

## Chapter 30

### SEWERS AND SEWAGE DISPOSAL \*

- Art. I. In General, §§ 30-1 -- 30-40
- Art. II. Wastewater Discharge Permits, §§ 30-41 -- 30-80
- Art. III. Sewer Connections, §§ 30-81 -- 30-120
- Art. IV. Service Charges, §§ 30-121 -- 30-170
- Art. V. Discharge Regulations, §§ 30-171 -- 30-207
- Art. VI. Pumping and Transportation of Other Wastewaters, §§ 30-208 -- 30-272
  - Div. 1. Health Department Permit, §§ 30-208 -- 30-237
  - Div. 2. Generally, §§ 30-238 -- 30-272
- Art. VII. Private On-site Wastewater Systems, §§ 30-273 -- 30-323
  - Div. 1. Generally, §§ 30-273 -- 30-300
  - Div. 2. Special Requirements for Private On-site Wastewater Systems, §§ 30-301 -- 30-321
  - Div. 3. Building Sewers, §§ 30-322 -- 30-323

#### ARTICLE I. IN GENERAL

##### Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in this section or in chapter 1 shall be defined in the *Glossary of Water and Wastewater Control Engineering* prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1981, or its replacement.

*Act or the act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

*Applicant* means any person requesting a permit to use the public sewer under any of the provisions of this chapter.

*Approval authority* means the Environmental Protection Agency (EPA) or Kansas Department of Health and Environment (KDHE). As regards the pretreatment program, if the pretreatment program has been formally delegated to the KDHE, it shall mean the Director of the Division of Environment of KDHE.

*Authorized representative of industrial user* means any of the following:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*Best Management Practices (BMPs)* include, but are not limited to, schedules of activities, prohibitions of practices, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the municipal sewer system, and to minimize the pollution of waters of the United States. BMPs also include pretreatment equipment installation and requirements, operating procedures, practices to control runoff from developed sites, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and other structural controls such as dry extended detention ponds, wet ponds, infiltration basins, infiltration trenches, porous pavement, bioretention, sand and organic filters, storm water wetlands, grassed swales, grassed filter strips, catch basins, in-line storage, and manufactured products for storm water inlets.

*BOD* (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

*BTEX* means the sum of the concentrations of benzene, toluene, ethylbenzene and the isomers of xylene (*o*-xylene, *m*-xylene and *p*-xylene), as determined by an analytical method approved by the EPA or KDHE.

*Building drain* means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet (0.61 meters) outside the outer face of the building wall.

*Building sewer or sewer service or private sewer* means the sewer maintained and controlled by private persons for the purpose of conveying sewage or storm water to public sewers including the extension from the building drain to the public sewer. The building sewer shall be deemed to begin at a point two (2) feet outside the building or foundation wall. The building sewer ends at the point of connection to the public sewer and includes the connection.

*Bypass* means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

*City* means the portion of the territory of Wyandotte County which constituted Kansas City, Kansas, on September 30, 1997.

*COD* (denoting chemical oxygen demand) means the oxygen-consuming capacity of inorganic and organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant as under EPA/KDHE approved laboratory procedure in milligrams per liter.

*Class I-a* includes all wastewater or sewage discharged into a sanitary sewer by residential users.

*Class I-b* includes that all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. Class I-b includes residential structures with three or more units that discharge into a sanitary sewer.

*Class II* includes all wastewater, sewage and industrial wastes discharged into a sanitary sewer from establishments that sell prepared food for consumption.

*Class III* includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users.

*Code of Management Practices for Silver Dischargers* means the best management practice established jointly by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council, including the Guide for Commercial Imaging, Guide for Diagnostic and Industrial X-Ray Film Processors and Guide for Photo Processors, © 1997 National Association of Photographic Manufacturers, Inc.

*Combined sewer* means a sewer designed to receive any combination of surface runoff and wastewater, sewage or industrial wastes.

*Connection or sewer connection* means an attachment of a building sewer to a public sewer, or the location where such an attachment occurs. If the context specifically requires the interpretation, it also means the attachment of a newly constructed public sewer to an existing public sewer.

*Cooling waters* means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

*Control Authority* means the Water Pollution Control Division, KDHE or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

*Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Director* means the Director of the Water Pollution Control Division or his/her designee.

*Domestic sewage* means the waterborne wastes derived from ordinary living processes and of such character as to permit its discharge into a public sewer without treatment or into a private on-site wastewater system.

*Domestic wastes* means liquid wastes from the non-commercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

*Drainageway* means a natural or manmade storm water conveyance system.

*Environmental Protection Agency* or *EPA* means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other official of such agency.

*Garbage* means solid wastes from the domestic or commercial preparation, cooking or dispensing of food, or from the handling, storage, or sale of food or produce.

*Harmful quantity* means the amount of any substance that the Director determines will cause an adverse impact to the storm drainage system, including the municipal separate storm sewer system (MS4), or will contribute to the failure of the Unified Government to meet the water quality-based requirements of the NPDES permit for discharges from the MS4.

*Health officer* means the director of the health department or his or her designee.

*Health department* means the health department of the Unified Government of Wyandotte County / Kansas City, Kansas.

*Illicit connection* means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter a municipal separate storm sewer system.

*Illicit discharge* means any discharge to a municipalseparate storm sewer system that is not composed entirely of storm water, except discharges pursuant to a National Pollutant Discharge Elimination System (“NPDES”) permit.

*Industrial user* means any user contributing industrial wastes to the municipal sewer system.

*Industrial wastes* or *industrial wastewater* means the liquid or water-borne wastes from industrial manufacturing processes, trade, commerce, or business, including medical offices or facilities, other than domestic sewage.

*Interceptor sewer* commonly means a public sewer that carries large flows concentrated from many tributary or secondary sewers; specifically it means a sewer designated by the director as an interceptor sewer.

*Interference* means the inhibition or disruption of the municipal sewer system, treatment processes or operations that contributes to a violation of any requirement of the Unified Government's NPDES permit. The term includes prevention of sewage sludge use or disposal by the Unified Government in accordance with section 405 of the act (33 U.S.C. § 1345), or any criteria, guidelines or regulations developed (present or future) pursuant to the Solid Waste Disposal Act (SWDA) (PL 94580 as amended), the Clean Air Act (PL 91604 as amended), the Toxic Substances Control Act (PL 94469), or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the Unified Government.

*Low Pressure Sewer System or LPS* means a sewage collection and transport system operated at a low pressure in which building sewers are pressurized and discharge directly into a pressurized public sewer. Compared to other force mains that receive concentrated flows of wastewater from a gravity sewer at, usually, a single pump station, an LPS is designed for low flow, usually operates at lower pressure, and usually has multiple pressurized building services connected.

*Maximum Extent Practicable* means the use of those best management practices, which, based on sound engineering and hydro-geological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

*MBAS* (Methylene blue active substance) means any substance that brings about the transfer of methylene blue, a cationic dye, from an aqueous solution into an immiscible organic layer upon equilibrium.

*Municipal Separate Storm Sewer System (MS4)* means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, roadside ditches, man-made channels, or storm drains):

- (1) owned or operated by a State, City, Town, Borough, County, Parish, District, Association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 or the CWA that discharges to waters of the United States;
- (2) designated or used for collecting or conveying storm water;
- (3) which is not a combined sewer; and
- (4) which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

*Municipal sewer system* means the facilities that are owned or operated by Unified Government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, industrial waste. Such facilities may include but are not limited to sanitary sewers, combined sewers, interceptor sewers, low pressure sewers, pump stations, force mains, treatment plants, sludge handling and disposal facilities, and outfalls.

*National categorical standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

*National prohibitive discharge standard or prohibitive discharge* means any regulation developed under the authority of section 307(b) of the act and 40 CFR§ 403.5.

*National pollution discharge elimination system permit or NPDES permit* means a discharge permit issued by the approval authority pursuant to section 402 of the act (33 U.S.C. § 1342).

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

*New source* means:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act, 33 U.S.C. 1251 et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (iii) the production or wastewater generating processes of the building, structure, facility or installation are at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria stated in (1)(ii) or (1)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (i) begun, or caused to begin as part of a continuous onsite construction program:
    - (A) Any placement, assembly, or installation of facilities or equipment; or
    - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

*Obligations* means any obligations of the Unified Government payable from the revenues of the sewer system.

*Pass through* means a discharge which exits the publicly owned treatment works into the waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

*Permit* means a written permit issued by the director or health officer approving and authorizing activities related to the municipal sewer system or the treatment and disposal of wastewater as identified in this chapter. Specific types of permits are addressed in various articles of this chapter as follows: Wastewater discharge permits: Article II, Connection permits: Article III, Health department permits; Article VI, and Private on-site wastewater permits: Article VII.

*Permitted Industrial User* means any person that has a Wastewater Discharge Permit issued by Water Pollution Control.

*Person* means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state or any interstate body or any other entity or group whose discharges are treated at the POTW.

*pH* means the logarithm of the reciprocal of the concentration of the hydrogen ions, represented by S.U. (standard units).

*Photographic processing facility* means a facility that processes images from silver-sensitive films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, microbiology labs, printers, X-ray and other medical, dental, industrial, or institutional diagnostic facilities which use silver-based imaging materials, the processing of which produces a silver-rich solution.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*Pretreatment or treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except by dilution as prohibited by federal regulation.

*Pretreatment requirements* means any substantive or procedural requirements relating to pretreatment, other than a national pretreatment standard imposed on an industrial user.

*Private on-site wastewater system* means any sewage system designed or constructed for disposal of domestic sewage or industrial wastes in which there will not be any discharge of raw or treated wastes into any fresh water aquifer or into any watercourse or into any sanitary sewer or onto any adjacent properties other than that of the property served.

