Copy: William McCaffree, Kim Hoskins, Eric McPeak

City of Nevada, Missouri
Pretreatment Program
BOD Surcharge Basis

- a. Fees for surcharges are established by the City of Nevada sewer use ordinance in accordance with City of Nevada Code Section 28.88 (b):
- i. If the biochemical oxygen demand (BOD) exceeds 250 mg/l, an additional monthly charge of \$0.42 per pound of BOD shall be applied. The minimum charge for exceeding this limit shall be \$100.00.
 - ii. If the total suspended solids (SS) exceed 300 mg/l, an additional monthly charge of \$0.35 per pound shall be applied. The minimum charge for exceeding this limit shall be \$100.00.

Baseline BOD	250 mg/L
Surcharge	\$0.42 per pound BOD (interpreted as pounds beyond 250 mg/L)

	May Data	June Data
Average BOD	1121 mg/L	1207 mg/L
Average Flow*	15,677 gpd	17,457 gpd
Excess BOD	871 mg/L	957 mg/L
Excess BOD	114 lbs/day	139 lbs/day
Cost per Day	\$48	\$59
Cost per Month	\$1,482.76	\$1,756
Processing Fee	\$25	\$25

Total Amount Due \$1,507.76

\$1,781

\$3,288 Total Due

* Based on meter readings

City of Nevada, Missouri
Pretreatment Program
May/June/July Violations

28-88: (c) Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent of the sludge from the city's treatment works, or any user who discharges any substance which, singly or by interaction with other substances, causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the city council.

Refer to attached MMRs for May and June¹

# Daily Violations:	17
# Monthly Avg Violations:	<u>5</u>
Total Violations	22

1 July Monthly Monitoring Report (MMR) not available. June results based on emailed correspondence (not signed report)

Sec. 28-107. - Administrative enforcement remedies.

(f) Administrative fines. Notwithstanding any other section of this article, any user who is found to have violated any provision of the ordinance, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the city manager shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the city manager to reconsider the fine within ten days of being notified of the fine. Where the city manager believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

==> Fine for above violations: \$6,000

Basis: Daily Maximum limits for BOD and Ammonia in May and June exceeded, Monthly Average Limits for BOD and Ammonia exceeded in May and June, and Oil and Grease and TSS exceeded in June (6 types of violation; not included per analytical result).

**INDUSTRIAL USER PERMIT
MONTHLY MONITORING REPORT**

NF Protein LLC - Monthly Monitoring Report for Compliance Point 001 (Manhole outside facility see permit map)					
Sampling Frequency	once/week	once/week	once/week	once/month	once/month
Sampling Type	Composite	Composite	Composite	Grab	Grab
Sample Parameter	BOD	TSS	Ammonia	pH	Oil & Grease
units	mg/l	mg/l	mg/l	(SU)	mg/l
Date	610 daily max./500 monthly ave.	600 daily max./500 monthly ave.	200 daily max./150 monthly ave.	5.5-9.5	100 daily max./100 monthly ave.
05/01/16					
05/02/16					
05/03/16					
05/04/16					
05/05/16					
05/06/16					
05/07/16					
05/08/16					
05/09/16					
05/10/16					
05/11/16	1400	154	447	6.7	ND (5.0)
05/12/16					
05/13/16					
05/14/16					
05/15/16					
05/16/16					
05/17/16					
05/18/16	734	96.0	295		
05/19/16					
05/20/16					
05/21/16					
05/22/16					
05/23/16					
05/24/16					
05/25/16	1230	144	370		
05/26/16					
05/27/16					
05/28/16					
05/29/16					
05/30/16					
05/31/16					
Total	3364	394	1112		ND (5.0)
Average	1121	131	371	N/A	ND (5.0)
Min (1)	734.00	96.00	295.00	6.7	ND (5.0)
Max (1)	1400.00	154.00	447.00	6.7	ND (5.0)

Notes: (1) for pH manually enter min and max values from data set.

