



Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, September 25, 2023
5:00 PM

Location: Hybrid

We invite you to view the meeting in person in the 5th Floor Conference Room, Suite 515, Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click the link below to join the webinar:

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

I. **Call to Order/Roll Call**

II. **Revisions to September 25, 2023 Agenda**

III. **Approval of standing committee minutes from (no minutes available)**

IV. Committee Agenda

Item No. 1 - GRANT: FY24 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Synopsis: Approval to apply for funding under the FY 214 Edward Byrne Memorial Justice Assistance Grant Program jointly by the Kansas City Kansas Police Department and the Wyandotte County Sheriff's Office, submitted by Laura Cromwell, Kansas City, Kansas Police Department. No matching funds are required.

Tracking #: 212712

Item No. 2 - ORDINANCE: UPDATES TO SEWERS AND SEWAGE DISPOSAL

Synopsis: Approval of updates to Sewers and Sewage Disposal Ordinance to address Fats, Oils and Grease (FOG) Program, submitted by Jeff Miles, Public Works, Water Pollution Control.

Tracking #: 212713

V. Public Agenda

VI. Adjourn



Staff Request for Commission Action

Tracking No. 212712

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 9.25.23

(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>
09/13/2023	Laura Cromwell		LCromwell@kckpd.org	Police Department

Item Description:

BACKGROUND:

- The FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program is a competitive grant program overseen by the Kansas Criminal Justice Coordinating Council (KOCC).
- JAG funds are intended to support criminal justice systems/partners in their efforts to address crime and improve public safety.
- The KOCC has approximately \$2.2 million available for grant awards for FY24, which will span from 10/1/23-9/30/24.
- Historically, the Police Department and the Sheriff's Office have submitted a joint application for this grant program, which is how we will be submitting again this year.
 1. The Police Department will be requesting funds to support both fentanyl education/awareness programs as well as drug enforcement. Specific budget items include pamphlets, Narcan, Facebook advertisements, and covert/undercover cameras.

o The Sheriff's Office will be requesting funds to Update and Replace the Courthouse and Court Services Camera System, purchase a Genetec Archive server and installation of cables and switches.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- The FY24 JAG program offered through the KOCC requires no match from the Unified Government.
- All items will be funded at 100% through the grant.
 1. The Police Department will be requesting \$17,624 in grant funding. All items will be a one-time purchase with no recurring costs. Maintenance/repair costs for our equipment items will be absorbed into our general fund budget.

2. The Sheriff's Office will be requesting \$152,805.65 in grant funding. The Sheriff's Department will set aside funds for any technical issues that may arise.

Quotes received include a 2-year license fee and a 5-year warranty.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FY24 JAG

Commission Agenda Item Report

Title: FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – State
Proposed Agenda Date: September 25, 2023 Public Works/Safety Standing Committee
Presented by: Laura Cromwell, Police Department; Angelina Maxville, Sheriff's Office

BACKGROUND:

- The FY24 Edward Byrne Memorial Justice Assistance Grant (JAG) program is a competitive grant program overseen by the Kansas Criminal Justice Coordinating Council (KCJCC).
- JAG funds are intended to support criminal justice systems/partners in their efforts to address crime and improve public safety.
- The KCJCC has approximately \$2.2 million available for grant awards for FY24, which will span from 10/1/23-9/30/24.
- Historically, the Police Department and the Sheriff's Office have submitted a joint application for this grant program, which is how we will be submitting again this year.
 - The Police Department will be requesting funds to support both fentanyl education/awareness programs as well as drug enforcement. Specific budget items include pamphlets, Narcan, Facebook advertisements, and covert/undercover cameras.
 - The Sheriff's Office will be requesting funds to Update and Replace Courthouse and Court Services Camera System, purchase a Genetec Archive server and installation of cables and switches.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- The FY24 JAG program offered through the KCJCC requires no match from the Unified Government.
- All items will be funded at 100% through the grant.
 - The Police Department will be requesting \$17,624 in grant funding. All items will be a one-time purchase with no recurring costs. Maintenance/repair costs for our equipment items will be absorbed into our general fund budget.
 - The Sheriff's Office will be requesting \$152,805.65 in grant funding. The Sheriff's Department will set aside funds for any technical issues that may arise. Quotes received include 2-year license fee and 5 year warranty.

POLICY CONSIDERATIONS:

- The Police Department's request will not require any policy changes, nor will these purchases impact/affect any current policies.
- The Sheriff Department's request will not require any policy changes, nor will these purchases impact/affect any current policies.