*Public sewer* means that portion of the municipal sewer system designed for the collection and transport of wastewater from the service connection to the sewage treatment works.

*Residential user* means discharges from a single-family dwelling or duplex.

*Sanitary sewer* means a sewer which carries wastewater, sewage or industrial wastes, and to which storm, surface, and ground waters are not intentionally admitted.

*Septic hauler* means any person who cleans and/or transports approved wastewater or sludge from septic tanks, grease traps, portable toilets, car/truck wash operations, chemical or petroleum processes or sewer cleaning.



*Sewage treatment works* means that portion of the municipal sewer system that is designed for the treatment and disposal of wastewater and the handling and disposal of the concentrated wastes from that process.

*Sewer* means a pipe or enclosed conduit for the collection and transport of wastewater and/or storm water.

*Significant industrial user* means:

- (1) All categorical industrial users; OR
- (2) Any non-categorical industrial user that:
  - (i) Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary non-contact cooling and boiler blow-down wastewaters); or
  - (ii) Contributes a process waste-stream which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or
  - (iii) The Control Authority or Approval Authority has determined has a reasonable potential, to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.
- (3) The control authority may decide to remove any non-categorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

*Significant Non-Compliance (SNC)* means non-compliance in one or more of the following categories:

Category 1: Chronic violations. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

Category 2: Technical Review Criteria (TRC) Violations. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)

Category 3: Any other violation of a pretreatment effluent limit (daily or maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public.

Category 4: Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

Category 5: Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

Category 6: Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules

Category 7: Failure to accurately report non-compliance

Category 8: Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

*Silver-rich solution* means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre bleaches, or stabilizers following washes and wash waters.

*Slug* means any discharge of wastewater, sewage, industrial waste, or substance, which, in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times its average twenty-four-hour rate, or which contains a pollutant discharge which exceeds the concentration limit or load allocation by more than five (5) times the values stated in the industrial users wastewater discharge permit.

*Standard industrial classification (SIC)* means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

*Storm drainage system* means all surfaces, structures and systems that contribute to, manage, or convey storm water, including private drainage systems, the MS4, retention and

infiltration facilities, natural drainage ways, surface water, groundwater, waters of the State and waters of the United States.

*Storm sewer* or *storm drain* means a sewer that carries storm and surface waters and other unpolluted water identified in the Unified Government NPDES permit, but excludes wastewater, sewage, and industrial wastes.

*Storm water* means any flow occurring during or following any form of natural precipitation and resulting there from.

*Suspended solids* means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

*Tap or tapping* refers to the materials, labor and operations necessary to create or replace a connection.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of section 307(a)(1) of the act.

*TTO* (Total Toxic Organics) means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter of all constituents included in 40 CFR 413.02(i) or its replacement.

*Uncontaminated* means not containing harmful quantities of pollutants.

*Unified Government's sewer system* means the municipal sewer system owned and operated by the Unified Government.

*Unpolluted water* means water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Upset* means an exceptional incident in which there is unintentional and temporary non-compliance with pretreatment standards, limitations in a wastewater discharge permit, or local standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*User or sewer user* means any person who contributes causes or permits the contribution of wastewater into the municipal sewer system.

*Wastewater or sewage* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated.

*Wastewater discharge permit* has the meaning as set forth in article II of this chapter.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

*Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

### **Sec. 30-2. Abbreviations.**

The following abbreviations apply to this chapter:

- (1) *CFR*: Code of Federal Regulations
- (2) *BPU*: Board of Public Utilities
- (3) *EPA*: Environmental Protection Agency
- (4) *KDHE*: Kansas Department of Health and Environment
- (5) *mg/L*: Milligrams per liter
- (6) *MS4*: Municipal Separate Storm Sewer System
- (7) *NPDES*: National Pollutant Discharge Elimination System
- (8) *POTW*: Publicly owned treatment works
- (9) *SIC*: Standard Industrial Classification
- (10) *SWDA*: Solid Waste Disposal Act, 42 United States Code § 6901, et seq.
- (11) *U.S.C.*: United States Code
- (12) *TSS*: Total Suspended Solids

### **Sec. 30-3. Violations and penalties.**

(a) *Injunctive relief*. If any person violates the provisions of this chapter or any order of the Unified Government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.

(b) *Civil penalties.* When the director determines that a user has violated an order of the director or has failed to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, the user shall be subject to a penalty not exceeding three hundred dollars (\$300.00) per offense in addition to paying for the damages incurred and restoration thereof. Each fifteen-minute period in which a violation continues shall be considered a separate offense subject to the penalty discussed herein. In addition to the penalties provided herein, the Unified Government may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules and regulations and permits issued hereunder.

(c) *Criminal penalties.* Unless otherwise stated any person violating any provisions of this chapter shall be guilty of a Class B violation.

(d) *Publication of list of violators.* The Unified Government shall semiannually publish, in the largest daily newspaper published in the area served by the Water Pollution Control Division of the Unified Government, a list of the industrial users which, during the previous six (6) calendar months, were in Significant Non-compliance as defined in this section.

(e) *Administrative penalties.* Any person violating any provisions of this chapter or an order of the county administrator shall be subject to the imposition of administrative penalties. The county administrator shall have the authority to establish administrative penalties. The county administrator shall have the authority to issue administrative orders in response to violations of the pretreatment standards and requirements and hold administrative hearings to determine the appropriate penalties for such violations.

(f) Whenever the director finds that any user has violated or is violating this chapter, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the director may serve upon such user a written notice stating the nature of the violation and require that within thirty (30) days of the date of the notice, the user shall submit in writing, to the director, a plan for the correction of the conditions that caused the non-compliance.

### **Sec. 30-5. Appeals.**

Any person aggrieved by an action of the director or health officer issuing or refusing any permit, issuing a written notification of violation, or suspending or revoking any permit under this chapter may appeal such decision to the county administrator or the county administrator's designee. The county administrator must receive the written appeal within 15 days of the date of the director's action. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal.

**Sec. 30-6. Inspections and entry powers.**

(a) Whenever the director, or an authorized representative (including KDHE or EPA), has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the director and other duly authorized employees of the Unified Government, KDHE, or EPA, 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 provision of this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Unified Government, KDHE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the director, KDHE, or EPA may obtain a search warrant for the purposes of this article from a court of competent jurisdiction in the event entry is denied or resisted. The director, KDHE, and EPA, shall have authority to inquire into any industrial process including metallurgical, chemical, oil refining, ceramic, paper, or other industries, or other uses or activities having a direct or indirect bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment, or to the storm drainage system.

(b) While performing the necessary work on private properties referred to in subsection (a), the director or duly authorized employees of the Unified Government shall observe all safety rules applicable to the premises established by the company.

(c) The director and other duly authorized employees of the Unified Government bearing proper credentials and identification shall be permitted to enter private properties of all industrial users for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, operation, and maintenance of any portion of the municipal sewer system.

(d) The director shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges to the storm drainage system. The industrial user shall provide protection from damage to automated sampling or flow metering equipment installed on its property.

(e) The director shall have the right to enter the premises at any reasonable time to inspect, maintain, repair, and/or install structural controls for the management of storm water and wastewater. In the event that the owner or occupant refuses entry after a request to enter has been made, the Unified Government is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(f) In the event that the Unified Government incurs costs for any of the activities conducted in Section 30-6(f), the Unified Government may establish a lien against the property to recover such costs.

### **Sec. 30-7. Administration**

The director and health officer are the principal Unified Government officials for administration of this chapter and its requirements. The director or health officer may delegate any or all of the duties under this chapter. The county administrator is hereby authorized to promulgate regulations consistent with this chapter as may be necessary or desirable to carry out the provisions of this chapter. The director and health officer are hereby authorized to adopt standards for planning, design and construction of the municipal sewer system and the municipal separate storm sewer system. Copies of any such regulations and standards shall be available in the office of the director or health officer as applicable.

### **Sec. 30-8. Falsifying information.**

Any person shall be guilty of a class B violation who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter.

### **Sec. 30-9. Unlawful discharges - Generally.**

No person shall discharge, place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Unified Government of Wyandotte County/Kansas City, Kansas, any sewage, animal excrement, garbage or other objectionable waste. Whenever a building sewer or drain is obstructed with tree roots or found broken, defective or disconnected so that the sewage or drainage escapes into the surrounding soil or into the adjoining premises or so that damage or obstruction may occur to the municipal sewer system, the owner shall repair or replace the building sewer at the expense of the property owner.

### **Sec. 30-10. Same - To sewers.**

No person shall discharge untreated or treated sanitary sewage, wastewater, industrial waste, and other polluted or unpolluted water into sanitary or combined sewers without the permission of the director and paying the sewer service charges as set out in article IV of this chapter.

### **Sec. 30-11. Same - To natural outlet.**

No person shall discharge to the storm drainage system any sanitary sewage, sewage, wastewater, industrial waste, or other polluted water, except where suitable treatment has been provided and a wastewater discharge permit issued in accordance with this chapter. That the Unified Government may permit certain wastewater discharges to a combined sewer or storm sewer does not alleviate any obligation of any person to comply with applicable state and federal regulations concerning discharge of wastewater and storm water to waters of the state.

All discharges, direct or indirect, to storm drainage systems shall be in accordance with Section 30-172.

**Sec. 30-12. Privies, cesspools, etc., generally.**

(a) No person shall construct or maintain within the city any privy, privy vault, cesspool, or other facility intended or used for the disposal of any human or animal excrement or other objectionable waste except as provided in article VII of this chapter.

