

BILL NO. 17-021

ORDINANCE NO. 4759

FIRST READING 08-15-2017

SECOND READING 09-05-2017

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 4751 AND SECTION 13.03 OF THE CITY CODE SUBSTITUTING IN ITS PLACE AN ORDINANCE PROHIBITING THE USE OF AMMONIA IN THE HANNIBAL PUBLIC DRINKING WATER SYSTEM THIS ORDINANCE SHALL BE KNOWN AS THE HANNIBAL SAFE DRINKING WATER CHEMICAL USE REDUCTION ACT AND ENACTING A NEW SECTION 13.03 OF THE CITY OF HANNIBAL CODE OF ORDINANCES

WHEREAS, on May 16, 2017, the Hannibal City Council approved and adopted Proposition 1 which had been approved by a majority of the voters of the City of Hannibal at an election held on April 4, 2017; and

WHEREAS, the Board of Public Works for the City Hannibal and its individual members have commenced litigation in the Circuit Court of Marion County Missouri, Case Number 17MR-CV00868 seeking to declare Ordinance Number 4751 invalid and unenforceable; and

WHEREAS, the Charter of the City of Hannibal permits an Ordinance which is adopted as a result of the Initiative Petition process to be treated as an Ordinance adopted by the City Council and the City Council has the ability to revise, amend, or repeal such an ordinance; and

WHEREAS, it is the desire of the City Council to recognize the results of the Election prohibiting the use of Ammonia in the Hannibal Public Drinking Water System but at the same time to supervise, regulate and encourage the Board of Public Works to eliminate the use of Ammonia in the Hannibal Public Drinking Water System while at the same time complying with the rules and regulations of the Missouri Department of Natural Resources and the United States Environmental Protection Agency.

NOW THEREFORE BE IT ORDAINED by City Council of the City of Hannibal, Missouri as follows:

SECTION ONE (1):

Upon the adoption of this Ordinance by the City Council of the City of Hannibal, Missouri Ordinance Number 4751 AND Section 13.03 of the City of Hannibal Code of Ordinances is repealed and replaced with a revised Section 13.03, as follows.

SECTION TWO (2): DEFINITIONS

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

AMMONIA: Ammonia is a compound of nitrogen and hydrogen with the formula NH_3 . It is a colorless gas with a characteristic pungent smell. Ammonia is not listed as a disinfectant by the USEPA.

CHLORAMINE: Chloramines are derivatives of ammonia by substitution of one, two or three hydrogen atoms with chlorine atoms; Monochloramine (NH_2Cl), Dichloramine (NHCl_2), and Nitrogen Trichloride (NCl_3). Monochloramine is an inorganic compound with the formula NH_2Cl which is sometimes used as a secondary disinfectant in the form of a dilute aqueous solution.

DISINFECTION: Water disinfection means the removal, deactivation, or killing of pathogenic micro-organisms. Micro-organisms are destroyed or de-activated, resulting in termination of growth and reproduction. When micro-organisms are not removed from drinking water, drinking water usage will cause people to fall ill. Chloramine is a much weaker disinfectant than chlorine.

DISINFECTION BYPRODUCTS: Disinfection byproducts result from reactions between organic and inorganic matter in water with chemical treatment agents during the water disinfection process. DBPs are present in most drinking water supplies that have been subject to chlorination, chloramination, ozonation, or treatment with Chlorine Dioxide. Many hundreds of DBPs exist in treated drinking water and at least six hundred (600) have been identified.

PUBLIC DRINKING WATER SYSTEM: a public water system provides treated water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY: the United States Environmental Protection Agency (EPA or sometimes USEPA) is an

agency of the United States federal government which was created for the purpose of protecting human health and the environment by writing and enforcing regulations based on laws passed by the United States Congress. The USEPA administers the Safe Drinking Water Act.

