



AGENDA UPDATE
Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, May 24, 2021
5:00 PM

Location:

You are invited to a Zoom webinar.
When: May 24, 2021 05:00 PM Central Time (US and Canada)
Topic: PW/S & A/HS Standing Committee Meetings

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/81656146830?pwd=emdRWGNGOU80Q0tINjVJV0Y3NHFXQT09>
Passcode: 650394

Or One tap mobile:

US: +12532158782,81656146830# or +13462487799,81656146830#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799]
or +1 646 558 8656 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 816 5614 6830

International numbers available: <https://us02web.zoom.us/j/81656146830>

<u>Name</u>	<u>Absent</u>
Commissioner Melissa Bynum, Chair	☐
Commissioner Angela Markley	☐
Commissioner Christian Ramirez	☐
Commissioner Mike Kane	☐
Commissioner Jane Philbrook	☐
Tom Groneman, BPU Board Member	☐

I. Call to Order/Roll Call

II. Revisions to May 24, 2021 Agenda

Item No. 2 - PRESENTATION: KANSAS CITY KANSAS IDENTIFICATION PROGRAM

Synopsis: Presentation regarding the Kansas City Kansas Police Department Identification Program, submitted by Assistant Police Chief Pamela Waldeck.

For information only.

Tracking #: 21851

III. Approval of standing committee minutes from January 25, 2021

IV. Committee Agenda

Item No. 1 - ORDINANCE: REVISIONS TO MUNICIPAL SANITARY AND SEPARATE STORM SEWER SYSTEM (MS4)

Synopsis: An Ordinance relating to regulations for the disposal of wastewater, discharge prohibitions, sewer connections, wastewater discharge permitting, service charges, pumping and transportation of wastewaters, health department permitting for transportation of wastewater, on-site wastewater systems, and the fat, oil and grease control program, submitted by Jeff Fisher, Director of Public Works.

Tracking #: 21826

V. Public Agenda

VI. Adjourn

**AGENDA UPDATE
PUBLIC WORKS & SAFETY
STANDING COMMITTEE MEETING
MONDAY, MAY 24, 2021**

IV. COMMITTEE AGENDA

NEW ITEM

**ITEM NO. 2 – 21851...PRESENTATION: KANSAS CITY KANSAS
IDENTIFICATION PROGRAM**

Synopsis: Presentation regarding the Kansas City Kansas Police Department Identification Program, submitted by Assistant Police Chief Pamela Waldeck.

For information only.



Staff Request for Commission Action

Tracking No. 21851

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 5/24/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
5/20/2021	Pamela Waldeck	x6144	pwaldeck@kckpd.org	Police Department

Item Description:

The Police Department Homeless Outreach Team, in partnership with Crosslines Community Outreach have identified a need among our homeless population for state recognized ID's. Modeled after the City of Topeka Police ID program, in coordination with the State of Kansas Department of Revenue and Office of Vital Statistics, and in compliance with I9 guidelines, the Police Department has created the Kansas City, Kansas - City ID Program. This program will enable unsheltered individuals the ability to access a state issued ID necessary to receive State aid, mental health resources, banking benefits, and housing resources.

Action Requested:

For Information Only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

KCK ID Policy Information, KCK ID Project Fact Sheet Draft, KCK ID Brochure draft, Updated ID Presentation



Kansas City Kansas

Personal Identification Card

Program



Upon approval, the Kansas City Kansas Police Department will begin issuing personal identification cards to those who are in need, but cannot afford nor have the proper means to obtain a Kansas ID card.

ID CARD DESIGN:

Front of the card has the individuals name, photo, and their signature.

Back of the card has the issued card number, their demographics, their location, KS ID number if available, which officer did the verification and how. It will also include contact information for the department.

WHO IS ELIGIBLE:

Anyone who is in need of an ID and indigent. The program will focus on unsheltered individuals and victims of crime. The KCK ID will not be available to anyone that cannot be verified by a law enforcement officer.

HOW WE WILL CONFIRM IDENTIFICATION:

The individuals will provide all of their own information (see application form). Kansas City Kansas Police Department will then verify their identity using any and all of the databases available.

HOW WE WILL DOCUMENT:

After identity has been verified and an ID card has been made, the information will be kept track of in a spreadsheet that will only be accessible to a limited number of people. Information will be stored for two years. It will be stored securely on the COPPS server in its own folder.

COST:

Startup cost will vary depending on the printer that is purchased. The startup cost will be able to purchase a printer and all necessary supplies and software to start the program. Maintenance cost will also be dependent on the type of printer purchased, but the cost to purchase supplies to sustain the program is low. Maintenance cost shown below is the estimated cost to purchase an ink cartridge for 300 prints and for 300 ID cards.

Estimated Startup Cost: \$1500 - \$2200

Estimated Maintenance Cost: \$100



BRIDGING THE GAP

Kansas City Kansas ID Project



What is the KCK ID?

A free municipal ID card, issued by KCKPD, that will be valid for one year. It will streamline the process of obtaining a State ID and essential documentation. It will increase access to vital resources and services. It is modeled after the City of Topeka ID.

Why do we need it?

In order to obtain a State ID, you must have access to your essential documents and be able to prove residency. Vulnerable people, like unhoused individuals and victims of crime, do not have access to the necessary documentation to obtain ID. An ID is necessary to access vital resources and services.

DID YOU KNOW?

You need an ID to....

- Rent an Apartment or Home
- Obtain Employment
- Exercise Your Right to Vote
- Rent a Hotel Room
- Access Public Benefits

Who can get it?

Kansas City Kansas residents who otherwise would not be able to afford to obtain ID. This includes:

- People Experiencing Homelessness
- Victims of Crime

Law Enforcement must be able to verify applicant's identity

Why is the current process an issue?

To Obtain a State ID, you need:

- Birth Certificate
- Social Security Card
- Two Forms Proving Residency

For KCK's most vulnerable populations, it is virtually impossible to prove residency and they often no longer have access to their documentation.

What will the KCK ID look like?



It will include...

- Legal Name
- Photo of Individual
- Signature
- Date of Birth
- Personal Demographics
- Address/Location
- Name of Issuing Officer
- Kansas State ID Number

How does this compare to other proposed municipal ID programs?

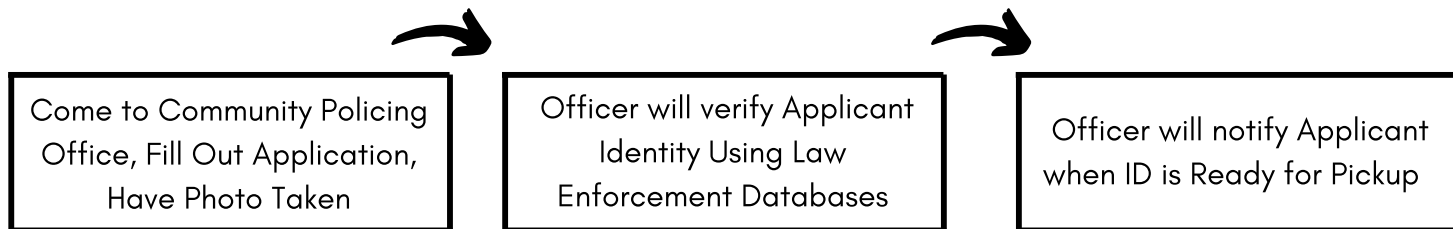
① <u>Primary Objective</u>	② <u>Verification Process</u>	③ <u>Better Benefits</u>
Assist individuals with replacing essential documents and obtaining State ID	Adheres to state guidelines and is compliant with Federal I-9 Employment Eligibility Verification Standards	• Assist in Obtaining State ID • Allows Access to Vital Resources and Services • Opens Door to Employment



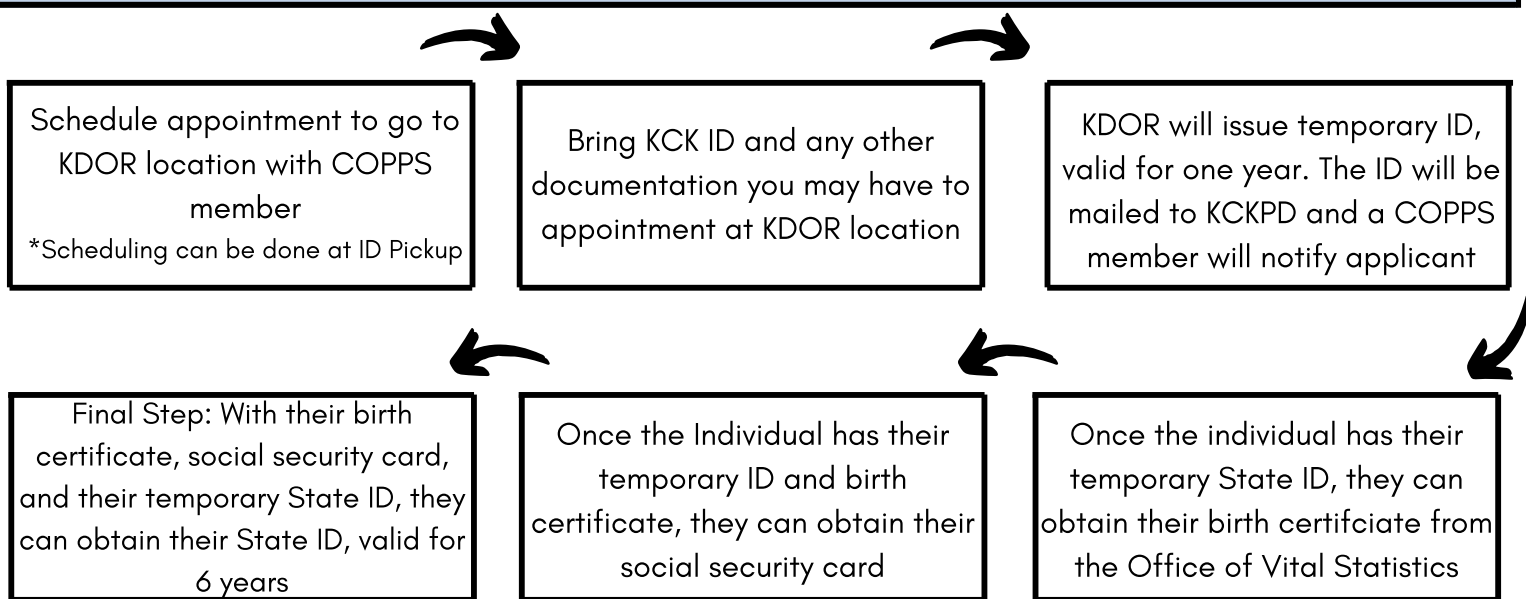
Kansas City Kansas ID Project



How does the KCK ID work?



How does the KCK ID lead to a State ID?



Project Costs

Startup costs are minimal. The cost to create 100 ID cards and purchase printer...

\$1500 – \$2200

The cost to maintain the program is low. Average cost for 300 ID cards and ink for 300 prints...

\$100

Verification Process

- Verification Process will only be done by a law enforcement officer
- An officer will run background check and must be able to confirm identity using two sources
 - outstanding warrants will not prevent from obtaining ID
- Filling out an application does not guarantee that an individual will obtain a KCK ID

If applicant's identity can not be verified, no ID will be issued

Benefits

For the individual...

- Photo ID
- Assist in obtaining essential documents
- Increased access to resources requiring ID
- Increased employment opportunities
- Assist crime victims in obtaining identification

For the Community...

- May result in an increase in housed individuals
- Increase in positive interactions between KCKPD Officers and members of the community
- Increased ability to identify members of the community

**Kansas City Kansas Police
Department
Community Policing Unit**

Master Sergeant Angela Joyce

ajoyce@kckpd.org

913-573-8725

Officer Jackie Lynn

jlynn@kckpd.org

913-573-8722

CIT Officer Nicole Ortego

nortego@kckpd.org

913-573-8722

Andrea Kesler

akesler@kckpd.org

913-573-8712

**Kansas City Kansas Police
Department
Community Policing Unit**



**IF YOU NEED HELP,
CALL 911!**

Veterans Nation Crisis Line

1-800-273-8255

Press #1 if a Veteran

Suicide Prevention Line

1-800-332-6378

Wyandot Center Crisis Line

913-788-4200



**KANSAS CITY
KANSAS
IDENTIFICATION
CARDS**



The Kansas City Kansas Police Department will start issuing official Kansas City, Kansas Personal Identification Cards. The cards are meant to bridge the gap for unsheltered or those who otherwise wouldn't be able to afford or have the proper documentation, including crime victims, to apply for a state issued ID. The first city ID issued to an individual will be **FREE**. If a new ID needs to be issued, a small fee will be assessed for reprinting.

The city issued ID will include the person's legal name, photo, signature, date of birth, personal demographics, and Kansas State ID card number, if applicable. In order to qualify, individuals must go through the Kansas City Kansas Police Department for this process. The city issued ID will be valid for one year.

In partnership with the Kansas Department of Revenue (KDOR) and the Department of Vital Statistics, the Kansas City Kansas Police Department is streamlining this normally difficult process. KDOR will be accepting the city issued ID as proof of identification, which will then allow a person to obtain a temporary one-year state issued ID card. With that temporary state ID card, the person has one year to go to Vital Statistics to get a copy of their birth certificate. With the temporary state ID card and the official copy of their birth certificate, they are then able to get a copy of their social security card. After this process is complete, they can then go back to KDOR to get their official state ID. There will be a cost associated with applying for the temporary state ID card and official state ID card (the fee will be assessed by the state).

How do I get an ID?

- Come to the Community Policing office located at 4951 State Ave. Walk-ins welcome Tuesdays and Wednesdays from 8-10 in the morning. You may also call or email to set up an appointment to come in.
- Fill out application completely

How does it work?

- One must fill out an application and have your picture taken
- Members of the Police Department will confirm your identity utilizing police databases
- All information on your application and photo must match the records available to the Police Department
- Two separate confirmation sources are required
- **If your identification cannot be verified, no ID will be issued**

How long does it take to receive the ID?

- The KCK ID usually takes 2-3 weeks
- If you are new to Kansas City, Kansas please allow 3-4 weeks
- If there is an issue with the confirmation process, there is no estimated time for completion

How to get State ID Issued?

- You must have been issued a KCK ID
- You must schedule a time to go to KDOR with a member of COPPS. This is done by using the sign-up sheet available at the time of KCK ID pickup
- **You cannot go to KDOR on your own and attempt to get a state ID**
- On your scheduled date, bring your KCK ID with you. You should also bring any other identification or documentation you might have (such as birth certificate, social security card, proof of address, etc.)
- If you are unsheltered or homeless, you may use an organization's address (ex: Frank Williams, Wyandot Mental Health Center, etc.)
- Your State ID will be mailed to the Kansas City Kansas Police Department and a COPPS member will notify you
- If you move, you must stay in contact with COPPS in order to receive your State ID
- The cost is usually reduced but you should be prepared to pay \$22. If you cannot afford the ID please communicate that with the COPPS member

THE KANSAS CITY KANSAS ID PROJECT

BRIDGING THE GAP

Overview

- WHAT IS THE KCK ID?
- PROJECT PURPOSE
- WHY DO WE NEED IT?
- WHAT IS THE CURRENT PROCESS TO OBTAIN A STATE ID?
- HOW WILL IT WORK?
- WHAT ARE THE BENEFITS?
- WHAT WILL THIS PROJECT COST?
- HOW IS THIS DIFFERENT THAN OTHER PROPOSED MUNICIPAL ID PROGRAMS?

What is the KCK ID?

The KCK ID will be a free municipal identification card, issued by the Kansas City Kansas Police Department, that will be valid for one year. The project will aid individuals in obtaining a Kansas ID and will increase the community resources and public benefits available to the individual. The KCK ID Project is modeled after the City of Topeka ID.

Project Purpose

The primary purpose of this project is to streamline the normally difficult process of obtaining a State ID. The project will also help to...

- Increase access to vital resources, medical services, and mental health services
- Create a sense of community and belonging
- Increase trust between law enforcement officers and the community



Imagine you do not have your
State ID, birth certificate, or
your social security card?

What would you do?
How would your life be impacted?

Why do We Need the KCK ID?

Life without access to an ID is a reality for so many in our community. Many people in Kansas City, Kansas do not have a State ID or do not have access to the documents necessary to obtain one. Vulnerable populations' IDs and essential documents are often missing or stolen.

Why do We Need the KCK ID?

Victims of crime, people experiencing homelessness, or those affected by a life-altering event may no longer have access to their ID or essential documentation.

- If you are leaving a dangerous home situation, grabbing your ID, birth certificate, or social security card may be the last thing on your mind or it may not even be an option.
- Once you have lost your ID, birth certificate, or social security card, it is extremely challenging to reobtain your documents that are necessary to prove your identity.

Why do We Need the KCK ID?

The KCK ID will help organizations in the to better serve our community's most vulnerable populations. Organizations assist individuals to obtain their essential documentation, but it can be time-consuming and nearly impossible in some circumstances. This project will have a positive impact on...