(b) When a sewer connection is not required by section 30-81 of this chapter, plumbing fixtures may be connected with a private on-site wastewater system in a location approved by the health officer and all private on-site wastewater systems must be constructed in accordance with the provisions of article VII of this chapter.

**Sec. 30-13. Private wastewater treatment works; pretreatment facilities.**

No person shall build, construct, operate or maintain privately owned wastewater treatment works without the written approval of the director. The director shall have the right to require any information necessary, including inspection, to ensure that the proposed or existing privately owned wastewater treatment or pretreatment facility will meet, or is meeting, all applicable local, state, and federal requirements, including pretreatment requirements. Private on-site wastewater systems that hold a valid permit under Sec. 30-277 are excluded from this section.

**Sec. 30-14. Confidential information.**

All information shall be treated according to the provisions of the Kansas Open Public Records Act for the purposes of disclosure by the Unified Government.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections under this chapter shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, and which have been individually labeled as confidential, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person



furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

## **ARTICLE II. WASTEWATER DISCHARGE PERMITS**

### **Sec. 30-41. Generally.**

(a) No person shall discharge sewage, wastewater, industrial waste, or other polluted water from any commercial, institutional or industrial establishment into the municipal sewer system without a valid wastewater discharge permit from the director if such discharge is from one of the following:

- (1) An industry whose processes place it in an EPA pretreatment category as set out in 40 CFR Subchapter N or amendment thereto.
- (2) A significant industrial user, as defined in this chapter.
- (3) A discharging, non-significant industry with a potential to discharge toxic, hazardous, or toxic wastes or wastewater of such a strength that it has the potential to interfere with the treatment process.

(b) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Unified Government. Wastewater discharge permits may contain any or all of the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics.
- (2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (3) Requirements for installation and maintenance of inspection and sampling facilities.
- (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (5) Compliance schedules.
- (6) Requirements for submission of technical reports or discharge reports, including, but not limited to compliance with categorical deadline and periodic reports on continued compliance. All reports submitted shall be

signed and certified by a duly authorized representative of the user and shall be accompanied by a certification statement as required by 40 CFR 403.6(a) (2) (ii) or its amendment.

- (7) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director, and affording director access thereto for inspection, review and photocopying.
- (8) Requirements for notification of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the municipal sewer system.
- (9) Requirements for notification of slug discharges.
- (10) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (11) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.

(c) Other discharge limits may be established as determined by the director. A new wastewater discharge permit may be required when the discharge limits are exceeded, the character of waste is changed from that described on the wastewater discharge permit application, or the wastewater discharge permit expired.

(d) Processing fees for new wastewater discharge permits or temporary wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the records from the BPU for the previous twelve months (or available date, if the facility has not been in operation for a minimum of twelve months). Processing fees for the renewal of wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the Director.

(e) Wastewater discharge permits issued to significant industrial users will be annual or as otherwise determined by the director. The user shall apply for wastewater discharge permit reissuance no less than thirty (30) days prior to the expiration of the user's existing wastewater discharge permit. The terms and conditions of the wastewater discharge permit may be subject to modification by the Unified Government during the term of the wastewater discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The user shall be informed of any proposed changes in the wastewater discharge permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the wastewater discharge permit shall include a reasonable time schedule for compliance. Wastewater discharge permits issued to all other industrial users shall be issued for a period not longer than five (5) years.

**Sec. 30-42. Information required on wastewater discharge permit application.**

Any person filing an application for a wastewater discharge permit shall provide information including the name, address, and telephone number of user; the type of products handled or manufactured; the quantity of wastes including seasonal, weekly, daily, or hourly variations; and the chemical, physical, and any other characteristics of the wastes and all requirements found in 40 CFR 403.12(b) as requested on forms provided by the director for this purpose; and any other pertinent and necessary information as required by the director.

**Sec. 30-43. Denial of application.**

If it is determined by the director that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application may be denied and the applicant advised by the director of steps which must be taken to achieve compliance with the provisions of this chapter. Further, the director may, at his or her discretion, deny or condition all pollutant discharges to the municipal sewer system.

**Sec. 30-44. Issuance, modification, and transfer.**

(a) If, after examining the information contained in the wastewater discharge permit application, it is determined by the director that the characteristics of the proposed discharge do not conflict with the provisions of this chapter and the wastewater discharge permit fee is paid, a wastewater discharge permit shall be issued allowing the discharge of such wastes into the public sewers. If it is determined that a proposed discharge containing materials in excess of the limitations imposed by this chapter will not be harmful to the operation of the treatment plant, then a conditional (temporary) wastewater discharge permit may be issued for the period of time determined by the director as noted on the permit but in no event for longer than one (1) year from the date of the issuance.

(b) Within three (3) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of the users subject to such standard shall be revised to require compliance with such standard within the period prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the director within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by the director to verify compliance.

(c) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operator without the written approval of the

director. However, the industrial user is required to provide a new owner with a copy of any existing wastewater discharge permit for information and reference.

**Sec. 30-45. Revocation.**

Wastewater discharge permits may be revoked at any time if the discharge does not comply with the provisions of this chapter, upon giving the holder thirty (30) days' written notice. Failure of a user to factually report the characteristics of discharges, or significant changes in operations, or wastewater constituents and characteristics, or refusal to allow reasonable access to the user's premises for the purpose of inspection or monitoring, or violation of conditions of the wastewater discharge permit, may be grounds for wastewater discharge permit revocation. The wastewater discharge permit may be revoked by the director without thirty (30) days written notice if the discharge has a serious deleterious effect on the sewage treatment works, or constitutes a hazard to human beings, animals, or the receiving stream.

**ARTICLE III. SEWER CONNECTIONS\***

**Sec. 30-81. Sewer connection required and expenses.**

Any person who is the owner, lessee or occupant of any premises having a toilet, privy, or other plumbing fixture in a structure within two hundred (200) feet of a public sewer which abuts or crosses any portion of the property or is contained in a public right of way that abuts the property and is not an interceptor sewer or force main, shall connect with the public sewer. If the sewage generated from such structure cannot be delivered to the public sewer by gravity, then a sewage lift pump with the necessary appurtenances (e.g., grinder pump) shall be installed as part of the building sewer. The owner, occupant, or lessee of such premises shall secure all permits and pay all fees required to make the connections provided for in this chapter. The health officer may suspend this requirement for existing single-family residential units when there is an existing, non-polluting, private on-site wastewater system and there are site conditions such as rock outcrops that impose extreme limits on construction of a building sewer.

**Sec. 30-82. Notice to make sewer connection.**

The health officer or the director may give written notice to the owner, lessee, or occupant of any premises on which a sewer connection is required by section 30-81 of this chapter requiring such connection to be made within thirty (30) days after such notice is served. No person shall fail or refuse to comply with such notice.

**Sec. 30-83. Connection Permit.**

No person shall uncover, make any extension of, connections with, or opening into, use, alter, or disturb any public sewer, sanitary sewer, combined sewer, storm sewer, or drainage way or appurtenance thereof without first obtaining a written connection permit from the director. The application shall contain information as required by the director. The director shall review the application. Upon approval and payment of the fees for each connection, a permit for making the connection shall be granted.

**Sec. 30-84. Separate and independent building sewer.**

A separate and independent building sewer shall be provided for every building in compliance with the minimum design standards for sanitary sewers as adopted by the director. A duplex dwelling shall be considered two separate buildings.

**Sec. 30-85. Use of existing building sewers.**

Existing building sewers may be used for new buildings only when they are found by the director to meet all requirements of this chapter, including minimum design standards for sanitary and storm sewers and upon payment of applicable fees. The owner shall properly document compliance with all applicable standards and guidelines and provide said documentation to the director prior to approval by the director.

**Sec. 30-87. Initial tapping of or connection to sanitary and storm sewers.**

(a) Taps made to an existing public sanitary or storm sewer shall be made by the Water Pollution Control Division, a contractor working for the Unified Government's Public Works Department, or a licensed plumber. Connections shall be made in compliance with plans and specifications approved by the director.

(b) Fees for taps and connection permits shall be set by the county administrator. Tap fees may be waived in cases where the building sewer is to be attached to an existing wye or stub.

(c) Taps installed by licensed plumbers shall be inspected by the director's representative prior to backfill. Minimum notice for the inspection shall be 24 hours. If the director's representative is not on site within two hours after the scheduled time for inspection the permittee may proceed with the work

(d) Design, construction and inspection of public sewers and storm sewers shall conform to the standards adopted by the director. Designs for extensions of public sewer and storm sewer shall be approved by the director prior to construction. Construction of new public sewers shall be only made by :

- (1) the Unified Government, or
- (2) a contractor working for the Unified Government's Public Works Department, or

(3) a contractor employed by a private developer who has entered a development agreement with the Unified Government for the construction and dedication to the Unified Government of public infrastructure, or

(4) a contractor employed by a private developer who has entered into a building permit with the Unified Government for the construction and dedication to the Unified Government of public infrastructure.

**Sec. 30-88. Prohibited connections**

- (a) No privy, septic tank, vault or cesspool shall discharge directly or indirectly to a sanitary sewer. When a connection is made with a sewer, any vault, cesspool, or septic tank on the premises must be completely pumped out by a licensed septic hauler, then crushed, broken up and filled with earth or sand to ground level.
- (b) Break-in or illicit connections are not allowed. No connections to interceptor sewers, manholes, force mains, pump stations and, low pressure sewer systems are allowed without engineered plans approved by the director and permission from the director.

