



Legislation Details (With Text)

File #: 230390 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 4/21/2023 **In control:** Council
On agenda: 5/11/2023 **Final action:** 5/11/2023
Title: Sponsor: Director of the Water Services Department

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2, 60-3, 60-112, 60-116, 60-117, 60-121, 60-122, 60-125, 60-126, 60-128, 60-142, 60-143, 60-155, 60-157, 60-160, 60-161, 60-181, 60-183, 60-194, and enacting in lieu thereof new sections of like number and subject matter; and establishing an effective date.

Sponsors: Director of Water Services

Indexes:

Code sections:

Attachments: 1. 230390 Docket Memo, 2. Docket Memo - Additional Sewer Services Charges FY2024 04-20-2023 Version, 3. 230390com, 4. 230390 KCW TIO Cmte Presentation 5-10-23, 5. Authenticated Ordinance 230390

Date	Ver.	Action By	Action	Result
5/11/2023	1	Council	Passed	Pass
5/10/2023	1	Transportation, Infrastructure and Operations Committee	Adv and Do Pass, Debate	Pass
5/4/2023	1	Council	referred	

ORDINANCE NO. 230390

Sponsor: Director of the Water Services Department

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2, 60-3, 60-112, 60-116, 60-117, 60-121, 60-122, 60-125, 60-126, 60-128, 60-142, 60-143, 60-155, 60-157, 60-160, 60-161, 60-181, 60-183, 60-194, and enacting in lieu thereof new sections of like number and subject matter; and establishing an effective date.

WHEREAS, Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing and amending various sections; and establishing an effective date; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60 of the Code of Ordinances of Kansas City, Missouri, entitled Sewers and Sewage Disposal, is hereby amended by repealing Sections 60-2, 60-3, 60-112, 60-116, 60-117, 60-121, 60-122, 60-125, 60-126, 60-128, 60-142, 60-143, 60-155, 60-157, 60-160, 60-161, 60-181, 60-183, 60-194, and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 60-2. Sewer charges for resident users.

There are hereby established charges against every person and for every property, partnership, corporation, association, and other entity within the city limits having an actual or available connection with the city's sanitary sewer system, or discharging sewage, industrial waste, water or other liquid into the system. Charges shall be prorated per day during the billing period. Such charges are to be the sum of service charges, volume and high concentration charges to be computed and levied as follows and as prescribed in Section 60-9:

(1) *Service charges.*

- a. Sanitary sewer. A service charge of \$26.89 per month to cover in part the cost of providing various services, and shall be prorated per day during the billing period and shall apply whether or not any sewage or wastes are actually discharged to the city sewer during the billing period; such charges are to be made each month.
- b. Wastewater discharge permits. Commercial and industrial users shall pay for the cost of the wastewater discharge permitting program as described and authorized in article IV of this chapter. Charges as authorized in article IV of this chapter shall be billed and collected with the commercial or industrial users' normal water and/or sewer billing charges.

(2) *Volume charges.* A volume charge of \$10.85 per 100 cubic feet (ccf), or a portion thereof, based upon the total volume of water purchased by the customer during the billing period subject to the following adjustments:

- a. Water supplied from separate source. Where water is supplied by a separate and independent source, the sewage volume charge shall be based upon the volume of water used, where such information is available, and computed at the volume charge established herein. Where usage information is not available, the water services department shall determine an appropriate volume of water used and compute it at the volume charge established herein.
- b. Residential accounts. Except as noted in (2)(a), residential service account (one- and two-family residences) volume charges for the bills generated during the months of May through December shall be based upon water used during the winter period, such winter period being the bills generated during January through April, (these are the billing periods that most closely correspond to the December through March usage); such charges shall be payable with each bill rendered throughout the year. Where residential water services accounts do not have an acceptable history of winter water use, the volume charge for bills generated during the months of May through December shall be the volume charge established herein, or \$65.10 per month, whichever is the lesser.
- c. Commercial and industrial water accounts with diverted water uses. Commercial and industrial water accounts are all water service accounts other than residential accounts (one- and two-family dwellings) as defined in 60-2 (2)(b). Diverted water uses (Sewer Allowance Credit (SAC) and Sewer Metering Accounts) are those where a significant portion of the water purchased is used in a manner that is not returned to the sanitary sewer system. Examples include: Evaporation, Irrigation and Water to Product.

Categories within the diverted water uses include: Car Washes, Laundries, Evaporation

(Coolers / Chillers / Cooling Towers), Irrigation, Water-to-Product (where a significant portion of the water purchased is used in manufactured products such as ice, canned goods or beverages) and Other (where a significant portion of the water purchased is consumed in some manner during the industrial process) or Sewer Metering.

An application and the appropriate fee must be submitted prior to any sewer use volume adjustment. The application fee is to pay for site review, plan review, and installation inspection.

The application fee for each category is as follows:

Car Washes and Laundries = \$250

Evaporation and Irrigation and Ownership Change = \$600

Water to Product and Other and Sewer Metering = \$1,250

The director of the water services department or the director's representative shall make the determinations of fact as to the amount of water which is diverted and shall have the authority to adjust the sewer use volume billed on the basis of the facts ascertained. The SAC or Sewer Metering Account will be effective upon the date of the director's signature for approval.