- Cross-lines
- Care Beyond the Boulevard
- Veronica's Voice
- Frank Williams
- Wyandotte Mental Health

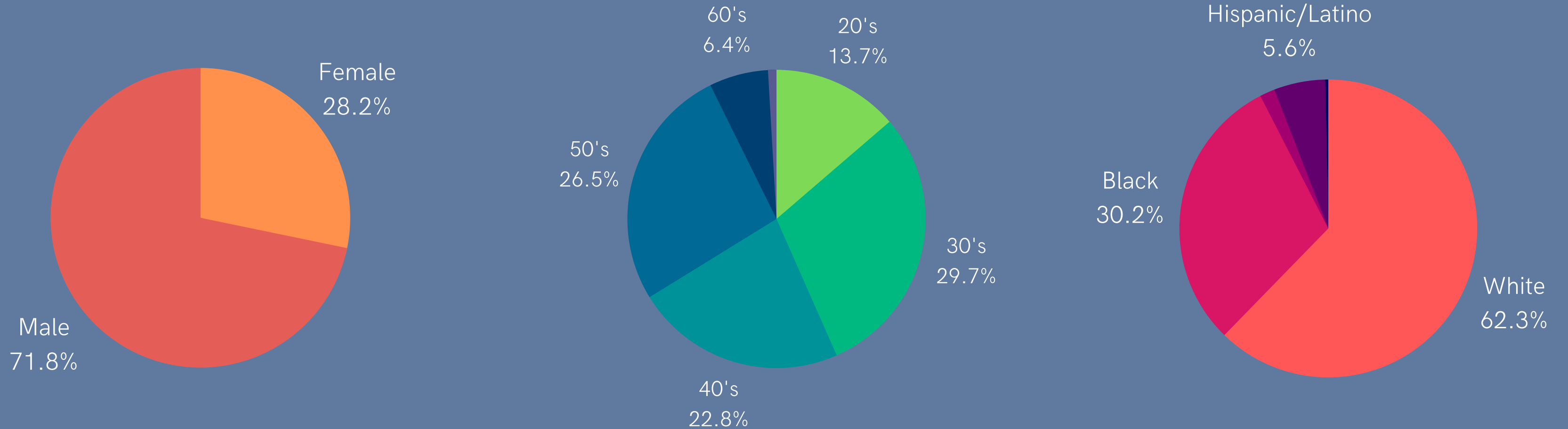
Individuals Experiencing Homelessness in KCK

The COPPS unit keeps track of unhoused individuals KCKPD has had contact with. There are over 350 people experiencing homelessness that the COPPS unit has documented.

When possible, officers ask questions to gather information to have a better understanding of homelessness in KCK. The information gathered helps to determine how the department and local organizations can better help unhoused individuals in our community.

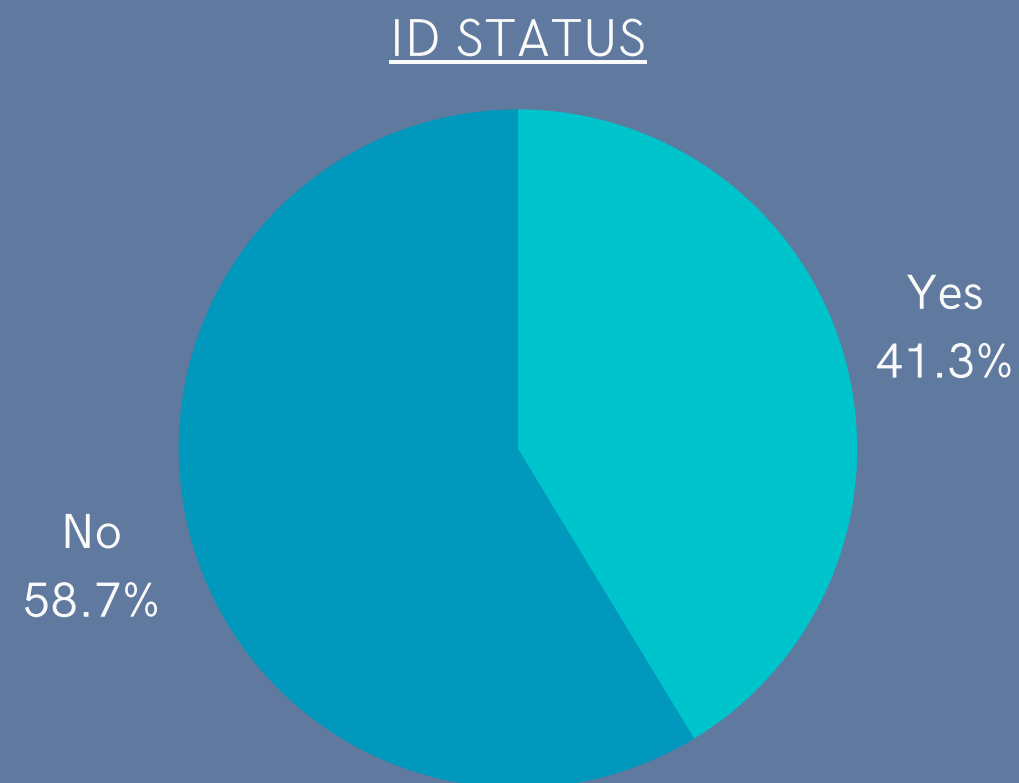
Individuals Experiencing Homelessness in KCK

Of the unhoused individuals that KCKPD has had contact with....



Individuals Experiencing Homelessness in KCK

One of the questions on our Outreach Form is "Do you have a State ID?" and 54 of the 92 individuals, that we have data on their ID status on, said they did not have a State ID. We estimate the percentage of unhoused people without ID to be much higher. Most of the individuals that KCKPD comes into contact with do not have an ID, but it is not always possible to document.



Why do We Need the KCK ID?

An ID is necessary to access vital community resources, including, but not limited to...

- Renting an apartment/home
- Obtaining employment
- Exercising the right to vote
- Renting a motel/hotel room to stay
- Public Benefits

Current Process to Obtain State Issued ID

First Timers

If it's your first time obtaining a Kansas ID, you will need...

- One Document from List A ...

List A

- Birth Certificate
- An unexpired U.S. Passport or passport card
- Certificate of Naturalization
- Certificate of Citizenship
- U.S. Consular Report of Birth Abroad

First Timers

If it's your first time obtaining a Kansas ID, you will need...

- One Document from List A
- One Document from List D ...

List D

- Social Security card with your current full name
- Current W-2 or 1099
- Current pay stub with Social Security number

First Timers

If it's your first time obtaining a Kansas ID, you will need...

- One Document from List A
- One Document from List D
- Two Proofs of Kansas Residency from List C...

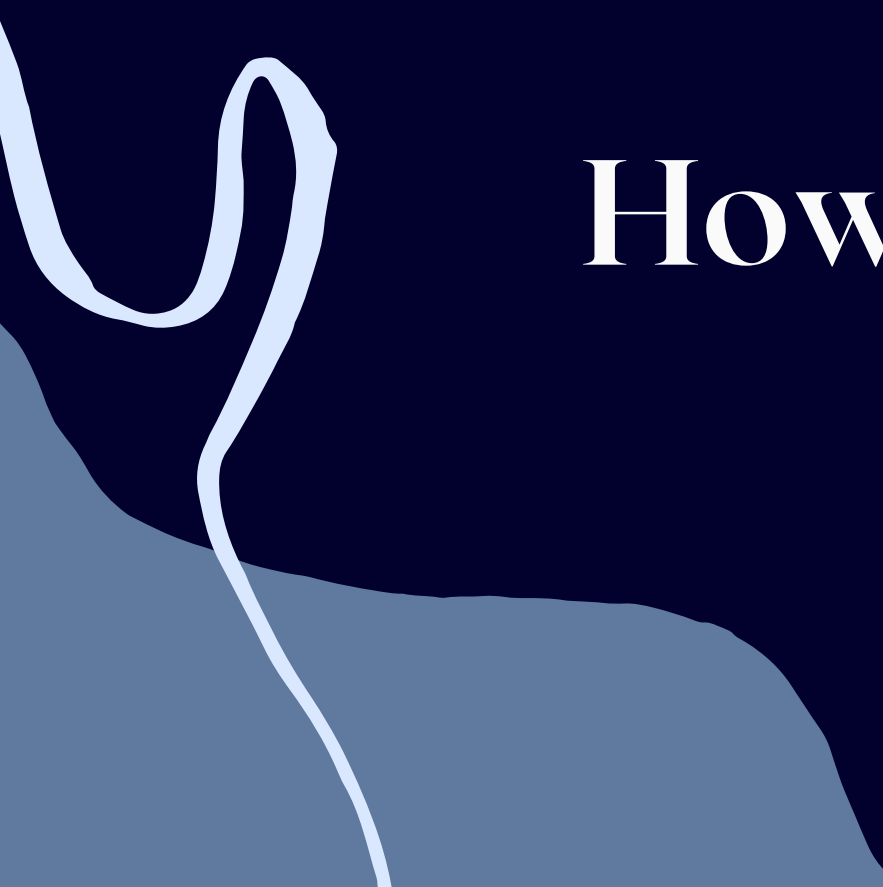
List C

- If you reside with someone and do not have a proof of address included in this list, the individual with whom you reside can accompany you to the office and provide two proofs of address along with their identification and complete a certification of address at the station.
- Current Kansas vehicle registration or title
- Utility bill or equivalent no more than two months old
- Financial institution such as a bank statement, deed or mortgage
- Kansas Voter Registration Card
- Rent or lease agreement
- Current auto, life or homeowners insurance bill with applicant's name and address
- Current educational transcript/school grade card
- Current professional license by a U.S. agency
- Current W-2 or 1099 Mail from a federal, state, county or city agency
- Department of Corrections Certificate of Identification

Lost ID ?

If you are replacing a lost ID, you will need...

- Two Forms of Identification
- One Form of Proof of Kansas Residency from List C



So...why is this a problem?

How does this process prevent people
from obtaining ID?

What are the Barriers to Obtain ID?

- Cost of ID
 - A Kansas ID can cost between \$10 - \$24
- Ability to Travel to KDOR Location
 - There is only one DMV location in Wyandotte County
- Proof of Residency
 - Virtually impossible for unsheltered individuals
 - Requires documents that an individual may have lost or no longer have access to
- Possession of Essential Documents
 - Essential documents, like a social security card and birth certificate, are often lost for housing insecure individuals



How will the
KCKID work?

Who can Obtain a KCK ID?

The KCK ID will be available to Kansas City, Kansas residents who otherwise would not be able to afford to obtain ID, including people experiencing homelessness and victims of crime. The project will help bridge the gap for individuals that can't obtain essential documentation.

Steps to Obtaining KCK ID

- The individual will come into the Community Policing office, fill out an application, and have their photo taken
 - Individuals may come into the office during intake hours or they may schedule a time to come in
- An officer will verify the identity of the applicant utilizing law enforcement databases, such as DOC, KCJIS, and jail databases
- An officer will contact the individual when their ID is ready to be picked up
 - The process will normally take 2-3 weeks

THE KCK ID IS ONLY AVAILABLE TO PEOPLE THAT CAN BE VERIFIED BY LAW ENFORCEMENT

The Application

Information Needed to Fill Out Application

- Full Legal Name
- Date of Birth
- Personal Demographics
- Phone Number
- Social Security Number
- Driver's License/ID Number, if applicable
- Last Known Address(es)
- Tattoo Description, if applicable
- Previous Employers, if applicable
- Education History, if applicable

What will the cards look like?

- Legal Name
- Photo of Individual
- Signature
- Date of Birth
- Personal Demographics
- Address/Location
- Name of Issuing Officer
- Kansas State ID Number



Picture of City of Topeka ID Example

Verification Process

- Verification process will only be done by a law enforcement officer utilizing available databases, such as KCJIS, KDOC, and jail databases
- An officer will run a background check and must be able to confirm the applicant's identity with a minimum two state-level law enforcement database sources
 - misdemeanor outstanding warrants will not necessarily prevent a person from obtaining ID
- Filling out an application does not guarantee that an individual will be able to obtain a KCK ID

IF THE APPLICANT'S IDENTITY CAN NOT BE VERIFIED, NO ID WILL BE ISSUED



Why are these the
steps the KCK ID
will follow?

The Topeka Model

The KCK ID is modeled after the City of Topeka ID (COT ID). Topeka was the first city in the state of Kansas to issue a city ID. Topeka was able to successfully partner with the State of Kansas to help individuals obtain their State ID and their birth certificate. For the partnership between Topeka and the State of Kansas to work, the State had requirements for the COT ID's verification process.

The State of Kansas is on board with the KCK ID as long as we follow the Topeka model. The verification process is key to the project's success.

State Involvement

Kansas Department of Revenue Partnership

Since the KCK ID is following the Topeka model, the Kansas Department of Revenue is willing to accept the KCK ID as a valid ID. In turn, they will issue a temporary State of Kansas ID card that will be valid for one year. Normally, a temporary State of Kansas ID is only valid for 3 months, but KDOR has agreed to extend the timeline, to allow for ID holders to obtain their essential documents. The cost of obtaining an ID can be reduced, if necessary.

State Involvement

Office of Vital Statistics Partnership

Since the KCK is following Topeka's model, the Office of Vital Statistics is willing to work with the KCK ID Project. The Office of Vital Statistics understands that the barriers individuals may face when trying to obtain their birth certificate. They have agreed that once an individual obtains their temporary State of Kansas ID, they will be able to issue the individual's birth certificate to them.

How will an Individual Obtain a State ID?

Steps to Obtain State of Kansas ID

Once an individual has their KCK ID, they will need to:

1. Schedule an appointment to go with a COPPS member to the designated KDOR location
2. During the scheduled time, bring KCK ID and any other documentation the individual may have
3. KDOR will then issue the individual a temporary state ID
4. The temporary state ID will be mailed to KCKPD and a COPPS member will notify the individual when it's ready
5. With the temporary State ID, the individual can then obtain their birth certificate from the Office of Vital Statistics
6. With the temporary State ID and birth certificate, the individual can then obtain their social security card
7. Once the individual has their social security card, birth certificate, and temporary state ID, they will have all necessary documents to obtain a Kansas State ID that is valid for 6 years

So...the police department
will have all this
information on applicants,
how will this information
be stored?

Retention Policy

- Information will be stored for two years
- A limited number of people will be able to access
- Stored securely on the COPPS server in its own digital folder



What are the
Benefits?



Benefits of the KCK ID

Individual Benefits

- Possession of a Photo ID
 - A photo ID opens doors, and it can have a positive impact on the individual's self-esteem
- Assist in obtaining essential documents
- Increased access to resources requiring ID
- Increased employment opportunities
- Assist crime victims in reobtaining documents proving their identity



Benefits of the KCK ID

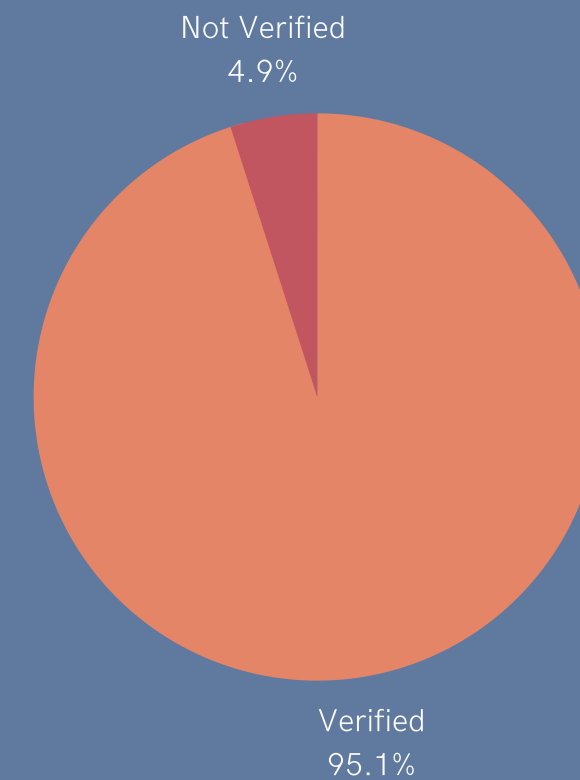
Community Benefits

- May result in an increase of housed individuals
- Increase in positive interactions between KCKPD Officers and members of the community
 - Individuals will have several positive interactions with Police Officers when they go through the process of obtaining their KCK ID
- Increased ability to identify members of the community

Success of Topeka's COT ID

Topeka began issuing the COT ID in 2018. In that time...

- Applicant Total: 1,253 Individuals
 - 95% Verification Rate
- Reprint Estimate: 200 IDs
 - Due to Expiration or Loss



Many of the people experiencing homelessness that were able to obtain a COT ID, were able to obtain housing through city programs and access other benefits.



What are the Costs of this Project?

Startup Cost Estimate

The costs for the KCK ID are relatively minimal because the KCKPD already has the ability to create the ID cards

Cost to Create 100 Cards and Purchase Printer...

\$1500 - \$2200

COST WILL BE DEPENDENT ON THE PRINTER PURCHASED

Maintenance Cost Estimate

The cost to maintain the KCK ID program is relatively low

Average Cost for 300 ID Cards and Ink for 300 Prints...

\$100

COST WILL BE DEPENDENT ON THE PRINTER PURCHASED

Labor Cost Estimate

Police officers in the COPPS unit routinely have to confirm the identity of individuals experiencing homelessness.

We estimate it will take 1-2 hours, on average, to verify the identity of a KCK ID applicant.

There have been other municipal
ID projects proposed...

How is the KCK ID
any different?

How does the KCK ID Project differ from Other Proposed Municipal IDs?

Primary Objective of ID

- The KCK ID Project's primary focus is to assist individuals in replacing the necessary documents to obtain a State of Kansas ID. It is virtually impossible to replace lost documentation without a State ID.
- The primary focus of *other proposed municipal ID programs* is to assist individuals in accessing local benefits.

How does the KCK ID Project differ from Other Proposed Municipal IDs?