**Sec. 30-89. Connections within sewer district.**

No connection for a property subject to special assessments for a sewer district shall be made unless all installments due on such assessment have been paid and all required permits have been obtained. The Unified Government reserves the right to deny permits for properties in arrears of special assessments.

**Sec. 30-91. Fees for use of lateral sewer system**

Applicants for new connections to the municipal sewer system shall pay a fee for the use of the lateral system. Properties that are part of a lateral sewer district or part of a subdivision whose lateral sewers have been constructed at private expense and dedicated to the Unified Government are exempt from this fee. The County Administrator shall establish and shall have the authority to change from time to time, fees for the following categories of connections to the municipal sewer system and the MS4. The county administrator shall have the authority to establish and to set and modify fees for additional categories and sub-categories of connection fees based on land usage and size of dwelling, building or property.

Categories:

- (1) Residential including houses, apartments, mobile homes, etc. (to be assessed per each dwelling unit)
- (2) Hotels, motels;
  - First unit
  - Each additional unit
- (3) Churches, schools and similar institutions:
  - For the first three thousand (3,000) square feet

Each additional three thousand (3,000) square feet of building floor space

- (4) Hospitals, for each bed
- (5) Industrial or commercial facilities, gas stations, car and truck wash, warehouses, etc.
  - (a) Four-inch connection
  - (b) Six-inch connection
  - (c) Eight-inch connection
  - (d) Ten-inch connection
  - (e) Twelve-inch connection
  - (f) Fifteen-inch connection

**Sec. 30-92. Fees for use of main sewer system.**

Applicants for new connections to the municipal sewer system shall pay a fee for the use of main sanitary sewer, interceptor, pumping station or wastewater treatment plant that are operated and maintained by the Unified Government. Properties that are part of a main sewer district shall be exempt from this fee only when the ordinance forming the district establishes the exemption. The county administrator shall establish and shall have the authority to change from time to time, fees for the following categories of connections to the municipal sewer system and the MS4. The county administrator shall have the authority to establish and to set and change fees for additional categories and sub-categories of connection fees based on land usage and size of dwelling, building or property.

Categories:

- (1) Residential including houses, apartments, mobile homes, etc. (to be assessed per each dwelling unit)
- (2) Hotels, motels;
  - First unit
  - Each additional unit
- (3) Planned non-retail business district CP-0, per each connection (no lot size restriction, four-inch connection only)
- (4) Limited business C-1, planned limited business CP-1, commercial C-3, central business C-0, (except for areas on east side of 6<sup>th</sup> Street which are C-2 general business), planned light industrial MP-1, for the first and each additional three thousand (3,000) square feet of floor space, (four-inch and six-inch connections only),
- (5) Industrial districts (SIC), M-2 general industrial, MP-1 planned light industrial, M-3 heavy industrial for the following size connections: 4, 6, 8, 10, 12, and 15 inches. Larger connections will be reviewed and appropriate fees determined by the County Administrator on an individual connection basis.
- (6) Churches, schools and similar institutions:
  - (a) first 3,000 square feet of building floor space
  - (b) each additional 3,000 square feet of building space.

### **Sec 30-93. Design of low pressure sewer system**

Gravity sewers are the preferred method of providing sewer service. If, however the director determines that construction of a gravity sewer system is not feasible due to topographic or geomorphological considerations, or due to the predominance of a pre-existing private on-site sewer systems, the director may authorize the use of a low pressure sewer system (LPS) or other alternative design system. Design and construction of any LPS shall comply with the standards adopted by the Director. Connection to the LPS is subject to all applicable fees.

### **Sec. 30-94. Maintenance of LPS building sewer and maintenance fees**

The Unified Government accepts partial maintenance responsibility for some building sewers connected to the LPS system to the extent and under the conditions outlined below:

(a) Limits. Only those portions of the building services that serve single family residential units, and are downstream of the pump intake are accepted by the Unified Government for maintenance. The portion of the building sewer eligible for maintenance is hereinafter called the LPS building sewer. Building drains, non-pressurized portions of the building sewer, electrical service to the point of connection with the pump, pressurized building sewers that do not meet the definition of a low pressure sewer system, and all parts of building sewers for use other than single family residential service are not accepted for maintenance.

(b) Unified Government's responsibility. The Unified Government's maintenance obligation for the LPS building sewer includes only service and repairs resulting from normal wear and tear and not damage to the LPS building sewer resulting from intentional, negligent or accidental abuse or misuse of the LPS building service.

(c) User responsibility: The user shall be responsible for the initial installation of the LPS building sewer and shall ensure that the installation meets the technical requirements established by the director. The user shall provide electrical power to operate the pump, including the installation and maintenance of circuitry to the pump and the cost of electricity used by the pump. The user shall be responsible for the building drain and those portions of the building sewer that are not part of the LPS building sewer. The user shall bear the financial responsibility for service and repairs arising from intentional, negligent or accidental abuse or misuse of the LPS building service.

(d) Right to enter: The director and his contractors reserve the right to enter upon the users' property, at reasonable times, to install, inspect, test, maintain and repair the LPS building sewer. This right of entry shall not include the right to enter the house or any



other buildings located on the property. In the event access to the interior of a house or other building on the property is necessary to inspect, test, maintain and repair the LPS building sewer, advance permission to enter shall be obtained from the user prior to entry for such purposes

(e) Maintenance fee: The user shall pay the LPS maintenance fee set by the director for this maintenance in addition to the sewer service charge and other fees. Procedures for billing, collection, penalties for non-payment, and appeals of the LPS maintenance fee shall be the same as for the billing, collection, penalties for non-payment, and appeals for the sewer service charge.

#### **Sec. 30-95 Upgrade of non-compliant LPS building sewer**

If the LPS building sewer does not meet the design or construction requirements current at the time of installation, the director may issue a written Order requiring the replacement of those elements of the LPS building sewer necessary to meet the requirements current at the time of the order. If the owner of the property served fails to comply with the Order within 30 days of issuance of the Order, or if the LPS building sewer has failed and the Unified Government cannot maintain the LPS building sewer without replacement of the non-compliant element, the Unified Government may replace the element without further notice. If the Unified Government replaces a non-compliant element on the LPS building sewer, a charge equal to the cost of the replacement, including labor, shall be charged the property owner. Such charge shall be in addition to the sewer service charge and the LPS maintenance fee.

#### **Sec. 30-96. Building sewer abandonments**

Building sewer abandonment requires a permit and abandonments shall follow the applicable abandonment policy as adopted by the director.

### **ARTICLE IV. SERVICE CHARGES\***

#### **Sec. 30-121. Sewer service charge system.**

The sewer service charge system shall generate adequate annual revenues to pay the expenses of annual operation and maintenance for the Unified Government's sewer system, excluding the operation and maintenance expenses for the flood-control facilities being operated by the Unified Government. The sewer service charge system also shall generate adequate annual revenues for replacement associated with equipment, accessories or appurtenances which are necessary during the useful life of all publicly owned, operated, and maintained wastewater treatment plants, and all municipal wastewater pumping stations owned, operated, and maintained by the Unified Government.

**Sec. 30-122. Sewer system fund.**

All of the income, proceeds, revenues and funds of the Unified Government derived from or held in association with its municipal sewer system (not including the proceeds of any taxes) including the proceeds of sewer service charges imposed and collected by the Unified Government for the use of and services rendered by the Unified Government's sewer system, and all revenues from enlargements, extensions and improvements thereto will be paid and deposited in the sewer system fund, which fund will be used solely for the purposes authorized by law, including paying the expenses of operating, maintaining and replacing the Unified Government's sewer system.

**Sec. 30-123. Financial Obligations**

(a) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining for the current month the Unified Government's sewer system, the Unified Government shall next pay and credit monthly from the sewer system fund such amounts as are necessary to satisfy (i) the outstanding obligations including without limitation any payments to any required reserve account, depreciation and replacement account or other account created in connection with such obligations and (ii) any covenants entered into in connection with such Obligations.

(b) No monies credited to the sewer system fund shall be diverted or applied to the general governmental or municipal functions of the Unified Government.

**Sec. 30-127. Basis of rates.**

(a) Each user shall pay for the services provided by the Unified Government based on the user's proportional use of the Unified Government's sewer system. The actual rates shall be determined based upon the quantity and quality of the wastewater discharged into the municipal sewer system. The volume of wastewater used to compute charges for discharging class I-a wastewater shall be the average monthly metered water consumption billed over a four-month period during the months of January through April as shown in the records of meter readings maintained by the board of public utilities of the Unified Government. The average shall be computed for these discharges each April. In those cases in which a user does not have a history of water usage for these winter months, an estimated water usage of five hundred (500) cubic feet shall be used to compute the bill. The volume of wastewater used to compute charges for discharging other than class I-a wastewaters shall be the metered water consumption as shown in the records of the meter readings maintained by the Board of Public Utilities of the Unified Government, or on a Unified Government-approved water meter, plus any other amount of water obtained from any other source than the Board of Public Utilities of the Unified Government, or the amount of wastewater discharged into the municipal sewer

system metered at the point of discharge by a Unified Government-approved wastewater flow meter.

(b) Special charges may be levied for needed or requested services that the director determines are not required for the normal operation or maintenance of the Unified Government's sewersystem. Such activities may include, but are not limited to the following: special treatment for industrial wastes, cleanup of inappropriately disposed of or spilled materials, dye tests of building services, cleaning, inspection, and televising of sewer lines or drainage ways over that required for normal maintenance, and locating building sewer connections to the sanitary sewers. Appropriate charges for special services shall be determined by the director, but shall not exceed the total cost to the Unified Government.