PROCUREMENT CONSIDERATIONS:

- Most of the items the Police Department plans to purchase will be less than the \$5k purchase order threshold. As such, we will obtain quotes and select the vendor with the most economical pricing. For the one item that will exceed the \$5k threshold, we will obtain quotes and request a purchase order via Workday, in compliance with the UG's Procurement Policy.
- The Sheriff's Office plans for procurement will exceed the \$5k threshold, we have obtained quotes from supplier, Electronic Technology, Inc and Applied Tech Services and will request a purchase order via Workday, in compliance with the UG's Procurement Policy.

LEGAL CONSIDERATIONS:

- If awarded funding under this grant opportunity, we will be required to sign an award document that outlines assurances we must comply with before we are able to expend any grant funding.
 - Those assurances will be distributed to agencies selected to receive an award.
 - If there are any assurances we are unable to comply with, we have the option to decline acceptance of the award.

RECOMMENDED ACTION:

- The Police Department and the Sheriff's Office respectfully request approval to apply for funding under the FY24 Edward Byrne Memorial Justice Assistance Grant Program as outlined in this report.

COUNTY ADMINISTRATION COMMENTS:

- *Approved WDF 9/12/2023*

MAYOR AGENDA DIRECTION:

- *Syrene James 9-13-23*



Staff Request for Commission Action

Tracking No. 212713

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 9.25.23

(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>
09/13/2023	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:

BACKGROUND:

- Updates to Section 30 of the Code of Ordinances
- Most based on latest EPA Pretreatment Compliance Inspection
- New Sections to address upgrades to Fats, Oils and Grease (FOG) Program
- Updates will bring UG Ordinances on this topic, up to industry & EPA standards
- New FOG FTE position was added to WPC in 2023, Environmental Scientist – FOG Coordinator. Position works closely with NRC, private restaurants, food kitchens, etc., as well as with contractors for disposal once the Kaw Point Modernization project is completed
- FOG is problematic: When FOG are poured down the drain, they can solidify and accumulate on the inner walls of sewer pipes. Over time, this buildup can constrict the pipe's diameter, leading to reduced flow capacity and eventually causing clogs. These clogs can lead to sewage backups in homes, businesses, and even in the streets, causing health hazards and expensive cleanup efforts.

Maintenance Costs: Sanitary sewer systems require regular maintenance to keep them functioning properly. Removing FOG-related blockages and cleaning up after sewage backups can be costly for municipalities and local governments. These costs may ultimately be passed on to taxpayers through increased utility bills.

Environmental Impact: When FOG enters the sewer system, it can eventually reach wastewater treatment plants. Large amounts of FOG can interfere with the treatment process, reducing the efficiency of wastewater treatment and potentially leading to the release of inadequately treated wastewater into natural water bodies. This can harm aquatic ecosystems and pose risks to human health.

Health Concerns: Sewage backups caused by FOG-related clogs can pose serious health risks to both residents and workers. Exposure to raw sewage can lead to the spread of diseases and infections, and the foul odor can also create an unpleasant living and working environment.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- No financial impacts to 2023 or 2024

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Sewers and Sewage Ordinance Coversheet 9-13-23, Sec 30 - Sewers and Sewage Disposal to Standing Committee 9-13-23, FOG Program 2023-DR 9-13-23

Commission Agenda Item Report

Title: Updates to Sewers and Sewage Disposal Ordinance

Proposed Agenda Date: August 28, 2023, PW Standing Committee

Presented by: Jeff Miles, Scott Craig, Tiffany Butler of WPC & Dan Kuhn, Legal

BACKGROUND:

- Updates to Section 30 of the Code of Ordinances
- Most based on latest EPA Pretreatment Compliance Inspection
- New Sections to address upgrades to Fats, Oils and Grease (FOG) Program
- Updates will bring UG Ordinances on this topic, up to industry & EPA standards
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Maintenance Costs: Sanitary sewer systems require regular maintenance to keep them functioning properly. Removing FOG-related blockages and cleaning up after sewage backups can be costly for municipalities and local governments. These costs may ultimately be passed on to taxpayers through increased utility bills.

Environmental Impact: When FOG enters the sewer system, it can eventually reach wastewater treatment plants. Large amounts of FOG can interfere with the treatment process, reducing the efficiency of wastewater treatment and potentially leading to the release of inadequately treated wastewater into natural water bodies. This can harm aquatic ecosystems and pose risks to human health.