Verification Process

KCK ID Project

- The verification process must be stringent because it must be able to adhere to state guidelines in order to partner with the State of Kansas

Other Proposed ID Projects

- The verification process is too lenient to have the ability to partner with the state to assist individuals in obtaining an ID or their essential documents

How does the KCK ID Project Differ from Other Proposed Municipal IDs?

Benefits

Other Proposed ID Projects

- The benefits of other proposed ID projects are limited. The success of these projects relies on the hope that organizations will accept the ID as a valid photo ID. Many vital resources, like access to banking services and public benefits, have regulations they must abide by, and most proposed ID projects will not meet the standard.

How does the KCK ID Project Differ from Other Proposed Municipal IDs?

Benefits

KCK ID Project

- The KCK ID will open doors for members of the community. It will allow people to obtain their State ID - which is vital to access the most impactful resources and services available.
- The KCK ID is compliant with Federal I-9 Employment Eligibility Verification Standards, which is essential for individuals seeking employment.



Let's Review the Key Points of the KCK ID Project...

Review

- The main objective of the project is to help individuals obtain their State ID and essential documents.
- It will be a free, municipal ID issued by the KCKPD COPPS Unit and it will be valid for one year.
- The current process to obtain ID is virtually impossible for unhoused individuals and victims of crime.
- The project will open doors for the most vulnerable in our community to access vital resources, services, and employment.
- It will be greatly beneficial to local organizations that work to help members of the community obtain an ID and essential documents

Review

- The project's cost is minimal - it is expected to be less than \$2000 in startup costs.
- All applicants will be verified by law enforcement using a minimum of two law enforcement databases, such as KDOC, KCJIS, and jail databases, unless a prior State ID can be located and verified.
 - The KCKPD only has the time, manpower, and resources to issue the KCK ID to an applicant whose identity can be confirmed.
 - If the KCK ID does not follow the same verification process as the City of Topeka ID, we will not be able to work with the State.
- Topeka has had and continues to have great success with its COT ID project. By following Topeka's model with the KCK ID, our community will greatly benefit.



Questions, Comments,
Concerns?

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, January 25, 2021**

The meeting of the Public Works and Safety Standing Committee was held on Monday, January 25, 2021, at 5:00 p.m., remotely via Zoom or on-site. The following members were present: Commissioner Bynum, Chairman; Commissioners Markley, Ramirez, Kane, Philbrook, and BPU Board Member Tom Groneman. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben, Emerick Cross and Alan Howze, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Kathleen VonAchen, Chief Financial Officer; Misty Brown, Deputy Chief Counsel; Crystal Sprague, CARES Act Team Leader; Jeff Fisher, Executive Director of Public Works; Juliann VanLiew, Director of the Health Department; Rocki Mayes, Executive Assistant to County Administrator; Angie Lawson, Deputy Chief Counsel; Patrick Waters, Senior Counsel; Jack Webb, Parks & Recreation Deputy Director; Robbie Anderson, Asset Manager; Angel Obert, Assistant Director of Parks and Recreation; Troy Shaw, County Engineer; and Robbie Anderson, Asset Manager.

Chairman Bynum called the meeting to order. Before I do that, I want to announce that due to COVID-19, some committee members, staff and public are attending remotely by Zoom as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid any background noise. During the meeting, please make sure you announce yourself by name and title when you speak so the public observing knows who is speaking. This is critical given the number of remote participants we have and it's also current guidance from the Kansas Attorney General.

Also, due to COVID-19 requirements, in-person public comment has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit comments by email prior to the meeting and those are included in the record of the meeting.

Chairman Bynum called the meeting to order. Roll call was taken and all members were present as shown above.

Chairman Bynum said there are no revisions for our agenda tonight.

Approval of standing committee minutes from October 26, 2020. **On motion of Commissioner Markley, seconded by Commissioner Kane, the minutes were approved.** Roll call was taken and there were six “Ayes,” Groneman, Philbrook, Kane, Ramirez, Markley, Bynum.

Committee Agenda:

Item No. 1 – 219...RESOLUTION: QUIET ZONE IMPROVEMENTS ON SWINGSTER ROAD

Synopsis: A resolution adopting the intergovernmental agreement with Bonner Springs for the construction of quiet zone improvements and additional improvements on Swingster Road, submitted by Troy Shaw, County Engineer.

Troy Shaw, County Engineer, said what this is, is an agreement with Bonner Springs for the quiet zone project. Overall, the quiet zone project extends from Swingster Road in Bonner Springs to 98th Street in Edwardsville. It relates to all the crossings through that area. This agreement allows the UG access in Bonner Springs to do the work necessary to Swingster to make this a quiet zone.

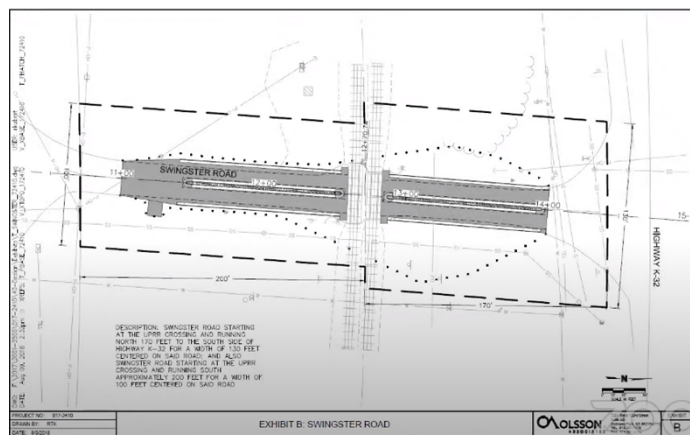
To give a little more information on the project, we are actually planning on bidding the work; bidding the work, but the UG is in charge of this spring and doing construction this summer on the work outside of the railroad tracks. Then the railroad, the Union Pacific, is in the process of creating construction agreements right now that they will send to us for us to approve. Once we approve those, then the UP will schedule their work on the actual tracks.

The timing of the work on the tracks, we don't know yet but it's moving forward and we're hopeful that it will get done about the same time as our construction work on the curbs and the roads outside of the UP right-a-way.

This agreement also includes discussion of maintenance responsibility and specifically it includes future work that the UG will need to do when sidewalks are built to connect across the railroad tracks. Bonner Springs has a plan for a park on the river. If there are sidewalks built on K-32, this would be a natural crossing point. Since that sidewalk is not there now, we don't feel it's in the best interest of anybody and the Union Pacific doesn't want sidewalks built if it doesn't connect to anything. So, the agreement lays out that in the future, the UG will be responsible for

that sidewalk connection across the tracks when those other sidewalks are built. I'm open for any questions or any more information that anybody wants to know about the project.

Commissioner Philbrook asked, Troy, is there any way you can show us the plans for that and explain exactly where we stop if we have to put in a sidewalk?



Mr. Shaw said if I can share my screen, I have one up here. The area we're talking about, it doesn't actually show it on the plans because we're not doing it with the project. The sidewalk connection we're talking about as part of this agreement would be across these tracks. I'm not sure which side it would go on, likely, I mean just guessing, it would be the west side right now, knowing where stuffs at up here. It would basically be a sidewalk connection across the tracks, working with the railroad to get that put in, and then an extension. It's probably, based on the language within the agreement, it's 150 to 200 feet, depending on where the right-of-way lines actually fall from the tracks out. So, basically, we just build that with the railroad crossing.

Commissioner Philbrook said as I heard you say, we're not responsible for putting any of that in until we see the plans, the actual plans go forward for the river park, is that correct? **Mr. Shaw** said correct and that was even a comment from the railroad that they don't want a sidewalk crossing their track to encourage people to be there if there's nothing on either side for them to go to. **Commissioner Philbrook** said right. They don't want a sidewalk to nowhere. I got that. Okay, so I just wanted to make sure.

Then the other thing is, as I was reading the contract, if somebody in the whole group, out of the group, decides we don't want to keep this crossing as a safe, as a quiet zone, what happens? **Mr. Shaw** said I would have to check with the Legal Department on that one. Misty, do you know

or is Patrick on? We could talk about the legal language of that. My understanding, I probably shouldn't speak because I'm an engineer, not a lawyer, but my understanding is, Misty, go ahead. **Misty Brown, Deputy Chief Counsel**, said Patrick is on the call and he did work on this agreement so, if we could give him a chance to speak to it. **Commissioner Philbrook** said thanks, Misty.

Patrick Waters, Senior Counsel, said, yes, Commissioner, the agreement does provide the Unified Government with complete discretion if we no longer want to maintain the quiet zone. If there were to be a safety issue that we found out and it just wasn't working, if it was a funding issue, we do have that ability. **Commissioner Philbrook** said okay. So, not just us, but what happens if the railroad decides that they want to pull their permission for that? **Mr. Waters** said oh sure. If the railroad decides that they don't want to fund this and don't want to do the work, there's really nothing we can do and so it just won't happen. We have indication, as Troy has indicated, we think that they're moving along, but it's really at their discretion. We can't force them to (inaudible).

Commissioner Philbrook said so once it's in though and operating, they have to maintain their part of it. **Mr. Waters** said yes. We actually, we can maintain the work inside, but I think that's going to be a joint agreement between us and Union Pacific. We'll handle the joint maintenance responsibilities with a separate agreement between us and the Union Pacific. **Commissioner Philbrook** said okay, and we don't have that yet. **Mr. Waters** said we don't have that yet. **Commissioner Philbrook** said okay. All right.

Thank you guys. I know I'm being nitpicky, but this is a good chunk of change. So, by the way, about how much is this project going to cost us, Troy? **Mr. Shaw** said the total budget, I looked this up the other day, the total budget for the project when we simply started was about \$1.6M, I believe. I could get the exact number, but it's around there. **Commissioner Philbrook** said well, yes, but that gives everybody an idea of how much money this is going to cost so I appreciate your information. Thank you so much. Sorry for butting in, and I'm through with my questions. Thank you so much, Commissioner and folks.

Commissioner Ramirez said, Troy, for myself, again, I'm new to this and to the public, can you explain what a quiet zone is exactly because I'm going to be honest, I really don't know so I would like to just have more knowledge and what exactly it is. **Mr. Shaw** said sure. Simply put, it's

basically the area between or where the Union Pacific will not blow their horn when crossing. Typically, whenever they go past a street crossing of their tracks, they blow their horn. So, this establishes a zone between Swingster & 98th Street in Edwardsville where they will not blow their horn through this area but doing that requires additional signage, the road to be a certain way and requirements from the railroad so we can get to that point, and that's kind of what we're doing at all four of these crossings. **Commissioner Ramirez** said oh, okay. See, I did not know that. You learn something new every day. Okay, that was the only question I had was just what exactly it was, so thank you very much.

Chairman Bynum asked, Mr. Shaw, when you speak of the 1.6M, is that the total budget for all four of the quiet zone crossings? **Mr. Shaw** said yes, ma'am. It's the budget that will include, I believe, that's 98th Street, 9th Street, 4th Street and Swingster. **Chairman Bynum** said okay. **Mr. Shaw** said so basically the work you see on the drawing here on my screen is similar to what we're doing at all of those four crossings from our standpoint, and then the railroad will have to do work on top of that to their tracks, which is the construction agreement that we'll get from them in the next month or so.

Chairman Bynum asked, what other questions from the committee or comments?

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.**

Chairman Bynum said okay, thank you very much, Commissioner Kane. One step backward, just to doublecheck with the Clerk, whether we had any comments from the public. **Ms. Portley Lott** said there were none received.

Roll call was taken on the motion and there were six "Ayes," Groneman, Philbrook, Kane, Ramirez, Markley, Bynum.

Item No. 2 – 20633...RESOLUTION: CAPITAL ASSET AND EQUIPMENT INVESTMENT AND MANAGEMENT POLICY REVISION

Synopsis: A resolution approving revisions to the Capital Asset and Equipment Investment and Management Policy, submitted by Kathleen VonAchen, Chief Financial Officer; and Jeff Fisher, Executive Director of Public Works.

Jeff Fisher, Executive Director of Public Works, said we've been, in Public Works, and Finance has been working closely on the CMIP process. We are making suggested changes to this policy as a result to the changes made in the process. I think Robbie Anderson is on the call as well and I'll ask him to add some detail.

Robbie Anderson, Asset Manager, said a year ago, we reached out to the Commission, standing committee, and the Planning Commission for input on our revised process that would involve projects that exceed \$200,000 to undergo a different set of policy criteria to produce a weighted criteria to help us prioritize our queue of unfunded projects, and go forward with the best strategy possible for the community. Once again, I want to thank you all for that input. We had revised that policy document and presented it to you as part of that presentation, and we sought input on the criteria. This would just be the formalization of the acceptance of that policy. I appreciate Kathleen's help in finalizing that policy document. I believe it's a step in the right direction to have a data-driven project queue of capital projects for the community.

Kathleen VonAchen, Chief Financial Officer, said I would like to just add one point.

Accounting
Budget
Financial Reports
Fiscal Accountability
Policies
Investor Relations
Research & Analysis
Treasury

Home / Departments / Finance

Share | Give Feedback

Finance

Location:	Chief Financial Officer:	Hours:	Contact:
City Hall 701 N 7th St, Suite 330 Kansas City, KS 66101	Kathleen VonAchen	Monday - Friday 8:00AM - 5:00PM	P: (913) 373-5279 F: (913) 373-5003 E: Email

The Finance Department, under the leadership of the Chief Financial Officer, provides strategic financial advice to the County Administrator, Mayor and Unified Government Board of Commissioners. The Finance Department has six divisions: Budget, Accounting, Treasury, Capital and Economic Development Financing, Research and Payroll. The Finance Department is responsible for the collection and distribution of all revenues, payment of all expenses, the processing of payments to all employees and vendors, administration and management of all debt, preparation of the Comprehensive Annual Financial Report, and the development of the Annual Operating and Capital Budget. The Finance Department is also responsible for the development of the Government's long-term financial planning and financial policies.

The Finance Department, two years ago, we wrote all—we rewrote 13 financial policies, and all

January 25, 2021

of these policies are on a dedicated webpage. So here is the UG Finance Department website and under that, over here are the various divisions and Fiscal Accountability Policies are in that section where we're hoping to promote accountability, maintain the public trust, and promote strong internal controls.

[Home](#) / [Departments](#) / [Finance](#) / [Fiscal Accountability Policies](#)
[Share](#) | [Give Feedback](#)

Finance

Location:	Chief Financial Officer:	Hours:	Contact:
City Hall 701 N 7th St., Suite 330 Kansas City, KS 66101	Kathleen VonAchen	Monday - Friday 8:00AM - 5:00PM	Pr: (913) 573- 5270 F: (913) 573- 5003 E: Email

Fiscal Accountability Policies

These Fiscal Accountability Policies set parameters for fiscal activities of the Unified Government of Wyandotte County and Kansas City, Kansas. The purpose of the policies is to assist officers and employees in conducting financial activities and in making fiscal decisions.

Goals, Responsibilities, Applicability:

Goals:

- Promote accountability and responsibility for financial activities and assets;
- Ensure legal use of public funds;
- Maintain public trust;
- Promote strong internal controls;
- Establish a framework for financial operations without limiting; management discretion or independence;
- Improve the quality, accuracy, and timeliness of the Unified Government's financial reports in compliance with Generally Accepted Accounting; Principles (GAAP), and the Governmental Accounting Standards Board (GASB); and
- Provide management with financial data that is timely, accurate, and understandable.

Responsibility:

It is the responsibility of the Unified Government administration to ensure compliance with these rules. The Unified Government administration may delegate signature authority for individual transactions, but not the ultimate responsibility for compliance with these rules.

Applicability:

These rules apply to all Unified Government officers and employees.

- [United Government Summary of the Financial Policies \(adopted 7/26/2018\)](#)
- [Operating and Capital Budget Policy \(adopted 7/26/2018\)](#)
- [Revenue and User Fee Policy \(adopted 7/26/2018\)](#)
- [Expenditure Policy \(adopted 7/26/2018\)](#)
- [Capital Asset and Equipment Investment and Management Policy \(adopted 2/11/2021\)](#)
- [Long-Term Financial Planning Policy \(adopted 7/26/2018\)](#)
- [General Fund Operating and Economic Uncertainty/Emergency Reserve Policy \(adopted 7/26/2018\)](#)
- [Special Revenue Funds Operating Reserve Policy \(adopted 7/26/2018\)](#)
- [Enterprise and Internal Service Funds Operating Reserve Policy \(adopted 7/26/2018\)](#)
- [Accounting, Auditing and Financial Reporting Policy \(adopted 7/26/2018\)](#)
- [Debt Policy \(adopted 3/28/2019\)](#)
- [Tax-Exempt Financing Compliance Policy \(adopted 1/19/2012, updated 7/26/2018\)](#)
- [Debt and Securities Continuing Disclosure Matters Compliance Procedure \(adopted 6/5/2014, updated 7/26/2018\)](#)
- [Cash and Investment Policy \(adopted 1/28/2021\)](#)
- [Local Economic Development Policy \(adopted 4/24/2014\)](#)
- [Tax Abatement Policy \(adopted 10/21/2010\)](#)

January 25, 2021

- 16. Risk Management and Internal Controls Policy (adopted 1/23/2014)
- 17. Procurement and Purchasing Policy (adopted 7/12/2007)
- 18. Red Flag Policy and Identify Theft Prevention Program (adopted 5/11/2011)

Disclaimer - The policies on this site reflect only those rules that have been adopted by the Unified Government Board of Commissioners. All information contained on this web site is subject to change without prior notice. If there are any questions call the Finance Department at (913) 573-5270 for clarification.