**Sec. 30-128. Establishment of sewer service charges.**

(a) Based upon that projected annual budget adopted by the governing body, the county administrator shall each year recommend to the Unified Board of Commissioners the rates. The Unified Board of Commissioners shall establish by regulation the rates for sewercharges to ensure that the system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the Unified Government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the Unified Government capital improvement plan and the expenses of the annual operation of the Water Pollution Control Division for providing service as required by this Code.

(b) The regulation shall become effective upon publication once in the official Unified Government newspaper.

(c) The sewer service charge shall be based on the user's proportionate use of the Unified Government's system and shall provide for unit charges and monthly connection charge for class I-a, class I-b, class II and class III discharges.

(d) A rate relief account is hereby established within the sewer system fund. Any savings represented in the difference between actual operating expenses and the amount budgeted for operating expenses shall be allocated to the rate relief account. The Unified Government budget director shall certify to the governing body the amount of such allocation not later than one (1) month after the county administrator establishes rates by administrative regulations. The amount contained in the rate relief account shall be appropriated by the governing body to reduce the amount of future increases in the sewer service charges.

**Sec. 30-129. Notify users.**

The director will notify each user annually of the rates being charged for operation and maintenance, including replacement of the treatment works as required by applicable federal regulations.

**Sec. 30-130. Uniform rates.**

The sewer service charge rates established in this article apply to all users, regardless of their location, of the Unified Government's sewer system. These basic rates also apply for all new users; however, they may be modified to reflect the additional actual costs incurred with the service provided.

**Sec. 30-131. Duty to install and maintain meter where water obtained from source other than the BPU.**

If the person discharging wastewater procures any water from sources other than the BPU of the Unified Government, all or a part of which is discharged into the municipal sewer system, the person shall install and maintain at such person's expense a wastewater meter or water meter of a type approved by the director for the purpose of determining the volume of wastewater contributed or of water obtained from the other source.

**Sec. 30-132. Provision for deductions.**

In the event that a person discharging wastewater to the Unified Government's sewer system produces evidence satisfactory to the director that more than ten (10) percent of the total annual volume of the water used for all purposes is not discharged to the Unified Government's sewer system, then the determination of the water consumption to be used in computing the wastewater volume discharged into the Unified Government's sewer system may be made a matter of agreement between the Unified Government and the person. The county administrator shall approve policies that shall be followed for the determination of deductions.

**Sec. 30-133. Application of provisions to nonresidents.**

Any person discharging wastewater from outside the City into the municipal sewer system, through direct or indirect means, shall be subject to sewer service charges, and shall comply with the provisions of this article, as mutually agreed upon in writing between the person and the Unified Government.

**Sec. 30-134. Collection penalties and discontinued service.**

The sewer service charges shall be a debt due to the Unified Government. The penalty as established by the county administrator shall be charged if the billing is not paid within twenty-five (25) days after the due date. If this debt is not paid on the due date, it shall be deemed delinquent and may be recovered by applying the necessary civil action in the name of the Unified Government against the property owner, the occupant of the premises, the person charged, or either of them. In the event of the failure to pay any sewer service charges after they become delinquent, the Unified Government shall have the right to discontinue water service or to remove or close sewer connection and enter upon the property for accomplishing this purpose. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall likewise be a debt due to the Unified Government and a lien may be

placed upon the property and may be recoverable by civil action in the name of the Unified Government against the property owner, the person or both. Sewer service shall not be restored until all charges, including the expense of removal, closing or restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

**Sec. 30-136. Assessment of benefit fee against property not in original special benefit district.**

(a) Whenever the construction of any water or sanitary sewer improvement is initiated pursuant to K.S.A. 12-6a04, and amendments thereto, the owners of property which receive benefits from such improvement but which were not included within the original special benefit district shall pay a benefit fee at the time the owners of such property request to be served by such improvement.

(b) The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original special benefit district, reduced in the proportion which each month or part of a month that has passed from the date the assessment for the improvement was levied to the date such property begins being served by the improvement bears to the total number of months of assessments against property included within the original special benefit district. Such benefit fee shall be due and payable and shall be assessed at the time the property begins being served by the improvement. Any benefit fees paid hereunder shall be applied to the remaining principal and outstanding interest on the bonds issued to finance the improvements, with a resulting pro rata reduction of the assessments against property originally included in the special benefit district for such improvement.

The provisions of this section shall be supplemental to any other connection fees or other user or regulatory charges for sanitary sewer or water service unless such connection fees or other user or regulatory charges were included in the assessment for the benefit district; in that event, the provisions of this ordinance shall be in lieu of any other connection fees or other user or regulatory charges.

The connector shall make one lump sum payment prior to issuance of a connection permit. The one lump sum payment shall consist of the greater of the following two (2) amounts: the proportional share of the outstanding balance of the special benefit district assessment, including principal and excluding interest; or, the connection fee which would be collected if the late connector were not connecting to an existing special benefit district.

**Sec. 30-137. Sewer service charge refund and demand for payment from users who have not been paying.**

(a) No sewer service charge payments shall be subject to refund, adjustments or change in any way following three (3) years of the original due date.

(b) If a premise has been connected to the Unified Government's sewer system and has not been charged or paid sewer service charge, and is not exempt from payment by ordinance, the Unified Government may collect an amount equal to the amount due for the time that the service was actually received, up to a maximum of three (3) years.

## **ARTICLE V. DISCHARGE REGULATIONS \***

### **Sec. 30-171. Sanitary sewers generally.**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

### **Sec. 30-172. Discharge to storm sewers.**

- (a) Prohibited illicit discharges to storm drainage system.
- (1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated storm water, except as allowed in Section 30-172(b). Common storm water contaminants include sediment, trash, yard waste, lawn chemicals, pet waste, wastewater, used motor oil, petroleum products, cleaning products, paint products, other household hazardous waste, and toxic substances.
  - (2) Notwithstanding the provisions of Section 30-172(b), any discharge shall be prohibited by this Section if the discharge in question has been determined by the Director to be a source of pollutants to the storm drainage system.
  - (3) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (4) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this Chapter.
- (b) Unless specifically identified by the director or KDHE, the following non-storm water discharges are deemed acceptable and not a violation of this Section:
- (1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;

- (2) Water line flushing;
- (3) Landscape irrigation
- (4) Diverted Stream flow
- (5) Rising groundwater
- (6) Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers
- (7) Uncontaminated pumped groundwater
- (8) Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the Unified Government
- (9) Discharges from potable water sources
- (10) Foundation drains
- (11) Air conditioning condensate
- (12) Irrigation waters
- (13) Springs
- (14) Water from crawl space pumps
- (15) Footing drains
- (16) Lawn watering
- (17) Individual residential car washing
- (18) Flows from riparian habitats and wetlands
- (19) Dechlorinated swimming pool discharges excluding filter backwash
- (20) Street wash waters excluding street sweepings
- (21) Discharges or flows from emergency fire fighting activities
- (22) Heat pump discharge waters (residential only)

(c) Requirements Applicable to Certain Discharges.

- (1) Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not

limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

- (2) **Minimization of Irrigation Runoff.** A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
- (3) **Cleaning of Paved Surfaces Required.** The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this ordinance. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Article. This section does not apply to pollutants discharged from construction activities.
- (4) **Maintenance of Equipment.** Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
- (5) **Materials Storage.** In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
- (6) **Pesticides, Herbicides and Fertilizers.** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
- (7) **Prohibition on Use of Pesticides and Fungicides Banned from Manufacture.** Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any Federal, State or Unified Government regulation is prohibited.
- (8) **Open Drainage Channel Maintenance.** Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.



(d) Release Reporting and Cleanup. Property owners and the persons responsible for a known or suspected release of materials which results in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of a release of a hazardous material, the responsible person shall comply with all state, federal, and local laws requiring reporting (including immediate notification of the Director), cleanup, containment, and any other appropriate remedial action in response to the release. In the event of a release of non-hazardous materials, the property owner and the persons responsible shall notify the Director no later than 5:00 p.m. of the next business day.

**Sec. 30-173. Prohibited discharges.**

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the municipal sewer system (including treatment facilities). These general prohibitions apply to all such users of the municipal sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances:

- (1) Any liquids, solids or gases which by reason of their nature and quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal sewer system or to the operation of the sewage treatment works; any petroleum oil, non-biodegradable oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any pollutant resulting in the presence of toxic gases, vapors or fumes within the sewers or POTW sufficient to cause worker health and safety problems. Any noxious or malodorous liquids, solids, or gases which, singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any other substances which are a fire hazard or a hazard to the system and wastestreams containing substances with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using test methods specified by EPA.
- (2) Any solids, natural or manmade fibers, insoluble or emulsified oils, fats, or greases, slurries or viscous materials of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewage treatment works such as, but not limited to, ashes, cinders, sand, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, hides, paunch manure, hair and fleshings,

entrails, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, asphalt residues, residues from the refining or processing of fuels or lubricating oils, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (3) Any waters, waste, material or substances which are corrosive or irritating to human beings or animals, or are toxic or noxious or which contain toxic, poisonous or conventional pollutants that are solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, and cause interference or pass through or otherwise injure or interfere with the sewage treatment process, including by not limited to sludge use and disposal, or which constitute a hazard to humans or animals, or which create a public nuisance, or which create any hazard in the receiving waters of treated effluent or the sewage treatment works.
- (4) Health department permitted wastes, except at selected locations as designated by the director.
- (5) Acetylene generation sludge.
- (6) Any water or wastes containing fats, waxes or total oil and grease as determined by an EPA approved method shall not exceed 250 mg/l. For facilities which manufacture biodegradable and food grade emulsified and dissolved oils, the director may establish mass-based limits. Water or wastes containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit are prohibited, except at selected locations as designated by the director.
- (7) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (8) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits established by the director as necessary, after treatment of the composite sewage, to meet the requirements of local, state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of radiation ( $\mu\text{Ci/ml}$ ) established by the director in compliance with applicable local, state or federal regulations.
- (10) Any waters or wastes having a pH less than 5.5 S.U. or in excess of 10.5 S.U.