MISSOURI DEPARTMENT OF NATURAL RESOURCES: *the Missouri Department of Natural Resources (MDNR) is an agency of the government of the State of Missouri. It is responsible for the implementation and enforcement of the Missouri Safe Drinking Water Act, Sections 640.100 to 640.140 of the Revised Statutes of Missouri (RSMo.). It is responsible for proposing, adopting and enforcing Regulations to assure compliance with the Safe Drinking Water Act.*

PROTOCOL, PILOT STUDIES AND PILOT TESTING: *in order to change the method of treating the public water supply, the Hannibal Board of Public Works must comply with the Regulations of MDNR, including 10 CSR60-4.090 which requires that any proposed new water treatment changes must be undertaken with a protocol and testing parameters approved by MDNR prior to initiating the pilot study and the performance of a pilot study.*

SECTION THREE (3): PROHIBITIONS OF THE USE OF AMMONIA IN THE PUBLIC DRINKING WATER SYSTEM OF THE CITY OF HANNIBAL AND ITS CUSTOMERS

It is hereby declared to be the public policy of the City of Hannibal, Missouri that the administration, dosing, feeding or use of Ammonia in the Public Drinking Water System of the city of Hannibal and its customers shall be prohibited.

- 1. Upon the adoption of this Ordinance, the Board of Public Works (BPW) of the City of Hannibal shall immediately begin the development and implementation of a protocol which includes proposed testing parameters and pilot studies approved by MDNR. The protocols, proposed testing parameters and proposed pilot studies must be submitted to MDNR on or before March 31, 2018. Upon their approval by MDNR, BPW must begin implementation and construction of facilities using a method approved by MDNR and have Ammonia removed from the Public Drinking Water System for the City of Hannibal and its customers by March 31, 2020.*
- 2. The General Manager of BPW shall provide written and oral reports to the City Council for the City of Hannibal, Missouri on a quarterly basis beginning with September 5, 2017 on the efforts of the BPW to comply with this Ordinance and the Regulations of MDNR. If the General Manager shall fail to provide this information in person to the City Council for the City of Hannibal, Missouri at a*

regular or special Council Meeting then h/she shall be subject to the Enforcement and Penalties Sections of this Ordinance.

SECTION FOUR (4): ENFORCEMENT

- A. This Ordinance shall be enforced by the City Manager or an authorized designee.
- B. Notice of the provisions of this Ordinance shall be given to all licensed Water Treatment Operators assigned to operate the City of Hannibal's Public Water System.
- C. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the City Manager or authorized designee by filing a written Complaint, on a form provided by the City Manager, with the office of City Manager.
- D. The City Manager or h/her designee shall inspect the Public Water System of the City of Hannibal to insure compliance with this Ordinance.
- E. In addition to the remedies provided by the provisions of this Section, any person aggrieved by the failure of the City Manager or h/her designee to enforce any provisions of this Ordinance may apply for injunctive relief to enforce the provisions of this Ordinance in a court of competent jurisdiction.

SECTION FIVE (5): VIOLATIONS, CONVICTIONS AND PENALTIES

A person who causes the administration, dosing, feeding, or use of Ammonia in the Public Drinking Water System of the City of Hannibal or its customers prohibited by the provisions of this Ordinance shall be guilty of an infraction, punishable by:

- A fine not to exceed One Hundred Dollars (\$100) for the first violation.
- A fine not to exceed Two Hundred Fifty Dollars (\$250) for a second violation *which occurs within one year of the first violation.*
- A fine not to exceed Five Hundred Dollars (\$500) for each additional violation *which occurs within one year of the second violation.*

Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

SECTION SIX (6): OTHER APPLICABLE LAWS

This Ordinance shall not be interpreted or construed to permit the use of Ammonia where it is otherwise restricted by other applicable laws.

The use of Ammonia to form Chloramine as a secondary disinfectant is not prescribed, ordered or recommended by any regulatory agency with responsibility for administration of the Safe Drinking Water Act are the Missouri Safe Drinking Water Act.

SECTION SEVEN (7): LIBERAL CONSTRUCTION

This Ordinance shall be liberally construed so as to further its purposes.

SECTION EIGHT (8): SEVERABILITY

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances, shall be held invalid *by a court of competent jurisdiction, that determination of invalidity shall not affect* the other provisions of this Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared to be severable.

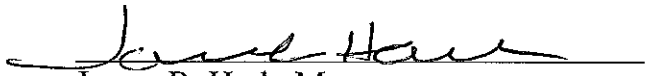
SECTION NINE (9): EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its passage by the City Council of the City of Hannibal, Missouri.

Adopted this 5th day of September, 2017.

Approved this 5th day of September, 2017

Attest:


James R. Hark, Mayor


Angelica N. Zerbonia, MRCC- City Clerk