Health Concerns: Sewage backups caused by FOG-related clogs can pose serious health risks to both residents and workers. Exposure to raw sewage can lead to the spread of diseases and infections, and the foul odor can also create an unpleasant living and working environment.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- No financial impacts to 2023 or 2024

POLICY CONSIDERATIONS:

- Policies within Water Pollution Control in reference to FOG and Industrial Pretreatment Programs. Most are slight changes.

PROCUREMENT CONSIDERATIONS:

- Not applicable

LEGAL CONSIDERATIONS:

- Legal review of agenda item – Completed by Daniel Kuhn, Legal Dept.

RECOMMENDED ACTION:

- Adoption of Ordinance revisions

COUNTY ADMINISTRATION COMMENTS:

-

MAYOR AGENDA DIRECTION:

-

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 30 – Sewers and Sewage Disposal, amending Sections 30-1, 30-3, 30-7, 30-32, 30-123, 30-124, 30-134, and 30-351.

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

Section 1. That Article I, Sections 30-1, 30-3, and 30-7; Article II, Section 30-32; Article V, Sections 30-123, 30-124, and 30-134; and Article IX, Section 30-351 of the Unified Government Code of Ordinances are hereby amended to read as follows.

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 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 county commissioners means the unified government of Wyandotte County/Kansas City, Kansas Board of County Commissioners.

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

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

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.

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 Classes 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 1-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 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 Classes 083 and 086.

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 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 refers to the director of water pollution control or designee for articles I (exception section 30-123), II, III, IV, V, VIII, and IX, county engineer for article I section 30-11 and section 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.

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 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 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 activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

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

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 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 unified government'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.

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, catch basins, 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 (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 means 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 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, 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 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, E Coli 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 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.

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~~ 45 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 ~~[the] storm water discharge permit~~ section 30-124. 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.

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 *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 or other similar services.

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; Ord. No. O-1-20, § 1, 1-9-2020; Ord. No. O-79-21, § 1, 6-10-2021)

Cross reference(s)—Definitions generally, § 1-2.

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~~ \$2,500.00 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 or other method approved by the director. 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 director shall publish annually, in 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 6 or 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 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in [section 30-1];
 - (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by [section 30-1] 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 30-1] (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 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 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.*
- (1) When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may impose an administrative penalty on 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 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) 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 chapter.
- (g) *Notice of violation.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, 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 section 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 U.S.

(Code 1988, § 30-3; Ord. No. O-46-05, § 1, 6-2-2005; Ord. No. O-27-14, § 3, 4-10-2014; Ord. No. O-79-21, § 3, 6-10-2021)

Section 30-7 – Administration.

The water pollution director shall be the principal unified government official responsible for implementing, administering and enforcing articles I (exception section 30-11 and section 30-123), II, III, IV, V, VIII, and IX. The ~~county engineer~~ water pollution director shall be the principal unified government official responsible for implementing, administering and enforcing article I section 30-11 and section 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. 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 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 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; Ord. No. O-79-21, § 6, 6-10-2021)

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.

(1) 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 chapter, 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)~~30-124(b).
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 director to be necessary.
8. Any grant of the monitoring waiver by the director (~~section 30-13(f)~~30-124(b)) must be included as a condition in the user's permit.

(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 chapter, 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) 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 years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five 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; Ord. No. O-79-21, § 12, 6-10-2021)

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~~Sump pump drains;
- (24) 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 chapter 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 has 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.
- (e) *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.
- (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 chapter 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; Ord. No. O-79-21, § 20, 6-10-2021)

Sec. 30-124. Prohibited discharges.

- (a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will 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 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:

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: 1.848
2. Ammonia: 6,927
3. BOD: 72,850
4. Cadmium: 1.044
5. Chromium: 110.002
6. Copper: 33.478
7. Cyanide: 0.975
8. Lead: 4662.166
9. Mercury: 0.654
10. Molybdenum: 74.400
11. Nickel: 35.383

- 12. Selenium: 4.759
- 13. Silver: 17.729
- 14. TSS: 69,016
- 15. Zinc: ~~74.423~~72.423

- (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: ~~4.094~~1.095
- 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)~~(14) or (15) of this section will be enforced.

(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; Ord. No. O-79-21 , § 21, 6-10-2021)

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 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 chapter.
- (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 five 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 three 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 (~~0.560.0056~~ million gallons for industries discharging to the Kaw Point Treatment Plant OR ~~0.0700.0007~~ million gallons for industries discharging to Treatment Plant 20) dry-weather *hydraulic capacity* of the POTW, or 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 (~~8857.285~~ pounds for industries discharging to the Kaw Point Treatment Plant OR ~~1480.862~~ 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 years been in significant noncompliance, as defined in section 30-1 of this chapter. 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 chapter.
- (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 chapter, the results of this monitoring shall be included in the report.