Here is the list of all the policies you all have adopted. The policy that you are entertaining for revision tonight is this fourth one here. So, just so you know. So that's under the Finance Department's website under Fiscal Accountability Policies.

Chairman Bynum said thank you, Kathleen. Mr. Anderson or Mr. Fisher, anything more for us to know before we have comments, questions, and a vote? **Mr. Fisher** said I don't believe so. Thank you.

Chairman Bynum said all right, what comments and questions from the committee members please or a motion?

Action: Commissioner Kane made a motion, seconded by Commissioner Markley, to approve.

Chairman Bynum said we have a motion and a second for approval on the item. Roll call, please. **Commissioner Philbrook** said no, no. Wait a minute. My hand's up. I want to ask a question. **Chairman Bynum** said yes, go ahead. **Commissioner Philbrook** said I have a question. I actually read on Section G that talks about capital project management, there is a line that reads, each department must actively manage their projects and major departments may provide quarterly reports on the status of each project. May is like, if I feel like it, sort of comment, and so is it—did you mean may or do you mean shall? I'm curious. That's page five.

Mr. Fisher asked was that—I don't recall. Kathleen, was that added language or was that previous? **Commissioner Philbrook** said it's not added language I don't think because it's not changed in the—it's all black and white. It's not the colored part.

Ms. VonAchen said yeah, the policy, well, it's encouraging our departments to provide periodic updates of projects. So, the language was added in there in order to encourage that practice. We're still actually looking to develop procedures to do that, but that's why it's may.

Commissioner Philbrook said well, I don't see it in a different color, so I missed it as being added in. Okay, Kathleen. But my comment, it still stands. May is not you shall, and so I guess my question is for the director, Jeff. Does may mean do it, or may mean if they feel like it, or if you tell them to do it? I'm just curious.

Mr. Fisher said no, that's a fair question. I can only wonder after, of course, just Public Works, so— **Commissioner Philbrook** said that's why I'm asking. Is it really going to work or is it not? Is this under your direction? It may be but maybe you decide to retire or go somewhere else or something and then what.

Chairman Bynum asked, Commissioner Philbrook, could you read it to me again, because I— **Commissioner Philbrook** said yes, it's G on page five, capital project management, it says management of capital project is essential to create the best value for Unified Government taxpayers through capital spending. Each department must actively manage their projects and major departments may provide quarterly reports on the status of each project. So, may, for me means I'll give you permission to do it if you feel like it. It doesn't mean I really want you to do it, it's you may do it. So, I guess I'm asking where are we coming from on this? What is our intent?

Chairman Bynum said so, my question, I guess for Jeff is, we're still talking about capital projects within what Commissioner Philbrook is bringing up, and quarterly reports on major projects could be provided, to whom is not answered in that statement. How much are we talking about in terms of providing quarterly reports to? For example, this standing committee or providing them to you, as the director of the department. So, I'm just asking questions of policy statement.

Mr. Fisher said sure. Well, quarterly—I think it's probably best to leave in may because depending on the nature of the project, quarterly may not be appropriate; it may not just fit the scope of the projects. I'd hate to lock every project manager or every project into a quarterly report. I just look at it from a practical sense and to whom, it's a fair question. I don't have a good answer for you on that.

Chairman Bynum said all right. So, given—this is just an opinion, but given that the policy document is providing good overall guidance, I'm really not terribly uncomfortable with the word may provide. I don't know that it's expedient on your staff to be in a continuum of preparing quarterly reports for us, necessarily. I'm okay with the language as it reads.

Commissioner Philbrook, if you have more, please go ahead and speak out. Otherwise, we have a motion and a second. **Commissioner Philbrook** said right. Well, you know after a motion and a second, you're allowed to have conversation. So, my comment back to Jeff is okay, Jeff, I know you're an excellent director for this, okay. I would just kind of like—and we don't have to do it now, but I'd like to get some feedback from you on whether you're expecting these reports, I imagine to you. Then when there's enough information, then you can come before the governing body to give us information. Is that your intent?

Mr. Fisher said yes, and we would provide reports for many different purposes and so we need to be ready for that in any case, but I would like to give that a little thought. **Commissioner Philbrook** said I'm not trying to nail you down. I just want you to understand that I'd just like to know what's going on with major projects. I don't want you to report to everyone or me. I just want to make sure that the intent is that people report to you in a timely manner, then you will report to us as you see that we need to know so we can know about it. Okay? That's all, Jeff. **Mr. Fisher** said okay. Thank you. **Commissioner Philbrook** said thank you, sir. Thanks, Commissioner Bynum.

Chairman Bynum said certainly. What other comments or questions from the team here.? Thank you all. We have a motion and a second so let's have roll call.

Roll call was taken on the motion and there were six “Ayes,” Groneman, Philbrook, Kane, Ramirez, Markley, Bynum.

Item No. 3 – 20659...PRESENTATION/RECOMMENDATION: WYANDOTTE COUNTY LAKE BOAT SLIPS

Synopsis: Presentation and recommendation regarding Wyandotte County Lake boat slips, submitted by Angel Obert, Assistant Director of Parks & Recreation.

Chairman Bynum said we have Angel Obert, our Fabulous 30 Under 30, here to present. Ms. Angel, I would just say before you start, congratulations to you on your honor within the Park system. I'm really proud of you for that. So, with that, I will turn this over to you.

Angel Obert, Assistant Director of Parks & Recreation, said thank you, Commissioner Bynum. I appreciate that and it's an honor to be recognized with other people and also to have recognition for our department here in KCK.

I also have Jack Webb on this presentation as well. Jack's very knowledgeable about the lake and he's put in a lot of time on this presentation. What we have for you tonight is a presentation about dock slips. The way this came about is we had a citizen come to the November Park Board meeting just raising some concerns about non-residents being able to have a slip at Wyandotte County Lake. So, the Park Board directed that person to go to standing and then in return, we were tasked by the Commission to come back to the Park Board and have some discussion around residents/non-residents being able to have a slip at the lake.

So, this presentation was initially presented to the Park Board in December on the 9th and then we returned on January 13th for them to give us a recommendation. So, we'll walk through this brief presentation on the history on kind of how that came about, where we are today, and also the recommendation from the Park Board.



So, a little history, prior to consolidation in 1997, the five-member Park Board made decisions on all issues regarding parks and recreation. So, at the time, the city had no input on issues in the county parks; Wyandotte County Lake being a county park. So, at the time, the decision to allow non-resident boat slips was made by the five-member Park Board during that time. So, moving forward, the docks were made in-house by Park's maintenance staff and pricing was created to recoup the original cost of the materials. Starting in 2012 – 2015, all the docks were replaced and updated with galvanized steel and capsulated foam.

Present

- WYCO Lake has 196 slips
 - Currently 12 are nonresidents
- 321 applicants are currently on the waiting list
 - 50 of those applicants are non-residents



Year	Resident Slip Fee	Non-Resident Slip Fee
1987-1990	\$75	\$150
1991-1992	\$100	\$175
1993-1994	\$125	\$200
1995-1999	\$150	\$225
2000-2001	\$170	\$275
2002-2004	\$200	\$325
2005-2009	\$225	\$350
2010-2011	\$275	\$400
2012-2013	\$325	\$400
2014-2017	\$375	\$500
2018-2019	\$400	\$600
2020	\$600	\$800
2021	\$750	\$1,125

So now we fast forward to present day. Currently, Wyandotte County Lake has 196 slips, and currently 12 of those are non-residents. There are 321 applicants currently on the waiting list and 50 of those applicants are non-residents. The chart to the right is a depiction of resident slip fees versus non-resident slip fees over the years and their increases. As you can see, there's always been a difference between resident and non-resident fees. So, as of this year, 2021, a resident slip fee is \$750, whereas a non-resident slip fee is \$1,125.

Recommendation Considerations

- Option 1: Continue normal operations, make no changes to current process
- Option 2: Only allow WYCO residents to be a slip owner/get on waiting list
 - Discontinue nonresident slip holder opportunity
 - Current nonresident slip holders would be grandfathered in
- Option 3: Increase nonresident slip rates, options shown below

Current 2021 Non-resident slip fee	25% Increase	50% Increase	75%	100%
\$1,125	\$1,406.25 (+281.25)	\$1,682.50 (+562.50)	\$1,968.75 (+843.75)	\$2,250 (+1,125)

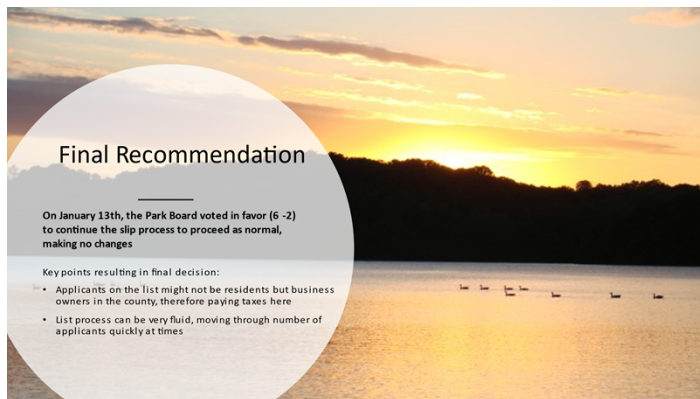


So, in December, the Park Board had some discussion around non-residents being able to have a slip out at the lake and they were really tossing around three options. So, the first option to consider was to continue normal operations, making no changes to the current process. So, again, the current process is anybody's allowed to get on the slip; residents or non-residents. All I've got to do is pick up the phone, make a call to Denny, and Denny gets them on that list.

Option two, that they had some discussion about was to only allow Wyandotte County residents to be a slip owner or to get on the waiting list. They would discontinue the non-resident slip holder opportunity, but the current non-resident slip holders would be grandfathered in. That was option two and some discussion was had around that.

Then option three was to increase non-resident slip rates, and some options were provided below on what that would look like if they wanted to increase the current fee 25% all the way up to 100%.

So again, in December, this presentation was presented and the Park Board had an opportunity to discuss it, and think about it, and come back in January with their recommendation.



So, their final recommendation was made on January 13th. The Park Board voted in favor so a 6-2 vote to continue the slip process to proceed as normal making no changes. So, like it is today, anybody can get on the list.

Then, I did just want to point out a couple of key points resulting in that final decision. A couple of the Park Board members made some strong points about applicants on the list might not be residents but business owners in the county; therefore, they'd be paying taxes here. Then, also the list process can be very fluid and I can—Jack can speak to this if you'd like or if you have any questions, but moving through the number of applicants quickly at times, we can make anywhere from 20 to 30 calls before we get somebody on that list that is able to go and ready to accept that responsibility of being a slip holder.

So, what we're looking for tonight is a vote to continue to keep the slip process as is, making no changes. Like I said, Jack's on the line and I'm here as well and we're ready to take any questions if there are any.

Chairman Bynum said thank you for the effort that you've put into it. I do appreciate it. I think it's a valid question that was spurred by a community member's comment. Jack Webb, I'd really like to hear from you. If you are able to unmute and tell us anything you want to add on the topic based on all your years of service here.

January 25, 2021

Jack Webb, Parks & Recreation Deputy Director, said basically, if we need 10 slips, we might go through 50 – 60 people on that list because you must have a boat registered in your name ready to go. So, as the price is going up, we notice the list is going down and the more people it takes to fill a slip. I think that the non-residents—we've already had 2 that turned theirs in. They don't want to pay the higher fee for 2021. It'll probably work out.

Chairman Bynum said let me ask the question for you. What I'm hearing you both say is that when a slip opens, you might make a number of calls before you get to a person in the line, who's ready, willing and able to take the slip? **Mr. Webb** said yes, you have so many days to occupy that slip, with a registered boat, state of Kansas registered to whoever holds that slip. **Chairman Bynum** said, so am I correct, then, that, that you're rapidly thinning the list as that occurs. **Mr. Webb** said that would depend on the year. Sometimes we go through, we need three slips, we'll go through three people maybe, but usually we go about 40 – 45 names off the list. However many slips we need that year. **Chairman Bynum** said okay, I see what you're saying. **Commissioner Kane** said I disagree with that. I think that if you're on—you have a slip right now, that we can't bump you out; but if you're on the list and we've got 300 and some odd people on that list or whatever the number is, that since they live here, they pay taxes here, I think that we should go ahead and say alright, it should be only people that live in Wyandotte County. If you want to add people that work in Wyandotte County or own a business in Wyandotte County—but I don't remember if it took me 8 or 10 years to get that boat slip, and that's a long time. I was way down the list when this got started.

The lake has never been used as much as it was used last summer. Every time I went out there, it was packed. It's nice to see that we have something like that in Wyandotte County that we, Wyandotte Countians, should enjoy. I don't think it's fair if we live in Wyandotte County not to let those folks get a boat slip out there before somebody that lives in Johnson County. I know some people may disagree with that, but it's Wyandotte County. It's ours. We take care of it. We ought to be the ones that enjoy it the most. I disagree with anybody that's on the list now if they're not from Wyandotte County then, in my mind, they shouldn't be there.

Anybody that has a slip now that's not from Wyandotte County that's fine. Leave them there because you don't want to kick them out and make it a grandfather clause. I just think it's bad business when we have something that nice that somebody from another area would get the opportunity to enjoy before those of us that live here. That's my opinion.

Chairman Bynum said thank you very much, Commissioner Kane. I just want to make sure I'm understanding or put forward a restatement maybe of what you've put forward; that if they currently are—live out of county, but have a slip, leave them, don't take the slip away. But if you're on the list, remove them. **Commissioner Kane** said correct. **Chairman Bynum** said with the possibility that we might restructure the language that states if you're a property owner. **Commissioner Kane** said yes. **Chairman Bynum** said if you're a Wyandotte County property owner and that would cover whether you own a business that operates here or your home. **Commissioner Kane** said correct. **Chairman Bynum** said okay.

Commissioner Ramirez said thank you, Angel, congratulations. I would say, I'm trying to find the right words. I agree with Commissioner Kane and I think out of the—Angel, can you go back to the page that had or the slide that had there—thank you.

Recommendation Considerations

- Option 1: Continue normal operations, make no changes to current process
- Option 2: Only allow WYCO residents to be a slip owner/get on waiting list
 - Discontinue nonresident slip holder opportunity
 - Current nonresident slip holders would be grandfathered in
- Option 3: Increase nonresident slip rates, options shown below

Current 2021 Non-resident slip fee	25% Increase	50% Increase	75%	100%
\$1,125	\$1,406.25 (+281.25)	\$1,687.50 (+562.50)	\$1,968.75 (+843.75)	\$2,250 (+1,125)



Option 2 would be the one . I know that's not the one that the Park recommended, but Option 2 would be the one that I would support. I should have started with this, but first, thank you, Angel, Jack, and Emerick, for listening to us when this was brought to us. We asked you guys to go back to the Park's Board so that they have the discussion so thank you for doing that. That means a lot, so thank you.

In closing, I support where Commissioner Kane is. I don't support us continuing normal operations of how we're currently doing it. This was something I have been thinking on long about and racking my brain thinking what's the best way to go forward. I just believe Option 2 would have been the best way. I just—I can't support the current normal operations of where we were going. **Commissioner Kane** said and I should have said Option 2 when I first started talking.

Chairman Bynum asked, other comments from the remaining committee members? **Commissioner Philbrook** said I understand all of this and I definitely understand the issue around us supporting our parks . We've done a mighty fine job and that's a wonderful park, or lake park. I definitely understand how people who have property here would feel like they should have priority. There's no question about that.

What I would—I would support Option 2, but also with an additional increase in the non-resident slip rates next year for those that already have slips. So, I don't only want to eliminate the additional people to be put on there from out of county, but those that are grandfathered and have slips, I would like us to go another 25% up next year. That's where I'm coming from, just to let everybody know. Thank you. **Commissioner Ramirez** said I would support that as well.

Commissioner Markley said one thing that was mentioned in the representation and Commissioner Kane mentioned it again was this idea of business owners or employees that live in the county, potentially having an exception from Option 2. I kind of like the idea of that because I think those people have a relationship with our county and it's an opportunity to sort of expand that relationship. I'm not sure how it would work, so I'll say I think it's kind of a neat idea. I think we would have to kind of finesse that around though, because if a person maybe has a job in Wyandotte County on the date that we call them but then they're no longer an employee here. Do they get to keep the slip forever? I could see where there could be some weirdnesses there, but that might offer a nice opportunity for us to give somebody a possibility of getting a slip that lives outside the county, if they have that sort of relationship with our county through their employer or the business they own or manage or whatever that might look like.

Chairman Bynum said so the way that I was getting that was stating it as property ownership and you're not saying the same thing. So, if not—**Commissioner Markley** said I do think that that solves some of the issues if we do it strictly with property ownership, but then the weirdness is, if it's an LLC that owns the property and not an individual, how does that all figure in. So, I still think, regardless, there's sort of some legal finessing that has to occur because for most businesses, an individual is not going to own it; some leg of a company is going to own it.

Commissioner Kane said I kind of like what Commissioner Philbrook said, so I'd like to make a motion to follow Option 2, adding on that in the next year, there's a 25% increase on those that do not live in Wyandotte County.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.**

Chairman Bynum said before we vote, do we have legal on the call? **Ms. Brown** said yes, Commissioner, this is Misty Brown in the Legal Department. My understanding is this item was a presentation for recommendation; that there wasn't really going to be action on it and so that the Commission would, I guess, come to some conclusion and staff would come back with a policy. I guess if we are going to entertain some sort of motion, I'd need some clarification about the property ownership piece for Commissioner Kane's motion.