(11) Materials that exert or cause a significant load on the sewage treatment works or a discharge of any pollutant that is sufficient to cause or is likely to cause interference and pass through, such as:

- a. Concentrations of inert suspended solids (such as, but not limited to, diatomaceous or Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
- b. BOD, chemical oxygen demand (COD), chlorine
- c. Volumes of flow or concentration of wastes constituting "slugs" as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment works effluent or any other product of the municipal sewer system such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the municipal sewer system cause the sewage treatment works to be in noncompliance with sludge uses or disposal criteria, guidelines, or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(13) Any waste exceeding the following limits:

Arsenic (As)	0.27 mg/L
Cadmium (Cd)	4.16 mg/L
Chromium (Cr)	4.01 mg/L
Copper (Cu)	5.15 mg/L
Cyanide (CN)	0.29 mg/L
Lead (Pb)	0.81 mg/L
Nickel (Ni)	4.10 mg/L
Mercury (Hg)	0.02 mg/L
Silver (Ag)	1.03 mg/L
Zinc (Zn)	5.16 mg/L
Total Petroleum Hydrocarbon	100 mg/L
MBAS	90 mg/L Daily Maximum, 70 mg/L Monthly Average
BTEX (total)	16 mg/L

Equivalent mass limits may be allocated to industrial users for any of the limits set out above at the director's discretion.

In no case shall a wastewater discharge permit limit for discharge to the municipal sewer system be less stringent than the federal or state limit, if it exists. This would apply to categorical industries and may apply to specific industries identified by the Unified Government or state.

- (14) Any wastes contributed by users of the POTW which, either singly or in conjunction with other significant industrial users cause the POTW influent to exceed the following limits (lbs/day)

Parameter	Lbs/day
Arsenic	15.91
Cadmium	162.43
Chromium	156.61
Copper	201.16
Cyanide	11.21
Lead	31.80
Nickel	16.20
Mercury	201.35
Silver	1.66
Zinc	40.08

- (15) No user using silver in manufacturing or as part of a process operation, including but not limited to the development and/or printing of photographic pictures or x-rays, precious metal plating, or any operation where silver is reasonably expected to be found in the facility's wastewater, shall discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process.

Requirements listed in Best Management Practices (BMPs) that have been approved by the director will be enforceable by the Water Pollution Control Division. The use of an approved BMP by an industrial user shall be governed by the policies established by the director. These include but are not limited to the provisions for sampling and inspection by the Unified Government and sampling and reporting requirements for the facility.

It shall be unlawful for an industrial user to discharge a silver-rich solution from a photographic processing facility or otherwise introduce such solution into the municipal sewer system, unless such silver-rich solution is managed by the photographic processing facility in accordance with the Code of Management Practice for Silver Dischargers, as identified in Section 30-1, prior to its introduction into the municipal sewer system. The Code of

Management Practice for Silver Dischargers is a fully enforceable element in the Unified Government's industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. If a photographic facility does not comply with the requirements in the Code of Management Practice for Silver Dischargers, the numeric limitation for silver (Ag) per City Ordinance 30-173(14) will be enforced.

**Sec. 30-174. Pretreatment requirement and standards.**

(a) If any waters or wastes are discharged, or are proposed to be discharged, to the municipal sewer system, which waters contain the substance or possess the characteristics enumerated in section 30-173 of this chapter, and which in the judgment of the director may have a deleterious effect upon the sewage treatment works, sewage treatment process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge;
- (3) Require control over the quantities and rates of discharge;

(b) In addition to civil and criminal liability, any person violating any of the provisions of the wastewater discharge permit of this chapter or causing damage to or otherwise inhibiting the Unified Government wastewater disposal system shall be liable to the Unified Government for any expense, loss, or damage caused by such violation or discharge. The Unified Government shall bill the person for the costs incurred by the Unified Government for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of this chapter.

(c) Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, to prevent or minimize damage to the municipal sewer system or endangerment to any individuals. If deemed necessary by the director, the Unified Government may immediately terminate the sewer connection referenced in the notice. The Unified Government shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and payment of any costs incurred by the Unified Government.

(d) If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants or equipment shall be subject to the review and approval of the director. Plans and specifications shall be submitted for review and approval of the director prior to beginning any building or construction, and subject to the requirements of all applicable local, state and federal laws, regulations, codes and ordinances. Where pretreatment

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 such owner's expense.

(e) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitation imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify in writing all affected users of the applicable reporting requirements. The National Categorical Standards are available at 40 CFR Subchapter N, Parts 401-471 or as amended.

(f) State requirements and limitations on discharge shall apply in any case where they are more stringent than federal standards or the requirements and limitations in this chapter.

(g) The director may permit certain wastewater discharges to a combined sewer or storm drainage system. This does not alleviate any obligation of the sewer user to comply with applicable state and federal regulations concerning discharge of wastewaters to waters of the state.

**Sec. 30-175. Excessive discharge, accidental discharge and storage of dangerous materials.**

(a) No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the Unified Government or state.

(b) In the case of an accidental discharge, it is the responsibility of the user to notify the director within 24 hours of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. Each user, subject to the requirements of this chapter, may be required to provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. If required, facilities to prevent accidental discharge shall be provided and maintained at the user's own cost and expense. Detailed plans, showing facilities and operating procedures to provide this protection, shall be submitted to the Unified Government for review and approval before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(c) Within five (5) days following an accidental discharge the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the municipal sewer system, fish kills, or other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this or other applicable law.

(d) The industrial user shall notify the director in writing of any discharge to the public sewers of more than 15 kilograms of any substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR 261, or amendment thereto. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261 or amendment thereto, the EPA hazardous waste number, and the type of discharge.

(e) Industrial users discharging more than one hundred (100) kilograms of such waste per calendar month shall include the following in their notification to the extent that it is known and available:

- (A) Identification of the hazardous constituents in the wastes.
- (B) An estimate of the mass and concentration of their constituents.
- (C) A summary of the concentration of such constituents discharged during each calendar month.
- (D) An estimate of the mass of such constituents expected to be discharged during the next twelve (12) months.

(f) This notification shall be provided no later than one hundred eighty (180) days after the initial discharge of any listed or characteristic hazardous waste. Any notifications under this regulation need be submitted only once for each hazardous waste discharged. However, if the nature of discharges changes, notification must be submitted. If the discharged wastes are acute hazardous wastes as specified in 40 CFR 281.30(d) and amendments thereto and 40 CFR 281.33(e) a one-time notification is required. If new United States Environmental Protection Agency regulations become effective which identify additional characteristics of currently recognized hazardous waste the industrial user must notify the Water Pollution Control Division of the discharge of any such substances within ninety (90) days of the effective date of such regulations.

The industrial user must certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical when making any hazardous waste discharge notification as required in this section.

(g) The user shall post a permanent notice on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or allow such a dangerous discharge to occur are advised of the emergency notification procedure.

(h) The storage of material in sewered areas or in areas draining into the municipal sewer system which, because of discharge or leakage from such storage, may create an explosion hazard in sewage works or in any other way have a deleterious effect upon these works, treatment processes, or constitute a hazard to human beings, animals, or the receiving stream, shall be subject to review of the director, who may require reasonable safeguards to prevent discharge or leakage of such materials.

(i) The director may require a written slug control plan of any industrial user considered by director to be at risk for slug discharges based on annual surveillance monitoring or biennial evaluation by the control authority. If a slug control plan is required, it must contain the following:

- (A) A description of discharge practices, including non-routine batch discharges.
- (B) A description of stored chemicals.
- (C) An outline of slug response procedures including the immediate notification of appropriate water pollution control personnel of the discharge, naming the materials discharged.
- (D) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

**Sec. 30-176. Grease, oil and sand traps/interceptors.**

Grease, oil, and sand traps/interceptors shall be provided when deemed necessary by sections 30-173 and 30-322 for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts, except that such traps/interceptors shall not be required for residential users. Users shall maintain records and documentation indicating adequate operation and maintenance and upon request of the director shall supply such record within twenty-four hours.

**Sec. 30-177. Control structure.**

When deemed necessary by the director, the owner of any property served by a building sewer carrying commercial or industrial wastes other than normal domestic sewage shall have installed and shall maintain at such person's own expense a suitable control structure in the building sewers to facilitate observation, sampling, and measurement of each discharge. Such structures shall be constructed in accordance with plans approved by the director, and shall be located so as to permit the gauging of flow and the collection of samples truly representing the wastes leaving the property.

**Sec. 30-178. Measurements, tests and analyses.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR Part 136 or as amended, and shall be determined at the control structure provided, or upon suitable samples taken at such control structure. In the event that no special structure has been required, the



control structure shall be considered to be the nearest downstream structure in the sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the municipal sewer system and to determine the existence of hazard to life, limb, and property. For the purposes of self-monitoring or any compliance monitoring, all analyses shall be performed by a laboratory certified by KDHE for the performance of such testing.

If sampling performed by the industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violations. The user shall also repeat the sampling and submit the results to the control authority within thirty (30) days after becoming aware of the violation.

**Sec. 30-179. Special arrangement.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Unified Government and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Unified Government for treatment and disposal, subject to payment of actual costs incurred with the treatment and disposal of unusual waters. However, categorical pretreatment standards shall not be waived.