(Ord. No. O-79-21 , § 27, 6-10-2021)

Sec. 30-351. FOG discharge permit required.

- (a) All FSFs, 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 and expire on December 31 of each year, 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.
- (f) The annual FOG discharge permit fee for 2023 shall be \$0. Thereafter the annual fee shall be established by the Board of Commissioners.

(Ord. No. O-57-13, § 3, 12-5-2013; Ord. No. O-79-21, § 38, 6-10-2021)

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2023.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Legal Counsel

FOG Program

September 25, 2023



What is the FOG Program?

- Minimize impact of Grease in Sewers and at Treatment Plants
- Monitor Food Service Establishments (FSE's)
- Grease Interceptor or Grease Trap
- Follow Best Management Practices (BMP's)



Why is it Necessary?

- Sewer Infrastructure Care
- Water Treatment Plant Efficiency



- Resource Allocation
- Environmental Compliance
- Public Health Considerations



Who is Impacted?

Restaurants
Convenient Stores
Schools
Churches
Nursing Homes
Food Trucks
Grocery Stores
Hotels/Motels
Coffee Shops/Ice Cream Shops



How Does it Work?



PUBLIC WORKS WATER POLLUTION CONTROL

Water Pollution Control P: (913) 573-1300
50 Market Street F: (913) 573-1303
Kansas City, KS 66108 E: info@wpcok.org

Date: _____ Licensed Sanitary
Facility Name: _____ Disposal Contractor: _____
Address: _____ Pumped by (name): _____
City: _____ Disposal Site: _____

Time of Arrival: _____ a.m./p.m. Time of Departure: _____ a.m./p.m.

OUTLET SIDE: Thickness of material floating/grease (inches): _____
OUTLET SIDE: Solids/food on bottom (inches): _____
Method of Measurement: ☐ Sludge Judge ☐ Dipstick ☐ Estimate ☐ Other

Total capacity of interceptor (gallons): _____ NOTE: If this is an "in series"
Total amount pumped (gallons): _____ set up, please use a slash
between the measurements
and the total gallons.

Condition of Grease Interceptor:

Does the baffle have structural problems?	☐ yes	☐ no	☐ missing
Does the inlet have structural problems?	☐ yes	☐ no	☐ missing
Does the outlet have structural problems?	☐ yes	☐ no	☐ missing
Is the interceptor leaking?	☐ yes	☐ no	
Does interceptor show signs of corrosion that would cause it to fail?	☐ yes	☐ no	

Comments: _____

Verification of Service: This certifies that the above information is accurate, and the grease interceptor was pumped out and cleaned in accordance with the Wyandotte County Code of Ordinances for Sanitary Sewers (June 21, 2017, ed.). Undersigned that verification of this information is a violation of the Code and is subject to enforcement in accordance with the Code.

Signed (grease collector): _____ Date: _____

White copy for Sanitary Disposal Contractor
Yellow copy for Facility Grease Book

Return this form to:
300 Water Pollution Control
50 Market St.
Kansas City, KS 66108
Phone: (913) 573-1300
Email: WPC@wpcok.org



On-Site Inspections Check

- Grease Removal Devices
- Outdoor Grease Recycle Bins
- Kitchen Equipment
- Best Management Practices

Municipal Oversight

- Profiling FOG Generators
- Cleaning Record Submission
- Facility Contacts
- Inspections/Notice of Violations
- Sewer Overflow Tracking

FOG Generator Compliance Resources

- Kitchen Staff Training
- Kitchen Signage
- Checklists
- Equipment

Comparisons

Wichita

\$180 Annual permit fee

Users with AGRD \$40/Month

Total \$660/Year

Johnson County (18 Cities)

\$290 Annual permit fee

\$290 GIOP fee
(one time fee)

Total \$580 for first year

Bonner Springs

\$0 permit fee

Late Fees:
\$50 30-59 days
\$100 60-89 days

\$300 after 90 days and water may be turned off

Gardner

\$300 Annual permit fee

Manhattan

\$25 Annual permit fee

Late Fees:
\$100 each month late

LET'S TALK

- Mandated in Partial Consent Decree with EPA in 2013.
- Move to a fee-based program that pays for itself.
- Program will pay for staff and program materials.
- Reduction in number of grease related sewer blockages from Food Service Establishments (FSE's).