Commissioner Kane said I didn't add that to the motion. I just said I went along with Option 2 and along with Commissioner Philbrook's change to a 25% increase. **Chairman Bynum** said so, let me stop here. I had confirmed this morning that this would be a voting item. **Ms. Brown** said okay. **Chairman Bynum** said when we speak of a 25% increase, then are we referring to the original 25% that's shown here on the chart or 25 more on top of it? **Commissioner Philbrook** said I'm referring to, in 2022, missing it by 25%. **Commissioner Kane** said that works. **Commissioner Philbrook** said because we've already got that in there. That's what I'm thinking. Mike, did you understand that. **Commissioner Kane** said yes. **Chairman Bynum** said thank you both. I appreciate it. I wanted clarification. So, all right.

Chairman Bynum asked, Madam Clerk, were there comments, or excuse me; any other comments from the committee because we're going with Option 2, to include the proposed 2022 25% increase? (There were none.) Madam Clerk, anything from the public on the item? **Ms. Portley Lott** said there were no comments received from the public, Madam Chair. **Chairman Bynum** said thank you.

Roll call was taken on the motion and there were six "Ayes," Groneman, Philbrook, Kane, Ramirez, Markley, Bynum.

Chairman Bynum said all right. That carries. I believe, let me just double check. That is the last item. Thank you, Park's team and Emerick. I appreciate your work on this.

Adjourn:

Chairman Bynum adjourned the meeting at 5:42 p.m.

tpl



Staff Request for Commission Action

Tracking No. 21826

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 5/24/2021

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
5/12/2021	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:

An Ordinance relating to regulations for the disposal of wastewater, discharge prohibitions, sewer connections, wastewater discharge permitting, service charges, pumping and transportation of wastewaters, health department permitting for transportation of wastewater, on-site wastewater systems, and the fat, oil and grease control program. The ordinance amends numerous sections of and creates 9 new sections in Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas.

Action Requested:

Forward to Full Commission for consideration

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Chapter.30.Ordinance.Revision.Memo, Chaper.30.Revisions.5.12.21



**LEGAL DEPARTMENT of the UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

**Ninth Floor-Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
Phone (913) 573-5060
Fax (913) 573-5243**

**Chief Counsel
Misty S. Brown**

**Deputy Chief Counsel
Angela J. Lawson**

**Senior Counsel
Henry E. Couchman Jr.
Patrick M. Waters**

**Assistant Counsel:
Susan Alig
Wendy M. Green
Casey L. Meyer
Daniel E. Kuhn
Jeffrey Conway
Edward James Bain
Chase D. Cook**

**Prosecutors
Andrew K. Kent
Francis X. Altomare**

SUMMARY

TO: Governing Body of the Unified Government of Wyandotte
County/Kansas City, Kansas

FROM: Misty Brown

DATE: May 11, 2021

RE: Proposed Changes to Chapter 30 of the Code of Ordinances

Legislative Background:

- On May 20, 2013, the Unified Government and the State of Kansas entered into a federal Partial Consent Decree ("PCD") with the Department of Justice on behalf of the United States Environmental Protection Agency. The PCD required the parties to develop and implement after EPA's approval an Integrated Overflow Control Plan ("IOCP").
- On March 23, 2020, the parties finalized the IOCP which requires the Unified Government to improve its sewer and storm water systems. Additionally, the UG is required to ensure that the UG maintains sufficient legal authority to effectively administer its various wastewater programs to protect the public health and remain in compliance with state and federal law.

- The Unified Government has sufficient legal authority in place prior, but there are areas in which additional clarification and revisions would aid in the implementation of wastewater programs and more closely align with state and federal requirements.
- In 2019, the EPA notified the UG Water Pollution Control that a review of Chapter 30 in relation to the Pretreatment Program identified several areas within the chapter that could better align with EPA requirements.
- The proposed ordinance changes are not cumbersome to the public and seek to clarify and update the current set of ordinances to more fully comply with the spirit of the MS4 Permit and provide the UG with more tools to comply with the Clean Water Act.

Summary of Proposed Changes:

- Re-aligned the organization to more closely follow the EPA model ordinance.
- Numerous definitions and abbreviations were added, modified or eliminated.
- The enforcement provisions of the Ordinances were revised to improve clarity and consistency among Articles and augment the Unified Government's ability to enforce the provisions.
- The violations and penalty sections of the Ordinances were amended to enhance enforcement, align with other Articles for consistency and better match the requirements set by KDHE and EPA. The requirements to publish a list of significant violators was expanded upon.
- Administration sections were changed to clarify authority between the Director of Water Pollution Control and the Director of the Health Department.
- Revisions and additions were made to the Article II, Wastewater Discharge Permits, in order comply with EPA requirements.
- Clarifications were made to sections pertaining to unlawful discharges, prohibited discharges, and excessive discharges.
- New sections were added to address responsibilities, record keeping, and pretreatment standards.
- Additions were made to the low pressure sewer sections to address fees and entrance into the program.
- Details were added pertaining to inspection, reporting, and enforcement of the Fat Oils and Grease program for Food Service Facilities.

ORDINANCE NO. _____

AN ORDINANCE relating to regulations, provisions, and standards for the disposal of wastewater, discharge prohibitions, sewer connections, wastewater discharge permitting, service charges, pumping and transportation of wastewaters, health department permitting for transportation of wastewater, on-site wastewater systems, and the fat, oil and grease control program; amending original Sections 30-1, 30-2, 30-3, 30-4, 30-5, 30-7, 30-10, 30-11, 30-32, 30-33, 30-35, 30-71, 30-95, 30-99, 30-100, 30-123, 30-124, 30-126, 30-129, 30-130, 30-132, 30-161, 30-167, 30-189, 30-237, 30-324, 30-327, 30-350, 30-351, 30-352, 30-354, 30-355, and 30-356; and creating new sections 30-15, 30-16, 30-17, 30-37, 30-133, 30-134, 30-135, 30-136 and 30-137 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas has entered into a federal consent decree with the United States Environmental Protection Agency and the State of Kansas; and

WHEREAS, the Unified Government is required to adopt and maintain ordinances authorizing the Unified Government to inspect, assess penalties, issue enforceable orders and stop-work orders and other such acts required to effectively administer its wastewater programs; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas wishes to update regulations, provisions, and standards for the disposal of wastewater, discharge prohibitions, sewer connections, wastewater discharge permitting, service charges, pumping and transportation of wastewaters, health department permitting for transportation of wastewater, on-site wastewater systems, and the fat, oil and grease control program to ensure the public health and welfare of its citizens and to comply with federal EPA requirements.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:**

Section 1. That Article I of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended and shall read as follows:

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 USC 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 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 in this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.~~

Authorized or Duly Authorized Representative of the User.

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
 - or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Unified Government.
- (5) If the user is a Trust: Trustee

Batch means the controlled discharge of a discrete, contained volume of wastewater.

Best management practices (BMPs) includes, but is 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. The term "BMPs" also includes 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, stormwater wetlands, grassed swales, grassed filter strips, catch basins, in-line storage, and manufactured products for stormwater inlets.

Board of public utilities (BPU) means an administrative agency of the Unified Government of Wyandotte County/Kansas City, Kansas.

Board of County Commissioners means the Unified Government of Wyandotte County/Kansas City, Kansas Board of County Commissioners.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as under EPA/KDHE-approved laboratory procedure 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 feet (0.61 meters) outside the outer face of the building wall.

Building sewer, sewer service or private sewer means the sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater 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 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 waste streams from any portion of an industrial user's treatment facility.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User (CIU) means an industrial user subject to national categorical pretreatment standards.

COD (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. Equivalent to BPU Class 080 and 080A.

Class I-B includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. The term "class I-B" includes residential structures with three or more units that discharge into a sanitary sewer. Equivalent to BPU Class 081.

Class II includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from establishments that ~~sell-prepared~~prepares food for consumption by non-familiar persons. Equivalent to BPU Class 090.

Class III includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users. Equivalent to BPU Class 083.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

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, copyright 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.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these

~~include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.~~

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.

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.

Development means any manmade 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 designee.~~

Director Refers to the Director of Water Pollution Control or designee for Articles I (exception Sec. 30, Sec. 123), II, III, IV, V, VIII, and IX, County Engineer for Article I Sec. 30-11 and Sec. 30-123 and the Director of the Unified Government Health Department or his designee for Articles VI and VII.

Domestic sewage means sewage originating primarily from non-commercial kitchens, bathrooms, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.~~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 noncommercial 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 or Drainage Channel means a natural or manmade stormwater 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.

Fats, oils and grease (FOG) means oily or grease materials typically derived from animal or vegetable origins that have the potential for accumulations and blockage of sewers or otherwise may interfere with the operation of the collection system or publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method or originate from mineral and petroleum-based products such as motor oil and industrial sources.

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.

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health department means the public health department of the unified government.

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

IDDE means Illicit Discharge Detection and Elimination, a program to identify and correct connections to the storm sewer system which have not been permitted or allowed.

Indirect Discharge or Discharge means the introduction of pollutants into the POTW from any nondomestic source.

~~*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 Connections means as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an the director, or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the director.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, 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 Activity means activities subject to NPDES Industrial Permits as defined in 40

CFR, Section 122.26 (b)(14).

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

Infiltration means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Inflow means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers other than in combined sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

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 USC 1345), or any criteria, guidelines or regulations developed (present or future) pursuant to the Solid Waste Disposal Act (SWDA) ((RCRA) PL 94-580; 42 USC 6901 et seq.), the Clean Air Act (PL 91-604; 42 USC 7401 et seq., as amended), the Toxic Substances Control Act (PL 94-469; 15 USC 2601 et seq.), 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.~~

Interference means a discharge or disruption that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of [the City's] NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

KDHE means the Kansas Department of Health and Environment or, where appropriate, the term may be used as a designation for the administrator or other official of such agency. ~~KDHE issues permits and certificates to the Water Pollution Control Division.~~

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 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. Equivalent to BPU Class 080A

Maximum extent practicable means the use of those best management practices, which, based on sound engineering and hydrogeological 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, catchbasins, curbs, gutters, roadside ditches, manmade 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, stormwater, 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 of the CWA (33 USC 1288) that discharges to waters of the United States;
- (2) Designated or used for collecting or conveying stormwater;
- (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 the unified government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, and 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 USC 1317(b) and (c)) which applies to a specific category of industrial users.

~~*National pollutant discharge elimination system permit* or *NPDES permit* means a discharge permit issued by the approval authority pursuant to section 402 of the act (33 USC 1342).~~

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC§

1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

National prohibitive discharge standard or *prohibitive discharge* means any regulation developed under the authority of section 307(b) of the act (33 USC 1317(b)) and 40 CFR 403.5.

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

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 USC 1317(c) et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. 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 subsections (1)b or (1)c 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 section, has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment;
 2. 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
 - b. 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 that 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.

Non-Significant Categorical Industrial User (NSCIU) means and industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, that the POTW has determined is exempt from the definition of SIU on a finding that the IU never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically include in the pretreatment standard). The IU must also meet the following conditions:

- a. The IU, before the POTW's finding, has consistently complied with all applicable categorical standards and requirements
- b. The IU annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement
- c. The IU never discharges any untreated concentrated wastewater.

Non-Significant Industrial User (NIU) means any industrial user which has a wastewater discharge permit, but is not identified as a Significant Industrial User

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

North American Industry Classification System (NAICS) means the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It replaces Standard Industrial Classification (SIC).

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).~~

Pass Through means discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the unified government'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 the various articles of this chapter.

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.~~ means any individual, association, organization, partnership, firm, trust, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

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 soil, 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.~~ means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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

Pollution prevention plan means BMPs and other structural, procedural and operations and maintenance provisions designed and operated to reduce or eliminate the discharge of pollutants, particularly in stormwater runoff.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

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.~~

Pretreatment Requirements means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards retreatment Standards means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits

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 freshwater 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 that carries wastewater, sewage or industrial wastes, and to which stormwaters, surface waters, and groundwaters 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 stormwater.

Significant industrial user means:

(1) All categorical industrial users except those designated as NSCIUs.

(2) Any noncategorical industrial user that:

- a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary, noncontact cooling and/or boiler blowdown wastewaters);
- b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or
- c. 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.

The control authority may decide to remove any noncategorical 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 noncompliance (SNC) means noncompliance in one or more of the following categories:

- (1) *Category 1.* Chronic violations of wastewater discharge limits, defined herein as those in which 66 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.
- (2) *Category 2.* Technical review criteria (TRC) violations, defined herein as those in which 33 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.)
- (3) *Category 3.* Any other violation of a pretreatment effluent limit (daily, 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).
- (4) *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.
- (5) *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.
- (6) *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.
- (7) *Category 7.* Failure to accurately report noncompliance.
- (8) *Category 8.* Any other violation or group of violations that 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 Load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions

~~*Slug* means any discharge of wastewater, sewage, industrial waste, or substance, which, in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times its average 24-hour rate, or which contains a pollutant discharge which exceeds the~~

~~concentration limit or load allocation by more than five 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 stormwater, including private drainage systems, the MS4, retention and infiltration facilities, natural drainageways, surface water, groundwater, waters of the state and the United States.

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

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Stormwater Pollution Prevention Plan (SWPPP) means document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Surcharge means an additional fee, included as part of the water pollution abatement, which is in addition to the domestic fees and is based on a higher COD, TSS, and/or oil and grease reading.

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

Total suspended solids (TSS) 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.

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

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 (33 USC 1317(a)(1)).

Uncontaminated means not containing harmful quantities of pollutants.

Unified government 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 noncompliance 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 noncompliance 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 Industrial User.* A source of indirect discharge~~

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

Waste 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.

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 stormwater 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.

(Code 1988, § 30-1; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-28-14, § 1, 5-1-2014)

Cross reference— Definitions generally, § 1-2.

Section 2. That Sections 30-2 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-2. - Abbreviations.

The following abbreviations apply to this chapter:

- (1) BPU—Board of Public Utilities.

- (2) CFR—Code of Federal Regulations
- (3) EPA—Environmental Protection Agency.
- (4) FOG—Fats, Oils and Greases
- (5) GPM—Gallons per Minute
- (6) I&I—Infiltration and inflow.
- (7) KDHE—Kansas Department of Health and Environment.
- (8) mg/l—Milligrams per liter.
- (9) MS4—Municipal Separate Storm Sewer System.
- (10) NAISC—North American Industry Classification System.
- (11) NPDES—National Pollutant Discharge Elimination System.
- (12) POTW—Publicly Owned Treatment Works.
- (13) SIC—Standard Industrial Classification.
- (14) SWDA—Solid Waste Disposal Act, 42 USC 6901 et seq.
- (15) SWPPP—Stormwater Pollution Prevention Plan
- (16) TSS—Total suspended solids.
- (17) USC—United States Code.

(Code 1988, § 30-2; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014)

Section 3. That Sections 30-3 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-3. - Violations and penalties.

(a) *Injunctive relief.* If any person violates the provisions of this chapter or regulations, orders, permits or other legal requirements 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 failed to comply with any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder, the user shall be subject to a penalty not exceeding \$1,000.00 per violation, with recurrence on any succeeding day being a separate violation. Such civil penalties shall be recovered by the director by civil action in a court of appropriate jurisdiction. In addition to the civil

penalties provided herein, the unified government may in any such action recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation, as well as any damages to the facilities of the unified government or to the environment against the person found to have violated this chapter or the regulations, orders, permits or other legal requirements hereunder.

(c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder wherein (1) such violation is an intentional violation, (2) such violation is a violation with any identifiable environmental harm, personal injury or damage to public or personal property, (3) any person knowingly has made 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 has falsified, tampered with or knowingly rendered inaccurate any monitoring device or method, and (4) any person has committed within a period of two years a second or additional violation of the same or comparable regulatory requirement shall upon conviction be guilty of a class A violation.

(d) *Publication of list of violators.* ~~The unified government shall semiannually publish, in the official newspaper a list of the industrial users which, during the previous six calendar months, were in significant noncompliance as defined in this section.~~ The Director shall publish annually, in a newspaper of general circulation the official newspaper that provides meaningful public notice within the jurisdictions served by the POTWs of the Unified Government, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates any paragraph(s) of this Section) and shall mean:

- (1.) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- (2.) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3.) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director 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;

- (4.) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in director's exercise of its emergency authority to halt or prevent such a discharge;
- (5.) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6.) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7.) Failure to accurately report noncompliance; or
- (8.) Any other violation(s), which may include a violation of Best Management Practices, which director determines will adversely affect the operation or implementation of the local pretreatment program.

~~(e) Administrative penalties and orders. Any person violating any provisions of this chapter or regulations, orders, permits or other legal requirements hereunder shall be subject to the imposition of administrative penalties as further provided herein, which administrative penalties shall not exceed \$1,000.00 per violation except with the consent of the person charged, with recurrence on any succeeding day being a separate violation. The county administrator shall have the authority to impose administrative penalties after notice and an opportunity to be heard. The county administrator shall further have the authority to issue administrative orders in response to violations of the pretreatment standards after, except in emergency conditions, notice and an opportunity to be heard. Any such administrative order may require immediate compliance or compliance on a schedule defined therein, interim steps prior to full compliance, cessation of discharge, reporting, and correction and mitigation of environmental or other conditions caused by the violation. In the event of any emergency condition in which the county administrator finds it necessary to issue an administrative order prior to notice and an opportunity to be heard, notice and an opportunity to be heard shall be provided as soon as practicable.~~

- (1.) When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, The Director may impose and administrative penalty such User in an amount not to exceed \$2,500.00. Such administrative penalty shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, administrative penalty shall be assessed for each day during the period of violation.
- (2.) Users desiring to dispute such administrative penalties must file a written request for The Director to reconsider the administrative penalty along with full payment

of the administrative penalty amount within forty-five (45) days of being notified of the administrative penalty. Where a request has merit, The Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the administrative penalty.