**Sec. 30-180 Code of Management Practices for Silver Dischargers- Adopted.**

The Code of Management Practice for Silver Dischargers as referenced in Section 30-1 is incorporated by reference into this Code. If there exists or arises any conflict between the Code and the provisions of the Code of Management for Silver Dischargers, then the provisions of this Code are controlling. There shall be not less than three (3) copies of the Code of Management Practice for Silver Dischargers, adopted by reference above, kept on file in the office of the unified government clerk, to which shall be attached a copy of this incorporating ordinance and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 30-180" and said Code shall be open to inspection and available to the public at reasonable hours. The Division of Water Pollution Control and the municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance.

**ARTICLE VI. PUMPING AND TRANSPORTATION OF OTHER  
WASTEWATERS**

**DIVISION 1. HEALTH DEPARTMENT PERMIT**

**Sec. 30-208. Required.**

No person shall engage in the business of cleaning septic tanks, cesspools, pit-type toilets, or sanitary sewers, or carrying, hauling, or transporting over the streets of the Unified Government any wastewater or sludge from septic tanks, grease traps, cesspools, pit-type

toilets, car/truck wash operations, chemical or petroleum processes, or sanitary sewer cleaning unless such person has a current occupational license and health department permit to engage in said activities.

**Sec. 30-209. Application.**

A health department permit required by this division of the ordinance shall be issued upon a written application filed with, and approved by, the health officer. Such application shall contain the following information at a minimum:

- (1) the name of the applicant,
- (2) the address of the applicant,
- (3) the phone number of the applicant,
- (4) the license tag information for the vehicle,
- (5) the type(s) of wastewater(s) to be hauled,
- (6) the tank capacity
- (7) other information deemed necessary by the health officer.

**Sec. 30-210. Bond.**

Each person engaged in any activity for which a health department permit is required by this article shall provide a bond to the Unified Government in the sum of five thousand dollars (\$5,000.00) to ensure faithful compliance with this chapter. The form of the bond shall be approved by the chief counsel.

**Sec. 30-211. Fee.**

Prior to the issuance of the health department permit required by this division each septic hauler shall pay a health department permit fee based on the health department permit processing and enforcement costs as set by the county administrator.

**Sec. 30-212. Health department permit number; display of health department permit.**

Each health department permit issued under this division shall be numbered and the last two (2) numbers shall represent the year for which the health department permit is issued. The health department permit shall be on board each vehicle operating in the City at all times and shall be made available for inspection by the health officer or a designated representative.

**Sec. 30-213. Transfer; expiration.**

No person shall transfer any health department permit issued under this article to any other person, and every health department permit shall expire on the first December 31 following the effective date.

## DIVISION 2. GENERALLY

### **Sec. 30-238. Penalty.**

The penalty for violation of this article shall be as follows:

- (1) For the first violation, loss of health department permit, Unified Government license and use of the Unified Government disposal site until the violation has been corrected and approved by the health officer or director.
- (2) For the second violation, loss of health department permit, Unified Government license and use of the Unified Government disposal site for thirty (30) days and a fine of one hundred dollars (\$100.00). The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.
- (3) For the third or subsequent violation, loss of health department permit, Unified Government license and use of the Unified Government disposal site for one (1) year and a fine of five hundred dollars (\$500.00). The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.

### **Sec. 30-240. Discharge fee.**

Each septic hauler shall pay a discharge fee according to a schedule of fees established by the Unified Board of Commissioners. The fees shall be based on the fair market average for the services provided. The fees assessed for the discharge of wastewater must be paid within the period specified on the invoice. Alate payment fee may be assessed on invoices that are not paid by the due date. The director will determine the amount of the late payment fee.

### **Sec. 30-242. Tank requirements.**

(a) All tanks used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers:

- (1) Shall be constructed of heavy gauge steel plate or aluminum; shall be watertight and airtight.
- (2) Shall have suction-type pumps with a maximum of four-inch valves with a minimum twenty-foot lift, with two-and-one-half-inch suction hose attached thereto.

- (3) Shall have a discharge line equipped with a leak proof valve with an elbow on the extension pipe, so as to drain directly into the disposal facility.
- (4) Truck tanks used in hauling waste from septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be airtight.
- (5) All hoses and other equipment used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be kept in enclosed cabinets on trucks

(b) The capacity of all tanks on trucks cleaning septic systems must be certified by the health department

(c) This section shall apply to all tanks used in all septic cleaning and hauling services.

**Sec. 30-243. Maintenance of trucks and other equipment.**

Trucks and other equipment requiring a permit under division 1 of Article VI herein shall be kept as clean and sanitary as possible at all times.

**Sec. 30-244. Disposal of waste material;**

All waste material hauled by septic haulers shall be disposed in such place or places as may be approved by the director.

**Sec. 30-245. Prohibition of disposal of hazardous and toxic wastes**

The discharge of hazardous or toxic wastes into the municipal sewer system by septic haulers is prohibited and will result in permanent revocation of the health department permit and the Unified Government license.

**Sec. 30-246. Vehicle log.**

Each vehicle permitted under division 1 of this article, at all times while operating in the City, shall have in the vehicle a driver's log sheet. The driver shall complete the log when wastes are collected and when wastes are discharged to designated Unified Government facilities. Each driver shall keep the log current to the carried load. The log shall include the following information: type of tank and address serviced, amount collected, discharge time, discharge date, discharge location, and the driver's signature. At the end of each month, a legible copy of the log shall be provided to the health officer. The copy must be clean and safe to handle. The log shall contain information regarding the entire calendar month and must be received no later than ten (10) calendar days after the end of the month. If a permitted vehicle

does not operate during the month, a statement to that regard must be submitted to the health officer no later than ten (10) calendar days after the end of the month.

## **ARTICLE VII. PRIVATE ONSITE WASTEWATER SYSTEMS**

### **DIVISION 1. GENERALLY**

#### **Sec. 30-273. Purpose.**

The purpose of this article is to regulate the installation of private on-site wastewater systems to prevent the development of conditions that may adversely affect the health and well-being of the public.

#### **Sec. 30-274. Violations.**

It shall be unlawful for any person to violate any provision of this article or fail to comply with the requirements of this article. Any violation of any provision of this article shall be deemed a misdemeanor and punishable by a fine not less than fifty (\$50) dollars, and not more than five hundred (\$500) dollars for each offense. Each day's violation or failure to comply shall constitute a separate violation.

#### **Sec. 30-275. Inspection and approval prerequisite to use.**

No portion of a private on-site wastewater system shall be covered or placed in use until inspected and approved, in writing, by the health officer.

#### **Sec. 30-276. Permits required.**

(a) *Private on-site wastewater permit.* No person shall construct, alter, extend, or replace any private on-site wastewater system without first obtaining from the health officer a valid private on-site wastewater permit for such construction, alteration, extension, or replacement. No private on-site wastewater permit is required if an alteration or repair is made to influent or effluent lines anywhere between the building and ten (10) feet from the outlet of a private on-site wastewater system, however, a plumbing permit may be required under Section 8-278 and Section 8-279 of the Code of Ordinances of the City of Kansas City, Kansas.

(b) *Building permit.* No building permit shall be issued authorizing any building construction on any property that is not served by a public sewer until a permit authorizing construction of a private on-site wastewater system or a signed waiver for such a permit has been obtained from the health officer.

#### **Sec. 30-277. Requirements for private on-site wastewater permits.**

(a) *Application.* Any person desiring to obtain a private on-site wastewater permit to construct, alter, or extend a private on-site wastewater system shall make application for such a permit on forms provided by the health officer for this purpose.

(b) *Plans and specifications.* A complete and detailed schematic showing location of building, septic tank and lateral fields, length of laterals and separation between laterals of the new private on-site wastewater system or alteration shall be attached to each application for a private on-site wastewater system and shall be approved by the health officer before a private on-site wastewater permit is issued. If the system is installed or altered differently than the original schematic indicated, the installer shall amend the schematic to show the system as installed. In addition to a complete and detailed schematic drawing, for all new systems a plot plan showing total area, address and geographic location is required.

(c) *Application fee.* Every person making application for a private on-site wastewater permit to construct, alter, or extend a private on-site wastewater system shall pay a fee to the Unified Government Treasurer. Such fee shall be established by the county administrator, and shall be paid at the time the application is submitted to the Health Department. No portion of the application fee shall be refunded should the private on-site wastewater permit be denied. All funds received from payment of such application fees shall be deposited in the Health Department general funds.

#### **Sec. 30-278. Restrictions on private on-site wastewater permits.**

No private on-site wastewater permit authorizing the construction, alteration or extension of a private on-site wastewater system shall be transferable. No authorization for construction of a new private on-site wastewater system granted by a private on-site wastewater permit shall be valid for more than twelve (12) months from the date of issuance. Private on-site wastewater permits for altering or extending an on-site wastewater system shall be valid for no more than six (6) months from the date of issuance.

#### **Sec. 30-279. Inspections.**

It shall be the duty of every person installing a new or altering a private on-site wastewater system to notify the health officer when the system is ready for inspection for compliance with approved plans and specifications and no portion of a private on-site wastewater system shall be covered or otherwise made inaccessible for inspection until after it has been inspected and approved by the health officer.

#### **Sec. 30-280. Correction of construction; revocation of private on-site wastewater permit.**

(a) If any private on-site wastewater system is constructed not in accordance with approved plans and specifications, the health officer shall notify the permittee, in writing,

wherein the construction does not conform to the approved plans and provide a reasonable time to make the needed corrections.