- (3.) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

~~(f) — *Notice of violation* .Whenever the director finds that any user has violated or is violating this chapter or regulations, orders, permits or other legal requirements hereunder, the director may serve upon such user a written notice stating the nature of the violation and require that within 30 days of the date of the notice, or within such shorter period that the director finds necessary, the user shall submit in writing, to the director, a plan for the correction of the conditions that caused the noncompliance.~~

(f) The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this ordinance.

(g)*Notice of violation* . When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within 45 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, and does not require the Director to first issue a Notice of Violation in such circumstances. Violation of Sec. 30-11 and 30-123 may be given a minimum of 72-hours of notice to correct situation appropriate to the threat of the pollutants entering the MS4, or other body of water draining to the waters of the US

(Code 1988, § 30-3; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014)

Section 4. That Sections 30-4 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-4. - Enforcement.

It is the duty of the director to enforce the provisions of this chapter. The director shall have the right to disconnect from the city sanitary sewer system and/or the city water system any premises upon which a violation of this chapter is found. Before any such disconnection, the director shall first serve a notice in writing on the owner, agent for the owner or tenant in possession of such premises, which notice shall specify the violation(s) existing and provide a period of 15 days from the date thereof within which the owner, agent for the owner or tenant in possession may abate such violation(s).

The following is considered the default enforcement procedures for this chapter as a whole and apply to all articles unless specifically annulled within an article.

(a). Notice of Violation.

Whenever the director finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of the violation and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.
- (7) Compliance with articles in this chapter that may include but not limited to Article V and Article IX

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The Notice of violation shall provide the owner with a minimum of 15 days from the date of the discovery of the violation to remediate or restore, unless: the violation is related to yard waste, construction waste, pool discharge; poses an immediate risk to the health of the public; damage to property; or other serious hazard. The Notice of violation shall provide the owner with a minimum of 72 hours from the date of the discovery of the violation to remediate or restore when the violation is related to yard waste, construction waste, pool discharge. **Abatement due to a situation determined by the director or by his or her designee to be an emergency such as, but not limited to, an immediate threat to the MS4 waters, immediate threat to the public health or safety, or an immediate threat of damage to property where an NOV is not issued due to the timing of the threat, does not exempt the owner/violator from reimbursing the UG for the cost of the abatement.**

(b.). Enforcement measures after appeal –

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the director, then representatives of the Director shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(c.) Cost of abatement of the violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. The liability shall be paid in not more than 12 equal payments over a 12 month period.

(Ord. No. O-57-13, § 2, 12-5-2013)

Section 5. That Sections 30-5 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-5. - Appeals.

Unless otherwise provided, any person aggrieved by an action of the director or director's designee ~~or health officer~~ issuing or refusing any permit, suspending or revoking any permit, or any other final action imposing affirmative or negative obligations on such user under this chapter may appeal such decision to the county administrator or his designee. No notice of violation under subsection 30-3(~~fg~~) of this chapter, no requirement only for information or data concerning a regulated activity, and no action of the director or director's designee ~~or health officer~~ not imposing specific affirmative or negative obligations shall be appealable. The county administrator must receive the written appeal within 15 days of the date of the director's action, identifying the action appealed from, the relevant facts, and any information that such person requests the county administrator to consider. The county administrator or his designee may in his discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his arguments and evidence. At any hearing held pursuant to this section 30-5, 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 or any hearing held hereunder. Exhaustion of the opportunity

for appeal under this section 30-5 shall be a jurisdictional prerequisite for judicial review of any action of the director or director's designee or health officer.

(Code 1988, § 30-5; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014)

Section 6. That Sections 30-7 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-7. - Administration.

The water pollution director shall be the principal unified government official responsible for implementing, administering and enforcing articles I (exception sec. 30-11 and sec. 30-123), II, III, IV, V, VIII, and IX. The county engineer shall be the principal unified government official responsible for implementing, administering and enforcing article I sec. 30-11 and sec. 30-123. The health department director shall be the principal unified government official responsible for implementing, administering and enforcing articles VI and VII. The directors are authorized to delegate, in writing, any or all of his duties under this chapter. ~~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~~ The public works director 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 of public works ~~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 (MS4). Copies of any such regulations and standards shall be available in the office of the public works director or health officer ~~department director~~ as applicable. The public works director is also authorized to adopt regulations for discharges to the sanitary, combined and MS4 sewer systems.

(Code 1988, § 30-7; Ord. No. O-46-05, § 1, 6-2-2005)

Section 7. That Sections 30-10 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-10. —~~Same~~ ~~To sewers~~ Unlawful discharges—~~To sanitary and combined 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.

(Code 1988, § 30-10; Ord. No. O-46-05, § 1, 6-2-2005)

Section 8. That Sections 30-11 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-11. —~~Same~~ ~~To natural outlets~~ Unlawful discharges—~~To storm sewers, drainage channels and natural waters.~~ ~~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 stormwater to waters of the state. All discharges, direct or indirect, to storm drainage systems shall be in accordance with section 30-123.~~

(a) Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(2) Discharges specified in writing by the director as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the director prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) 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.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. All discharges, direct or indirect, to storm drainage systems shall be in accordance with section 30-123.

(Code 1988, § 30-11; Ord. No. O-46-05, § 1, 6-2-2005)

Section 9. That Article I of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-15 “Water Course Protection” and shall read as follows:

Secs. 30-15. Watercourse protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 10. That Sections 30-16 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-16 “Severability” and shall read as follows:

Sec. 30-16. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Section 11. That Sections 30-17 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-15 “Ultimate Responsibility” and shall read as follows:

Sec. 30-17. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Secs. 30-1518.—30-31. - Reserved.

Section 12. That Sections 30-32 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-32. - General requirements.

(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 the processes of which place it in an EPA pretreatment category as set out in 40 CFR 405—471 or amendment thereto.
 - (2) A significant industrial user, as defined in this chapter.
 - (3) A discharging, nonsignificant 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) An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- A. Individual wastewater discharge permits must contain:
- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the unified Government in accordance with Section 30-35(c) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 30-13(f).
 - (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (7) Requirements to control Slug Discharge, if determined by the the Director to be necessary
 - (8) Any grant of the monitoring waiver by the Director (Section 30-13(f)) must be included as a condition in the User's permit

- (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 that 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) Requirements for pollution prevention plans as provided in section 3-327 herein and additional requirements addressing and regulating storm water runoff from the establishment.~~

~~(11) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.~~

~~(12) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.~~

(c) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(d) 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.

~~(e) Wastewater discharge permits issued to significant industrial users will be annual or as otherwise determined by the director. Wastewater discharge permits issued to all other industrial users shall be issued for a period not longer than five years. The user shall apply for wastewater discharge permit reissuance no less than 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 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.~~

(e) 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 12 months (or available date, if the facility has not been in operation for a minimum of 12 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.

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

(Code 1988, § 30-41; Ord. No. 0-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 4, 4-10-2014)

Section 13. That Sections 30-33 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-33. - 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 the user, the type of products handled or manufactured, ~~the quantity of wastes including seasonal, weekly, daily, or hourly variations,~~ 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.

(Code 1988, § 30-42; Ord. No. O-46-05, § 1, 6-2-2005)

Section 14. That Sections 30-35 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-35. - 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 year from the date of the issuance.

(b) Within three 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 ~~180 days~~ six months 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 ~~180 days~~ six months 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. The new owner shall apply for a wastewater discharge permit in the name of the new owner within 30 days of possession of the property.

(Code 1988, § 30-44; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-28-14, § 2, 5-1-2014)

Section 15. That Article II of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-37 “Recordkeeping” and shall read as follows:

Sec. 30-37 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 30-124(c). Records shall include the

date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Unified Government, or where the User has been specifically notified of a longer retention period by the Director.

(Code 1988, § 30-45; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-378—30-60. - Reserved.

Section 16. That Sections 30-71 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-71. - 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 preexisting 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. Acceptance into the Low-Pressure Sewer Agreement program is subject to approval by the Director and may involve payment of past fees which would have been due or other fees or requirements as set by the Director

(Code 1988, § 30-93; Ord. No. O-46-05, § 1, 6-2-2005)

Section 17. That Sections 30-95 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-95. - 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 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 or reduced by a UG-approved metering method approved by the Director. Retroactive credits will not be allowed.

(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 sewer system. Such activities may include, but are not limited to, 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 drainageways 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.

(Code 1988, § 30-127; Ord. No. O-46-05, § 1, 6-2-2005)

Section 18. That Sections 30-99 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-99. - 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 board of public utilities (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 and report the volume as required by the Director.

(Code 1988, § 30-131; Ord. No. O-46-05, § 1, 6-2-2005)

Section 19. That Sections 30-100 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-100. - Provision for deductions.

In the event that a person (not defined as Class 1-A or Class 1-B) discharging wastewater to the unified government's sewer system produces evidence satisfactory to the director that more than ten 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.

(Code 1988, § 30-132; Ord. No. O-46-05, § 1, 6-2-2005)

Section 20. That Sections 30-123 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-123. - 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 stormwater, except as allowed in subsection (b) of this section. Common stormwater 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 subsection (b) of this section, 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) Acceptable non-stormwater discharges. Unless specifically identified by the director or KDHE, the following non-stormwater discharges are deemed acceptable and not a violation of this section:

- (1) Water line flushing;
- (2) Diverted streamflow;
- (3) Rising groundwater;
- (4) Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;
- (5) Uncontaminated pumped groundwater;
- (6) Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the unified government;
- (7) Discharges from potable water sources;
- (8) Foundation drains
- (9) Air conditioning condensate;
- (10) Irrigation waters;
- (11) Springs;
- (12) Water from crawlspace pumps;
- (13) Footing drains;
- (14) Lawn watering
- (15) Individual residential car washing;
- (16) Occasional not-for-profit car wash activities;
- (17) Flows from riparian habitats and wetlands;

- (18) Dechlorinated swimming pool discharges excluding filter backwash;
- (19) Street wash waters (excluding street sweepings which have been removed from the street);
- (20) Discharges or flows from emergency firefighting activities;
- (21) Heat pump discharge waters (residential only);
- (22) Treated wastewater meeting requirements of an NPDES permit; and
- (23) Other pollutants determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

(c) Industrial or construction activity discharges. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to the allowing of discharges to the MS4. Land disturbance activities must be permitted and comply with KDHE and UG ord. Ch 8 Article XIV.

(d) Requirements applicable to certain discharges. The owner of property that discharges stormwater to a storm drainage system, including property with a facility on-site which the director has identified as a high-risk commercial facility with a high potential for pollutant discharges to the storm drainage system, shall implement the following practices to reduce the risk associated with their operations.

- (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 chapter. 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 been either voluntarily

discontinued or prohibited by the EPA 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.

~~(ed) *Release-reporting Notification of Spills and cleanup.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the authorized representative. In the event of a release of non-hazardous materials, said person shall notify the director in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. 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 nonhazardous materials, the property owner and the persons responsible shall notify the director no later than 5:00 p.m. of the next business day.~~

(f) Suspension of MS4 Discharge Access. Suspension due to Illicit Discharges in Emergency Situations. The director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The director will notify a violator of the proposed termination of its MS4 access. The violator may petition the director for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the director.

(Code 1988, § 30-172; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 5, 4-10-2014)

Section 21. That Sections 30-124 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-124. - Prohibited discharges.

(a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will ~~interfere~~ cause interference 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, nonbiodegradable 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 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 percent nor any single reading over ten 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 waste streams containing substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius 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 hauled wastes, except at selected locations as designated by the director of Water Pollution Control.

(5) Acetylene generation sludge.

(6) For facilities that manufacture biodegradable and / or food grade emulsified and dissolved oils, the director may establish mass-based limits. Waters or wastes containing substances that may solidify or become viscous at temperatures between 32- and 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 standard units (SU) or in excess of ~~10.5~~11.0 SU.

(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, 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 (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste

Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or state criteria applicable to the sludge management method being used.

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

Any waste exceeding the following limits:

- a. ~~Arsenic (As): 0.27 mg/l.~~
- b. ~~Cadmium (Cd): 4.16 mg/l.~~
- c. ~~Chromium (Cr): 4.01 mg/l.~~
- d. ~~Copper (Cu): 5.15 mg/l.~~
- e. ~~Cyanide (CN): 0.29 mg/l.~~
- f. ~~Lead (Pb): 0.81 mg/l.~~
- g. ~~Nickel (Ni): 4.10 mg/l.~~
- h. ~~Mercury (Hg): 0.02 mg/l.~~
- i. ~~Silver (Ag): 1.03 mg/l.~~
- j. ~~Zinc (Zn): 5.16 mg/l.~~
- k. ~~Total petroleum hydrocarbon: 100 mg/l.~~
- l. ~~MBAS:~~
 - 1. ~~Daily maximum: 90 mg/l.~~
 - 2. ~~Monthly average: 70 mg/l.~~
- m. ~~BTEX (total): 16 mg/l.~~

Equivalent mass limits may be allocated to industrial users for any of the limits set out in this subsection 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)

- (a) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the Kaw Point POTW influent to exceed the following limits (lbs./day):

- 1. Arsenic: 45.91 ~~1.848~~.
- 2. Ammonia: 6,927
- 3. BOD: 72,850

4. Cadmium: ~~162.43~~ 1.044
5. Chromium: ~~156.61~~ 110.002
6. Copper: ~~201.16~~ 33.478
7. Cyanide: ~~11.21~~ 0.975
8. Lead: ~~31.80~~ 2.166
9. Mercury: ~~201.35~~ 0.654
10. Molybdenum: 74.400
11. Nickel: ~~16.20~~ 35.383
12. Selenium: 4.759
13. Silver: ~~1.66~~ 17.729
14. TSS: 69,016
15. Zinc: ~~40.08~~ 74.423

(15)

- (a) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the Treatment Plant # 20 POTW influent to exceed the following limits (lbs./day):

1. Ammonia: 131
2. Arsenic: 0.834
3. BOD: 8,622
4. Cadmium: 0.691
5. Chromium: 4.024

6. Copper: 26.496
7. Cyanide: 3.101
8. Lead: 5.802.
9. Mercury: 0.507
10. Molybdenum: 0.815
11. Nickel: 5.408
12. Selenium: 1.091
13. Silver: 7.947
14. TSS: 7.826
15. Zinc: 31.779

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. the Director may impose mass limitations in addition to the concentration-based limitations above.

(c). the Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 30-124(a)(14).

(16) 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 subsection (13) of this section will be enforced.

~~(16)~~

(17) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F), unless alternate temperature limits are approved by the director.

- (b) The director may remove parameters from identified categorical industrial users or other permitted industrial users which are not present at the facility and have not been detected in the most recent three years of sampling performed by the industrial user and the UG. The industrial user must petition the director to have the parameter(s) removed from the industrial user's wastewater discharge permit. The petition must include the certification that the analyte is not present on the property. The industrial user will be required to certify the absence of the parameter with each periodic compliance report is submitted to the UG. The UG may continue to sample for the parameter. If any sampling detects the presence of the removed parameter, the wastewater discharge permit will be modified to include the parameter for future testing.

(Code 1988, § 30-173; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-57-13, § 2, 12-5-2013)

Section 22. That Sections 30-126 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-126. - Excessive discharge, accidental discharge and storage of dangerous materials – Reports of Potential Problems

~~(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 national 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 article, may be required to provide protection from accidental discharge of prohibited materials or other substances regulated by this article. 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 article.~~

~~(c) Within five 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, and such~~

notification shall not 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 100 kilograms of such waste per calendar month shall include the following in their notification to the extent that it is known and available:

- (1) Identification of the hazardous constituents in the wastes.
- (2) An estimate of the mass and concentration of their constituents.
- (3) A summary of the concentration of such constituents discharged during each calendar month.
- (4) An estimate of the mass of such constituents expected to be discharged during the next 12 months.

(f) This notification shall be provided no later than 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 EPA 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 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:

- (1) A description of discharge practices, including nonroutine batch discharges.
- (2) A description of stored chemicals.

~~(3) An outline of slug response procedures including the immediate notification of appropriate water pollution control personnel of the discharge, naming the materials discharged.~~

~~(4) 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.~~

~~(Code 1988, § 30-175; Ord. No. O-46-05, § 1, 6-2-2005)~~

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall notify the Director within 24 hours of becoming aware of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 23. That Sections 30-129 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-129. - Measurements, sample collection, tests and analyses.

(a) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

~~(b) 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 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. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.~~

- (1) Except as indicated in Section (2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Unified Government, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Unified Government, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 30-137, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 30-134, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- (cb) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and

submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. ~~Resampling by the Industrial User is not required if the Unified Government performs sampling at the User's facility at least once a month, or if the Unified Government performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Unified Government receives the results of this sampling, or if the Unified Government has performed the sampling and analysis in lieu of the Industrial User.~~

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

(Code 1988, § 30-178; Ord. No. O-46-05, § 1, 6-2-2005)

Section 24. That Sections 30-130 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-130. - 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. In addition, no special arrangement between the unified government and any industrial concern can be made which could lead to interference or pass through.

(Code 1988, § 30-179; Ord. No. O-46-05, § 1, 6-2-2005)

Section 25. That Sections 30-132 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-132. - Industrial facility discharges to storm sewers.

(a) The director shall maintain a registry of industrial facilities that discharge to the unified government's municipal sanitary storm sewer system (MS4).

(1) A facility shall be automatically placed on this registry if it is among any of the following: (A) a municipal landfill; (B) a hazardous waste treatment, disposal, and recovery facility; or (C) an industrial facility that reports to EPA's toxics release inventory (TRI) in accordance with Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. § 11023).

(2) A facility may be placed on the registry if the director determines the facility contributes or may contribute substantial pollutant loadings associated with the industrial activity to the MS4.

- (3) Facilities which discharge exclusively into the combined sewer system or which otherwise do not discharge to the MS4 will not be included on the registry.
- (4) Facilities will not be included on the registry if they have a Kansas Department of Health and Environment (KDHE) authorized “no exposure” certification, pursuant to 40 CFR § 122.26(g).
- (5) The director shall update the registry annually. Facilities currently on the registry which cease or modify operations may request removal by the director. Facilities which undergo a change in ownership or operator responsibility shall submit updated information upon formal change of control. Any owner or operator of a new facility falling under the requirements of this section shall submit evidence of coverage for stormwater discharges under the KDHE state general permit (notice of intent authorized by KDHE) or an individual permit (copy of signed permit) upon request by the director, if such coverage is required.
- (b) An owner or operator of a facility on the active registry shall comply with the following:
- (1) Upon request, submit to the director a signed and authorized copy of a notice of intent (NOI) filed with the State of Kansas for coverage under the KDHE state general permit or a copy of a signed individual permit, if such coverage is required. The NOI or permit should evidence the facility's ability to lawfully discharge stormwater associated with the industrial activities on site.
 - (2) Upon request, submit to the director a copy of a notice of termination submitted to KDHE to terminate coverage under the KDHE state general permit.
 - (3) Upon request, submit to the director a copy of an authorized no exposure certification.
 - (4) Prepare and implement a stormwater pollution prevention plan (SWPPP) in accordance with the requirements set forth in the KDHE state general permit or, for a facility covered by an individual NPDES permit, in accordance with the individual permit. Upon request, provide the director with a copy of the SWPPP including any amendments thereto.
 - (5) The SWPPP shall be kept at the facility, in an accessible location, at all times while the facility is covered by the applicable permit.
 - (6) The SWPPP shall be prepared and signed by a qualified individual as defined by the KDHE state general permit or by the individual NPDES permit, whichever is applicable. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the KDHE state general permit or individual NPDES permit and the EPA NPDES program.
 - (7) Implement a sampling and testing program as required by the applicable NPDES permit. Upon request by the director, provide a copy of any stormwater sampling and analysis results, or any other documentation relating to permit coverage, required to be submitted to the KDHE under the terms of the applicable industrial stormwater permit.
 - (8) Qualified personnel (provided by the owner or operator) shall inspect equipment and areas of the facility as required by the KDHE state general or individual NPDES permit, whichever is applicable, and the associated SWPPP. A set of tracking or follow up procedures shall be used to ~~ensure~~ provide that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained. Upon request, the owner or operator shall provide the director with a copy of the annual site compliance evaluation or other inspection reports.

(9) Maintain and enforce procedures for spill prevention and response, including written documentation and training on procedures for material storage, handling equipment, spill cleanup, worker and environmental safety, and regulatory compliance. The owner or operator shall have ready and available materials and equipment needed, and shall assign personnel with formal responsibility, to react quickly and effectively to spills and leaks.

(10) Cooperate with and make the facility available to the director for periodic independent inspections, in accordance with the procedures outlined in section 30-6. For the purposes of this provision, the director is not required to have a belief of an actual or potential violation.

(11) Upon review of the SWPPP, owner or operator reports and documents, or any site inspection, the director may provide written comments to the owner or operator regarding the contents, effectiveness, or possible deficiencies of the SWPPP or of the owner's or operator's implementation of activities related to the SWPPP. The owner or operator shall respond in writing to such comments within 30 days and shall propose changes to the facility's SWPPP and operations for the director's review and approval.

(12) Following such comment period, the director may then give a written directive requiring the owner or operator to alter, amend, change, or discontinue practices that are found to cause or potentially cause the release of pollutants into the MS4. The director may also refer issues to the State of Kansas for consideration or action. In the event of an imminent release or emergency condition, the director may issue such written directives without waiting for the comment period. The owner or operator shall make any changes mandated by the director within the time frame stated in the written directive.

(13) In the event that an industrial facility included on the registry does not require coverage under the KDHE state general permit or an individual NPDES permit, the operator shall prepare and submit to the director a SWPPP meeting the functional standards in the KDHE state general permit, and shall in all other respects comply with the requirements of the KDHE state general permit and this chapter, subject instead to enforcement by the unified government alone.

(c) In the event that an owner or operator fails to comply with any provision of this article, the director make take, at the director's discretion, any enforcement actions authorized by section 30-3 or any other section of the unified government's Code. Appeals of any enforcement action by the director shall be governed by the provisions at section 30-5.

(Ord. No. O-28-14, § 3, 5-1-2014)

Section 26. That Article V of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-133 “National Categorical Pretreatment Standards” and shall read as follows:

Sec. 30-133. National Categorical Pretreatment Standards.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- (a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section (e) and (f).
- (b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (d) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Unified Government. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - (2) Criteria.
 - a. Either
 - (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 - (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Unified Government may waive this requirement if it finds that no environmental degradation will result.

(e) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that Unified Government convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director, the Unified Government may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections (e)(1)a. through (e)(1)e. below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (f)(1)c. of this Section. Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (e)(1)a. of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Director:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger's permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 30-133. The Industrial User must also be in compliance with Section 30-1 regarding the prohibition of bypass.
- (f) the Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
 - (g) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 30-133 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
 - (h) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
 - (i) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.
 - (j) Baseline Monitoring Reports
 - (1) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director a report which contains the information listed in paragraph (2), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
 - (2) Users described above shall submit the information set forth below.
 - a. All information required in Section 30-33.
 - b. Measurement of pollutants.
 - i. The User shall provide the information required in Section 30-129.

- ii. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- iii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- iv. Sampling and analysis shall be performed in accordance with Section 30-129;
- v. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- vi. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- c. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 30-1 Definitions and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- d. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 30-32(b) of this ordinance.
- e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 30-32 of this ordinance and signed by an Authorized Representative as defined in Section 30-1 Definitions.

(k) Reports of Changed Conditions

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least forty-five (45) days before the change.

- (1) the Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 30-33 of this ordinance.

- (2) the Director may issue an individual wastewater discharge under Section 30-36 of this ordinance or modify an existing wastewater discharge permit under Section 30-35 of this ordinance in response to changed conditions or anticipated changed conditions

Section 27. That Article V of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-134 "Reporting Requirements" and shall read as follows:

Sec. 30-134. Reporting Requirements.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (e) All Significant Industrial Users must, at a frequency determined by The Director, submit no less than twice per year, reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by The Director or the Pretreatment Standard necessary to determine the compliance status of the User.
- (f) The Director may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater

is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
 - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with Section 30-1 and include the certification statement in (40 CFR 403.6(a)(2)(ii)).
 - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 30-137(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
 - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 30-32(c), or other more frequent monitoring requirements imposed by the Director and notify the Director.
 - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (g) The Unified Government may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State of Kansas, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
- (1) 0.01 percent of the POTW's design (0.560 million gallons for industries discharging to the Kaw Point Treatment Plant OR 0.070 million gallons for industries discharging to Treatment Plant 20) dry-weather *hydraulic capacity* of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device (unless the Industrial User discharges in batches)
 - (2) 0.01 percent of the POTW's design (885 pounds for industries discharging to the Kaw Point Treatment Plant OR 148 pounds for industries discharging to Treatment Plant 20) of the design dry-weather *organic treatment capacity* of the POTW; and

- (3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed as listed in Section 30-124 (14) or 30-124 (15).

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 30-1 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- (h) All periodic compliance reports must be signed and certified in accordance with Section 30-137 of this ordinance.
- (i) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (j) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 30-129 of this ordinance, the results of this monitoring shall be included in the report.

Section 28. That Article V of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-135 "Compliance Schedule Progress Reporting" and shall read as follows:

Sec. 30-135. Compliance Schedule Progress Reporting.

The following conditions shall apply to the compliance schedule required by Section 30-137(a):

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Director

Section 29. That Article V of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-136 “Reports on Compliance with Categorical Pretreatment Standard Deadline” and shall read as follows:

Sec. 30-136. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in Section 30-33 of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 30-133(e), this report shall contain a reasonable measure of the User’s long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User’s actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 40 CFR 403.12(e) of this ordinance. All sampling will be done in conformance with Section 30-129.

Section 30. That Article V of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to create a new section 30-137 “Certification Statements” and shall read as follows:

Sec. 30-137. Certification Statements.

- (a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 30-33, Users submitting baseline monitoring reports under Section 30-133(i), Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 30-134, Users submitting periodic compliance reports required by Section 30-134 and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 30-134(f). The following certification statement must be signed by an Authorized Representative as defined in Section 30-1:

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

- (b) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Section 30-1 must annually submit certification statement signed in accordance with the signatory

requirements in Section 30-1. The certification must accompany an alternative report required by the Director.

- (c) Certification of Pollutants Not Present - Users that have an approved monitoring waiver based on Section 30-32(b) must certify on each report with a statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Secs. 30-133 138—30-160. - Reserved.

Section 31. That Sections 30-189 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-161. - Penalty.

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

- (1) For the first violation, a fine of \$100.00, 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 30 days and a fine of ~~\$100.00~~ 250.00. 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 year and a fine of \$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.

Section 32. That Sections 30-167 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-167. - Vehicle log.

Each vehicle permitted under 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 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~~, volume 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~~ Director of Water Pollution Control. 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 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 calendar days after the end of the month.~~

(Code 1988, § 30-246; Ord. No. O-46-05, § 1, 6-2-2005)

Section 33. That Sections 30-189 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-189. - Application.

A health department permit required by this division 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 (hauling company and driver(s));
- (2) The address of the applicant (hauling company);
- (3) The phone number and email address of the applicant (hauling company);
- (4) The license tag information for the vehicle;
- (5) The types of wastewaters to be hauled;
- (6) The tank capacity; and
- (7) Other information deemed necessary by the health officer.

(Code 1988, § 30-209; Ord. No. O-46-05, § 1, 6-2-2005)

Section 34. That Sections 30-237 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-237. - Absorption fields.

(a) *Area computation.* The following criteria shall be used to determine the amount of absorption field required:

(1) *Single family residential buildings.*

a. *Alternative systems.* Alternative systems which have been approved by the health department may be required if either or both of the following conditions are present:

1. Heavy clay: the soil type in the absorption site is a heavy clay series (as determined by the USDA Soil Survey of Wyandotte County), with or without slope; or
2. Slowly permeable soil with level surface area: the soil type in the absorption site is of any slowly permeable soil series (0.2 inches per hour or less, as determined by the USDA Soil Survey of Wyandotte County) and the undisturbed absorption site has a level surface area.

b. *Conventional septic tank-lateral field systems.*

1. Conventional sequential step-down septic tank-lateral field systems may be utilized in sloping, slowly permeable soils. The absorption field in those conditions shall be sized as listed below:

Number of bedrooms	1	2	3 or more	For each bedroom beyond 3
Square feet of absorption trench	500	1,000	1,500	+ 500
Linear feet of 3' wide trench	167	334	500	

2. Conventional septic tank-lateral field systems may be utilized in sloping or level moderately to rapidly permeable soils (as determined by the USDA Soil Survey of Wyandotte County). The absorption field in those conditions shall be sized as listed below:

Number of bedrooms	1	2	3 or more	For each bedroom beyond 3
Square feet of absorption trench	400	800	1,200	+ 400
Linear feet of 3' wide trench	134	267	400	

- (2) *Non-residential buildings.* Requirements for the size of absorption field shall be determined by the health department. Professional manuals such as the EPA Design Manual, International Plumbing Code, or the Uniform Plumbing Code may be referred to for guidance to help determine adequate sizing. When expected non-farm water usage exceeds 10,000 gallons per month, the owner(s) of the establishment shall construct a dual absorption field system according to health department regulations.
- (3) *Multi-family buildings.* Requirements for the size of absorption fields which will serve multi-family buildings (i.e., group homes, foster homes, etc.) shall follow the same sizing requirements as for a single-family residence. When expected non-farm water usage exceeds 10,000 gallons per month, the owner(s) of the establishment shall construct a dual absorption field system according to health department regulations.
- (4) *Existing buildings.* Absorption fields constructed or repaired which serve existing buildings shall follow the same absorption field sizing requirements as newly constructed buildings whenever possible. When site or area constraints will not allow adequate area to accomplish sizing requirements for new construction, then absorption fields shall be sized as large as physically possible to meet the same requirements as that of new construction. All other requirements for septic tank and absorption field construction and installation shall be required as stated within these regulations.
- (5) *Other.* The absorption field size shall be determined by the Health Department based on the anticipated loading, water use, and sewage produced. A minimum of 300 lineal feet of absorption trench shall be required.

- (b) *Absorption field location restrictions.* Unless otherwise approved by the health department, the absorption field shall be located as set forth in Table 1. Unless otherwise approved by the health department, no part of an absorption field installed after the effective date of this Sanitary Code shall be located within:
- (1) Ten feet of any private water line, septic tank, foundation drain, buried utility line, driveway, property line, or drop-off.
 - (2) Twenty-five feet of any house or other building, water meter (p. 4, KDHE Bulletin 4-2, or as amended), or public water main.
 - (3) Fifty feet of any in-ground swimming pool, surface water course, creek bank, stream, river, pond, or lake (p. 4, KDHE Bulletin 4-2, or as amended).
 - (4) One hundred feet of any water well.
 - (5) Absorption fields shall not be installed in the floodplain nor where groundwater or adverse geological formations may interfere with the absorption of treated sewage or result in the contamination of groundwater by sewage.
 - (6) The health department may require that a licensed surveyor stake or flag the floodplain in areas where it is difficult to determine floodplain locations.
 - (7) Absorption fields shall not be installed in areas subject to excessive surface water, ponding, or runoff, including but not limited to storm water and discharge from building gutters.
 - (8) No absorption field, or any portion thereof, shall be placed within any fill material unless such fill material is specifically approved in writing by the health department prior to installation of the absorption field. Installation of any absorption field within fill material not approved by the health department may be cause for revocation of the onsite sewage management system construction permit.
 - (9) The health department, after site inspection, may require variations of these distances due to adverse conditions relative to topography, subsurface soil characteristics, and/or groundwater sources. No part of the absorption field shall be covered by buildings or pavement or be used for vehicular traffic or parking.

<u>Minimum Horizontal Distance (Feet) Required</u>		
<u>from:</u>	<u>to Septic Tank</u>	<u>to Absorption Field</u>
<u>House or other building</u>	<u>10</u>	<u>25</u>
<u>Private water line</u> (p. 4, KDHE Bulletin 4-2, or as amended)	<u>10</u>	<u>10</u>
<u>Absorption trench</u>	<u>10</u>	<u>=</u>
<u>Septic tank</u>	<u>=</u>	<u>10</u>

<u>Foundation drain</u>	<u>10</u>	<u>10</u>
<u>Buried utility line</u>	<u>10</u>	<u>10</u>
<u>Driveway</u>	<u>10</u>	<u>10</u>
<u>Property line</u>	<u>10</u>	<u>10</u>
<u>Drop-off</u>	<u>10</u>	<u>10</u>
<u>Public water main</u>	<u>25</u>	<u>25</u>
<u>Water meter</u> (p. 4, KDHE Bulletin 4-2, or as amended)	<u>25</u>	<u>25</u>
<u>Cistern</u>	<u>50</u>	<u>50</u>
<u>In-ground swimming pool</u>	<u>25</u>	<u>50</u>
<u>Private water well</u>	<u>50</u>	<u>100</u>
<u>Surface water course, creek bank, stream, river, pond, or lake</u> (p. 4, KDHE Bulletin 4-2, or as amended)	<u>50</u>	<u>50</u>
<u>Public water supply well or suction line (p. 4, KDHE Bulletin 4-2, or as amended)</u>	<u>100</u>	<u>100</u>

Table 1 - Absorption Field Location Restrictions

- (c) *Site preparation.* The area in which the on-site sewage management system is proposed to be constructed shall not have any of the original topsoil removed from the area without specific written approval from the health department. Removal of topsoil from the area may be cause for revocation of the on-site sewage management system construction permit.
- (d) *General requirements for design and construction of absorption fields.*
- (1) An absorption trench shall not exceed 100 feet in length from where it is fed unless specific approval is given by the health department.
 - (2) Absorption trenches shall be between 27 inches and 39 inches in depth.
 - (3) The trench shall be 36 inches wide, unless otherwise specifically approved by the health department.
 - (4) Installation of absorption trenches must be along contour lines that the level trenches of uniform depth can be constructed unless otherwise specifically approved by the health department.
 - (5) There shall be a minimum of 12 inches of earth cover over the lateral rock or chamber system and a maximum of 24 inches of earth cover over the lateral rock or chamber system.