(b) Failure of any permittee to make the necessary corrections within the time period stipulated by the health officer shall render the private on-site wastewater permit null and void.

**Sec. 30-281. Appeals of health officer's orders.**

(a) *Hearing appeal.* Any person aggrieved by any notice or order issued by the health officer under the provisions of this article may request and shall be granted a hearing on the matter before the Unified Board of Commissioners or a hearing officer appointed by the Unified Board of Commissioners; provided that such person shall file with the Unified Government Clerk within ten (10) days after the date of issuance of the notice or order a written petition requesting a hearing and setting forth the grounds upon which request is made and provide copy to the health officer within ten (10) days after the date of issuance of the notice or order.

The filing of the petition for hearing shall operate as a stay of the notice.

Upon receipt of such petition, the Unified Board of Commissioners or designated hearing officer shall set a time and a place for such hearing and shall give the petitioner written notice thereof.

At such hearing, the petitioner shall be given an opportunity to show why such notice should be modified or withdrawn.

The hearing shall be commenced not later than ten (10) days after the day on which petition was filed, provided that upon request of the petitioner the Unified Board of Commissioners or its designated hearing officer may postpone the day of the hearing for a reasonable time beyond the ten-day period, if, in its judgment, the petitioner has submitted good and sufficient reason for such postponement.

(b) *Findings of hearing officer.* After such hearing, the Unified Board of Commissioners or its designated hearing officer shall make findings as to compliance with the provisions of this article and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice, which order shall be served as provided in this article. Upon failure to comply with any orders sustaining or modifying the notice, the permit affected by the order shall be revoked.

**Sec. 30-282. Alternative and Experimental private on-site wastewater systems.**

(a). *Sewage lift pump.* If the sewage generated from a building cannot flow to an absorption field or public sewer by gravity, then the health officer or director may require a sewage lift pump with the necessary appurtenances (e.g., grinder pump).

(b). *Alternative systems.* Where appropriate, in the opinion of the health officer, especially if a proposal may resolve existing sewage management problems, and after thorough assessment of alternatives, the health officer may approve an alternative private sewage system.

(c) *Experimental and innovative systems.* The health officer may approve a proposal for an experimental and innovative private sewage system, if, in the opinion of the health officer, sufficient justification exists.

(d). *Water reduction.* The health officer may require installation of water conserving fixtures and devices.

(e). *Certification.* The health officer may require that alternative or experimental and innovative sewage disposal systems be designed by a professional engineer and may ask for a review of the proposal by the Kansas Department of Health and Environment.

(f). *Submittals.* Those persons wishing to install an alternative private sewage system or an experimental and innovative system must submit the following information to the health officer:

- (1). Plans and specifications including type and location of site modifications, along with engineering, laboratory, or field data, if required.
- (2). Specifications for a backup system.
- (3). Any additional information required by the health officer.

(g) *Review and Approval.* Approval may be subject to maintenance and monitoring requirements imposed by the health officer.

## **DIVISION 2. SPECIAL REQUIREMENTS FOR PRIVATE ON-SITE WASTEWATER SYSTEMS**

### **Sec. 30-301. Location.**

(a) No new private on-site wastewater system shall be constructed, or any permit issued authorizing any such construction, if the lot or tract of ground does not meet all of the following requirements:

- (1) The lot has an area of one acre or more with no less than 150 feet frontage, and subsurface absorption field is approximately centered with lot width, except as otherwise provided in subsection (b) of this section.



- (2) The structure served by the proposed private waste water system is located greater than two hundred (200) feet from a public lateral sanitary sewer, which crosses any portion of the property or is contained in a public right of way that abuts the property.
  - (3) The soil has a percolation rate, when measured by the standard soil percolation test, of one (1) inch or more in sixty (60) minutes. A soil percolation rate of fifteen (15) inches or more per hour will not be accepted. An alternative system may be proposed, designed and installed, provided the health officer approves such system. All soil percolation rate tests shall be performed in accordance with health department guidelines. Every person making application for a percolation rate test shall pay a fee established by the County Administrator. No portion of the percolation rate test fee shall be refunded should the soil conditions fail the test.
  - (4) The normal level of the groundwater is more than ten (10) feet below the surface of the ground and more than four (4) feet below the bottom of the trench.
  - (5) There is a minimum of six (6) feet of pervious topsoil above any rock or impervious formation, or there is at least four (4) feet of pervious formation below the bottom of the trench.
  - (6) The lot is not subject to inundation with floodwaters, nor is it located in a low, poorly drained, swampy area.
- (b) The health officer may grant a variance to these requirements on a case-by-case basis after consideration of quality of soil, length of lateral system, water saving devices, size of the tank, topography, conformance with community practice, and future sewer extension plans. In order to obtain such a variance, the property owner must submit a report from a professional engineer which recommends a certain system and states the reasons why in the engineer's professional opinion, it is an adequate system. If, in the opinion of the health officer, the system proposed is adequate and there will be no degradation of surrounding properties, a variance may be granted.

**Sec. 30-302. Minimum separation.**

No septic tank subsurface absorption system shall be constructed, nor shall any permit for such construction be issued, if:

- (1) Any portion of the system is located less than fifty (50) feet from any water well or pump suction line.
- (2) Any portion of the system is less than ten (10) feet from a property line.

- (3) Any portion of the system is located less than ten (10) feet from a foundation wall.
- (4) Any portion of the system is less than ten (10) feet from a pressurized waterline.

**Sec. 30-303. Limitations in quantity of sewage or waste to be treated.**

No on-site wastewater system shall be constructed or approved for disposal of sewage from any property which produces or is expected to produce sewage or industrial wastes in quantities in excess of five thousand (5,000) gallons per day.

**Sec. 30-304. Design and construction.**

All conventional private on-site wastewater systems shall be constructed and designed to comply with the following requirements:

- (1) *Materials.* The septic tank shall be constructed of structurally sound, reinforced concrete and shall be watertight. Use of other materials may be permitted, if, in the opinion of the health officer, they are equal to, or better than, reinforced concrete.
- (2) *Liquid capacity.* The minimum liquid capacity shall be 2 ½ times the daily wastewater flow using 150 gallons per bedroom or 1,000-gallon tank whichever is greater.
- (3) *Liquid depth.* The tank liquid depth (distance from outlet invert to bottom of tank) shall be at least three (3) feet but shall not exceed six and one-half (6 ½) feet
- (4) *Inlets.* The invert of the inlet shall be located at least three (3) inches above the invert of the outlet. The inlet shall be provided with a tee-fitting or baffle which shall extend at least six (6) inches below the liquid level and above the liquid level to one inch below the top of the tank lid.
- (5) *Outlet baffles.* There shall be a baffle or tee-fitting at the outlet end of the tank. The baffle or tee-fitting shall extend at least eight (8) inches above the liquid level and eighteen (18) inches below the liquid level in the tank.
- (6) *Air space.* At least ten (10) inches of air space shall be provided between the top of the liquid level and the bottom of the tank lid.
- (7) *Access.* Septic tanks shall have an access manhole with twenty (20) inches minimum dimension for each compartment. All below grade attachments to the tank, fittings, risers, extensions and lid shall be watertight. Manhole shall be child and tamper resistant; lids weighing at least sixty-five (65) pounds,

locks or anchors that are not removable without special tools may be used to accomplish this.

- (8) *Minimum cover.* The top of the tank shall not be located less than four (4) inches below finish grade.
- (9) *Inspection risers.* Risers no larger than (6) inches in diameter shall extend to the surface grade and be centered over the inlet and outlet tees.
- (10) *Inlet/Outlet inserts.* All septic tanks shall be manufactured with a flexible insert for the inlets and outlets.
- (11) *Subsurface absorption field.* The subsurface absorption field shall be designed and constructed to conform with the standards in this section.
- (12) *Area.* No subsurface absorption field shall have less than eight hundred (800) square feet of effective absorption area. The health officer may increase the effective absorption area required based upon the percolation test and potential water usage.
- (13) *Minimum trench width.* The absorption trench shall be of uniform width and shall not be less than twenty-four (24) inches or more than thirty-six (36) inches wide.
- (14) *Maximum trench length.* No single trench shall be more than one hundred (100) feet in length.
- (15) *Trench spacing.* Absorption trenches shall have at least eight (8) feet of undisturbed soil between them.
- (16) *Depth of trenches.* No absorption trench shall be less than twenty-four (24) inches or more than thirty-six (36) inches deep unless approved in writing by the health officer.
- (17) *Trench bottom.* The bottom of the trench shall be level from end to end.
- (18) *Gravel.* A minimum of twelve (12) inches of clean gravel or crushed stone three-fourths (3/4) to one and one-half (1½) inches in size shall be placed in all absorption trenches.
- (19) *Lateral trench.* A lateral trench shall be installed on top of at least six (6) inches of clean gravel, sized from three-fourths (3/4) inches to one and one-half (1½) inches. Perforated pipe shall be laid on the top of and in the center of the six (6) inches of clean gravel. An approved standard trench pipe of rigid PVC ten (10) feet in length shall be used. The pipe shall be covered with six

(6) inches of the same type of clean gravel. All pipe shall be four (4) inches in diameter and have at least a 3,000-pound crush rating.

### DIVISION 3. BUILDING SEWERS

#### **Sec. 30-322. General requirements.**

Installation of building sewers shall comply with the plumbing code and other technical standards adopted by or contained in Chapter 8, Buildings & Building Regulations, of the 1988 Code of Ordinances, City of Kansas City, Kansas.

#### **Sec. 30-323. Work in right of way.**

In addition to the general requirements, installation of building sewers located in the public right of way or utility easements are subject to technical requirements adopted by the director.