- (6) Excavation for absorption trenches in wet clay soils and smearing of trench walls and bottoms shall be avoided since reduced permeability may result and approvals may be voided thereby.
- (7) The ground surface of the absorption field area shall be so graded as to prevent the accumulation of surface water and to minimize the flow of surface water over the absorption field. Test holes, diverter ditches or flow control devices will be required under some circumstances. It may be necessary to prepare the ground for the absorption field, such as by removal of rocks, trees, or replacement of soil. The health department may require that the preparation work for the absorption field be inspected and approved prior to the installation of the absorption field.
- (8) There shall be a minimum of four feet between the bottom of the absorption trench and any groundwater table.
- (9) There shall be a minimum distance of 12 feet between absorption trench sidewalls, or 15 feet between trench centers, unless specifically approved by the health department.
- (e) *General requirements for field layout methods.*
 - (1) *Sequential step-down or "overhead" conventional system.* This method is well suited to terrain with a slope. In this system, effluent is not distributed equally to all the absorption trenches. Instead, the trenches are filled sequentially, and diversion to the next trench does not occur until the fluid level in the preceding trench reaches slightly above the top of the rock fill or chamber system.
 - a. The overhead distribution line must be connected toward the center of each absorption trench, unless specifically approved by the health department.
 - b. The overhead distribution line must be set on a firm foundation of undisturbed earth or compacted earth or sand. Gravel shall not be placed beneath the overhead line.
 - c. The sequential system is illustrated in Figure C.
 - (2) *Level field conventional system.* On flat terrain the level field method may be used. When this method is used, all distribution trenches shall be installed level and at the same elevation, shall not exceed 100 feet in length, and shall be connected at the ends to form a continuous system. A standard tee fitting shall be used to distribute treated sewage. A standard tee fitting shall be used to affect a juncture of the ends of any three distribution lines. The level field method is illustrated in Figure D.
- (f) *Additional requirements for absorption fields utilizing lateral rock.* The following requirements are in addition to all other requirements noted within these regulations:
 - (1) A 15-inch depth of three-fourths to two-inch (p. 12, KDHE Bulletin 4-2, or as amended) washed lateral rock (i.e., aggregate) shall be provided in the bottom of the trench (as detailed in "c" below).
 - (2) Perforated pipe shall be laid in the center of the lateral rock. Perforations shall be oriented toward the bottom of the trench.
 - (3) Lateral rock shall be placed under the perforated pipe to a minimum depth of six inches and shall extend the full length of the trench. Five inches of lateral rock shall cover the perforated pipe.

- (4) A continuous layer of permeable material shall be placed over the lateral rock before backfilling with the earth cover. The permeable material shall be four to six inches of hay or straw, or another material approved by the health department.
- (g) *Additional requirements for absorption fields utilizing chamber systems.* The following requirements are in addition to all other requirements noted within these regulations:
 - (1) Inspection ports may be required by the health department for monitoring purposes.
 - (2) The end plates of each chamber trench shall be constructed of plastic, made by the manufacturer of the chamber system, and shall be securely fastened to the chambers with screws.
 - (3) All chamber systems located in sandy soils shall be required to have washed lateral rock, hay, straw, or filter fabric placed between the excavated trench and the outside sidewalls of the chamber units to prevent infiltration of soil into the chamber units.
 - (4) The overhead distribution pipe shall be fed into the top of the chamber (unless otherwise specifically approved by the health department) with a standard PVC tee fitting. The PVC tee shall extend downward midway into the depth of the chamber.

Section 35. That Sections 30-324 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-324. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bonds means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

BPU means the board of public utilities, an administrative agency of the unified government.

Certificate of occupancy means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

City means all of the territory of the county, except the territory of the Cities of Bonner Springs, Edwardsville and Lake Quivera and the unincorporated area of the county.

Costs of capital improvement means costs incurred in providing capital improvements to the stormwater and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the stormwater and surface water utility and other start up costs of the stormwater and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws

and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

Debt service means an amount equal to the sum of:

- (1) All interest payable on bonds during a fiscal year; plus
- (2) Any principal installments payable on such bonds during such fiscal year.

Developed property means any parcel of real property on record with the registrar of deeds which either contains more than 400 square feet of impervious area or is part of a larger composite use of land which contains more than 400 square feet of impervious area.

Director means the person appointed by the county administrator to be the director of the stormwater and surface water utility.

Drainage fee means a service fee authorized by Charter Ordinance No. CO-4-08, this article and as set forth in an ordinance adopted or amended by the unified government commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the stormwater and surface water management system.

Dwelling unit means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

Equivalent residential unit (ERU) means the average impervious area of residential developed property per dwelling unit located within the city as established by unified government ordinance as provided herein.

Equivalent residential unit rate or *ERU rate* means the amount of a drainage fee charged on each ERU as established by unified government ordinance as provided herein.

Exempt property means public rights-of-way, public streets, public alleys and public sidewalks.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the stormwater and surface water management system, or land acquisition and relocation costs for the stormwater and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

Fiscal year means a 12-month period commencing on January 1 of any year.

Impervious area means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating drainage fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

In lieu of franchise fee means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the unified government commission and that is paid to the city for use of public streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights-of-way pursuant to K.S.A. 12-2001 et seq.

Nonresidential developed property means developed property other than residential developed property.

Operating budget means the annual stormwater and surface water utility operating budget adopted by the unified government for the succeeding fiscal year.

Operations and maintenance means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

Residential developed property means developed property used for dwelling units.

Revenues means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the stormwater and surface water utility in connection with the ownership, management and operation of the stormwater and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

~~*Stormwater and surface water management system, sewer system or system* means storm sewers that exist at the time the ordinance from which this article is derived is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with stormwater or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of stormwater or surface water and pollutants born or carried in such waters.~~

Stormwater and surface water utility or utility means the utility created by this article to operate, regulate, maintain and improve the stormwater and surface water management system and for such other purposes as are set forth in this article.

Stormwater customer means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, owns, benefits from, or takes stewardship of any developed property and to whom drainage fees are billed as provided herein.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Unified government commission means the governing body of the unified government.
(Ord. No. O-56-08, § 1(30-324), 7-31-2008)

Section 36. That Sections 30-327 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-327. - Administration and authority.

The stormwater and surface water utility, under the direction of the county administrator or his designee, shall have the power to:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater and surface water management system;
- (2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water management system including, but not limited to, the quantity, quality and/or velocity of the stormwater and surface water conveyed thereby;
- (3) Advise the unified government commission on matters relating to the stormwater and surface water management system;
- (4) Review plans concerning extensions and replacement of the stormwater and surface water management system and make recommendations to the unified government commission;
- (5) Make recommendations for design guidelines and standard construction specifications for developments;
- (6) Make recommendations to the unified government commission concerning establishing ordinances and regulations to protect and maintain water quality within the stormwater and surface water management system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter adopted or amended;
- (7) Analyze the cost of services and benefits provided by the stormwater and surface water management system and the structure of fees, charges, rentals, fines and other revenues of the stormwater and surface water utility annually;
- (8) Require stormwater pollution prevention plans for discharges to the stormwater collection system. SWPPPs may include, without limitation, requirements to investigate and identify the presence or absence of pollutants in stormwater runoff, to determine quantities or concentrations of any such pollutants, to determine volumes and rates of stormwater flow, to develop plans for the reduction or elimination of such pollutants subject to the approval of the stormwater and surface water utility, and to reduce or eliminate pollutants in stormwater or volumes or rates of stormwater flow to standards that may be specified by permit or order. The stormwater and surface water utility may prioritize classes of users and facilities for SWPPP programs by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its stormwater control programs.
- (9) Establish stormwater pollution prevention plan, operation, maintenance and other requirements for privately-owned stormwater facilities necessary and convenient to implement the purposes and programs of this article VIII.
- (10) Require FOG control as to discharges to the sanitary sewer system
- (11) Require I&I control as to discharges to the sanitary sewer system. Such I&I control may include requirements to investigate and identify the presence or absence of I&I that

originates on the property of the sewer system user, to determine quantities of any such I&I, to develop plans for the reduction or elimination of I&I subject to the approval of the stormwater and surface water utility, and to reduce or eliminate I&I to standards that may be specified by permit or order. The stormwater and surface water utility may prioritize classes of users and facilities for I&I control by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its I&I programs.

- (12) Administer programs pursuant to guidelines hereafter adopted by the unified government commission, that provide for credits and/or incentives that reduce drainage fees assessed against properties that utilize privately owned and maintained stormwater and surface water retention or detention facilities or conduct activities, or provide services which reduce costs of the operating budget of the utility.

(Ord. No. 0-56-08, § 1(30-327), 7-31-2008; Ord. No. O-27-14, § 6, 4-10-2014)

Section 37. That Sections 30-350 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-350. - Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Automatic grease recovery unit (AGRU) means an electro-mechanical device designed to separate grease from wastewater within the unit and automatically discharge accumulated grease material to a separate container for disposal. The automatic grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Black water means wastewater containing human waste, from sanitary fixtures such as toilets and urinals.

~~*Board of public utilities (BPU)* means an administrative agency of the Unified Government of Wyandotte County/Kansas City, Kansas.~~

Brown grease means fats, oil and grease that are discharged to the grease control equipment originating from kitchen or food prep wastewater.

Common grease interceptor means an external device to which grease wastes are directed from more than one food service facility or establishment, such as a food court or shopping center. The device functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity. For common grease interceptors, it is the responsibility of the responsible party to ensure compliance for all those FSFs that discharge to a common grease interceptor.

Contact person means the individual responsible for overseeing daily operation of the FSF or the FOG generator and who is responsible for overseeing the compliance with the FOG control program as established herein.

~~*FOG* means the abbreviation for fats, oil and grease typically derived from animal or vegetable origins. FOG that may interfere with the operation of the collection system or~~

~~publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method or originate from and may include mineral and petroleum-based products such as motor oil and industrial sources.~~

FOG control equipment (FCE) means the properly and legally installed and operated FOG removal equipment including, but not limited to, indoor and outdoor grease interceptors, grease and solids trap combination units, and/or AGRUs as approved by the unified government.

FOG program administrator means the individual who will be directly responsible for managing, coordinating and overseeing the FOG control program for the unified government.

FSF or FSE means a stationary or portable food service facility or establishment that uses food preparation processes and include, but is not limited to those facilities that are registered and licensed by the State of Kansas Department of Agriculture. These facilities include, but are not limited to, restaurants, hotel/motel kitchens, hospitals, public and private school kitchens with food preparation, bars without food preparation, factory cafeterias, clubs, delis, kiosks, snack bars, grocery stores, convenience stores, food processing and packaging plants, ice cream shops, food courts, coffee shops, cafeterias, bakeries, nursing homes, multiple family dwellings with a minimum of five units, dairies, mobile food-eating facilities, churches, diners and any other facility to produce fats, oil and grease originating from animal or vegetable sources. It does not include facilities that sell only pre-packaged food and / or beverages or facilities that only sell beverages.

Grease generator means any facility or business that generates grease from an animal or vegetable origin that may interfere with the operation of the collection system or POTW. This also includes grease that may be generated from mineral and/or petroleum products such as motor oil and industrial sources.

Grease interceptor means an external device designed for flows in excess of 50 gallons per minute (>50 GPM). The device is installed outside of the building and functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

Grease recovery unit (GRU) means all active indoor mechanical systems designed to remove fats, oils and grease by physical separation from flowing wastewater. The grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Grease trap means an indoor device designed for smaller quantities of flow, typically designed for flow up to 50 gallons per minute (<50 GPM) installed to separate and retain all fats, oil and grease from wastewater flow while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

Hauler or grease hauler means a company, person or contractor who pumps, cleans and collects the contents of a grease interceptor or trap and transports it to a septage receiving station or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for an FSF or FOG generating facility.

~~NAICS means the North American Industry Classification System (NAICS) is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.~~

Renderable FOG container means a closed, leak-proof container for the collection and storage of yellow grease.

Responsible party means the owner or party that pays the bills for water pollution abatement and is listed on the BPU bill as the party responsible for paying the monthly bill. ~~In the case of a common grease interceptor, the contact person shall be the person(s) named to be responsible in a signed and legal document for operation and maintenance of a common grease interceptor.~~

Total flow-through rating means the total flow-through rating shall be calculated as the total draining fixture unit (DFU) sum for all fixtures draining to the interceptor equal to the flow in gallons per minute (one DFU = one GPM).

Yellow grease means fats, oils and grease that have not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.

(Ord. No. O-57-13, § 3, 23-5-2013)

Section 38. That Sections 30-351 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-351. - FOG discharge permit required.

(a) All FSEs, FSEs and FOG generating businesses shall have a valid FOG discharge permit.

(b) Application for a FOG discharge permits shall be on forms provided by the unified government. Applications shall be verified and shall include the following information:

- (1) Business name and address;
- (2) FOG control equipment type;
- (3) OG control equipment size or capacity;
- (4) Cleaning/maintenance frequency.

(c) FOG discharge permits shall be issued annually or as otherwise determined by the director. The facility owner/operator shall apply for a FOG discharge permit reissuance no less than 30 days prior to the expiration of the facility owner/operator's existing FOG discharge permit. The terms and conditions of the FOG discharge permit may be subject to modification by the director during the term of the FOG discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The facility owner/operator shall be informed of any proposed changes in the FOG discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the FOG discharge permit shall include a reasonable time schedule for compliance.

(d) An FCE pumping/maintenance log shall be maintained for each FCE device. This log shall include the date, type of service, service provider, disposal site (if known), volume pumped and service comments. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(e) An employee best management practices (BMP) training log shall be maintained for each FSE and FOG generating business employee and submitted annually to Water Pollution Control. This log shall include the facility name, facility location, employee's name, initial

training date and subsequent follow-up training dates. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(Ord. No. O-57-13, § 3, 23-5-2013)

Section 39. That Sections 30-352 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-352. - FOG control equipment's (FCE) installation.

(a) On or after the effective date of the ordinance [~~from which this article is derived~~], all FSFs, FSEs and FOG generating businesses which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to have an approved FCE for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts.

(b) On or after the effective date of the ordinance [~~from which this article is derived~~], all existing FSFs, FSEs and FOG generating businesses shall receive a conditional waiver and not be required to install a FCE unless the director determines that the installation of FCE is necessary for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts or if a partial or complete blockage of the sewer system is found.

(c) Failure to install a FCE within the time required by the director shall result in the assessment of an administrative penalty of not less than \$1,000.00, water and sewer services to the facility may be disconnected, and the director may take any other remedies as are available by law.

(Ord. No. O-57-13, § 3, 23-5-2013)

Section 40. That Sections 30-354 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-354. - FSF reporting.

(a) Each FSF shall submit an annual FCE report to the director for the previous calendar year. The FCE report will be in a format acceptable to and supplied by the director. The annual report will include, at a minimum, a summary of all FCE maintenance and operation activities for the facility, additions to or reductions to the size and type of FCE, employee BMP training log and general or site-specific BMPs utilized to minimize or eliminate the amount of FOG entering the sewer system. In addition, a listing of the date(s) of cleaning (if not previously submitted).

(b) If the FSF does not have any FCE, the annual FCE report will indicate the absence of the FCE ~~and include submission of the FSF questionnaire~~, the employee BMP training log and adherence to the remaining conditions in the FOG program.

(Ord. No. O-57-13, § 3, 23-5-2013)

Section 41. That Sections 30-355 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-355. Inspections and entry.

Authorized personnel of the Unified Government, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, as necessary and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

(Ord. No. O-57-13, § 3, 23-5-2013)

Section 42. That Sections 30-356 of Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-356. - Enforcement.

(a) Any FSF with a permitted FCE which causes a ~~partial or complete~~ blockage in the sewer system shall be subject to the following enforcement:

(1) Upon the first violation, a notice of violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than \$250.00 will be assessed to the FSF.

(2) If an additional ~~blockage-violation~~ occurs ~~in the following 12-month period~~, in the following 24-month period, a notice of violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than \$1,000.00 will be assessed to the FSF. The FSF shall have the FCE cleaned on a frequency determined by the director for a minimum of 12 months. Documentation of the cleanings shall be sent to the director within five business days of the cleaning. If no further blockages occur within ~~the 12-~~ a 36- month period, the frequency of cleaning and reporting shall revert to the previous permitted schedule upon the request of the FSF and approval of the director.

(b) Any FSF without permitted FCE and which heretofore has not been required to have permitted FCE which causes a partial or complete blockage in the sewer system shall be subject to the following enforcement:

(1) Upon the first violation, a notice of violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than \$250.00 will be assessed to the FSF. The FSF may elect to install a FCE within ~~45~~ ninety (90) calendar days of the notice of violation in lieu of paying for the cost associated with removing the blockage. If the FSF elects to install a FCE, documentation of the installation shall be sent to the director within five business days of completion of the installation.

(2) If an additional ~~blockage-violation~~ occurs ~~in the following 12-month period~~, a notice of violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than \$1,000.00 will be assessed to the FSF, and the FSF shall be required to install the FCE within ~~45~~ ninety (90) calendar days. Documentation of the installation shall be sent to the director within five business days of completion of the installation. If a FSF is reasonably unable to install an outside grease interceptor, the FSF may submit a written request for a variance to the director for consideration. All requests shall contain such information as the director may require. The director may grant a variance on a case-by-case basis after consideration. No variance shall authorize the creation or maintenance of a nuisance or any danger to public health or safety. No

variance granted by the director shall be construed to authorize any activity in violation of any state or any federal pollution control regulation or requirement.

(Ord. No. O-57-13, § 3, 23-5-2013)

Section 43. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CIYT, KANSAS

THIS _____ DAY OF _____, 2021.

David Alvey
Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty Brown, Chief Counsel