Discharges to the storm sewer system are not allowed except per Chapter 61 and are not allowed to participate in the diverted water sewer use volume adjustment program.

- (3) *Commercial and industrial water accounts with high concentration discharges.* Commercial and industrial water accounts shall include all water service accounts other than one- and two-family dwellings. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any customer under this section.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

RB (surcharge per pound of excess BOD) = \$0.495

RS (surcharge per pound of excess SS) = \$0.225

RG (surcharge per pound of excess O&G) = \$0.249

The director of water services is hereby authorized to promulgate regulations to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

- (4) *Definition.* Month or monthly, as used in this section, shall refer to a time period of approximately 30 days.

Sec. 60-3. Sewer charges for nonresident users.

(a) *Charges.* There are hereby established charges against every person, partnership, corporation, association, and other entity outside the city limits having a connection with the city's sanitary sewer system or discharging sewage, industrial waste, water or other liquids into the city's sewer system. All charges billed shall be prorated per day during the billing period. Such charges are to be the sum of service charges and volume charges to be computed and charged as follows:

- (1) Metered connections with municipalities and political subdivisions. Bulk flows through a metered interconnection with a municipality or other political subdivision shall be charged and pay a rate of \$4.02 per 100 cubic feet (ccf), or portion thereof, with no service charges.
- (2) Unmetered connections with municipalities and other political subdivisions. Bulk flows through an unmetered interconnection with a municipality or other political subdivision shall be charged and pay a rate of \$5.93 per 100 cubic feet (ccf), or portion thereof, of actual water consumption for all residential, commercial and industrial customers, and shall also pay a service charge of \$17.15 per month for each such customer.
- (3) Unmetered connections with municipalities and other political subdivisions; no water consumption records. Where actual water consumption records are not available, bulk flows from a municipality or political subdivision through an unmetered interconnection shall pay a sewer charge of \$59.29 per month per dwelling unit or equivalent dwelling unit.
- (4) Individual non-resident customers billed directly by the city. Individual non-resident customers billed directly by the city shall pay a service charge of \$37.87 per month, plus a volume charge of \$14.70 per 100 cubic feet (ccf), or portion thereof.
- (5) Accounts with high concentration discharges. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any non-resident user.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

$$RB \text{ (surcharge per pound of excess BOD)} = \$0.553$$

$$RS \text{ (surcharge per pound of excess SS)} = \$0.244$$

$$RG \text{ (surcharge per pound of excess O\&G)} = \$0.266$$

The director is hereby authorized to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

- (1) Commercial and industrial water accounts with diverted water uses. Diverted water uses (Sewer Allowance Credit (SAC) and Sewer Metering Accounts) are those where a significant portion of the water purchased is used in a manner that is not returned to the sanitary sewer system. Examples include: Evaporation, Irrigation and Water to Product.

Categories within the diverted water uses include: Car Washes, Laundries, Evaporation (Coolers / Chillers / Cooling Towers), Irrigation, Water-to-Product (where a significant portion of the water purchased is used in manufactured products such as ice, canned goods or beverages) and Other (where a significant portion of the water purchased is consumed in some manner during the industrial process) or Sewer Metering.

An application and the appropriate fee must be submitted prior to any sewer use volume adjustment. The application fee is to pay for site review, plan review, and installation inspection.

The application fee for each category is as follows:

Car Washes and Laundries = \$250

Evaporation and Irrigation = \$600

Water to Product and Other and Sewer Metering = \$1,250

The director of the water services department or the director's representative shall make the determinations of fact as to the amount of water which is diverted and shall have authority to adjust the sewer use volume billed on the basis of the facts ascertained. The SAC or Sewer Metering Account will be effective upon the date of the director's signature for approval.

Discharges to the storm sewer system are not allowed except per Chapter 61 and are not allowed to participate in the diverted water sewer use volume adjustment program.

(b) *Definition.* "Month" or "monthly," as used in this section shall refer to a time period of approximately 30 days.

(c) *Applicability.* This section may not be applicable where arrangements for sewer service and sewer service charges are established by an existing or future contract or cooperative agreement.

Sec. 60-112. Definitions and rules of construction.

(a) *Definitions.* Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Authorized representative of an industrial user means:

- (1) If the industrial user is a corporation, authorized representative shall mean:
 - 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 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 requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the industrial user is a partnership or sole proprietorship, authorized representative shall mean a general partner or proprietor, respectively;
- (3) If the industrial user is a federal, state or local governmental facility, authorized representative shall mean a director or the highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his designee;
- (4) The individuals described in paragraphs a through c above may designate another authorized representative if the authorization is submitted in writing to the director and the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or who has overall responsibility for environmental matters for the industrial user.

Batch means a quantity of wastewater, physically separated from all other quantities of wastewater for the purpose of treatment and/or discharge.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement to prevent or reduce pollution of waters. BMPs also include treatment requirements, operating procedures, and practices to control industry site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. In general, BMPs are management and operational procedures intended to prevent pollution from entering a facility's waste stream or reaching a discharge point.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of matter under standard laboratory conditions in five days at 20 degrees centigrade, expressed in milligrams per liter (mg/l).

Building sewer means the extension from the building drain to the city sewer or other place of disposal.

Categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical oxygen demand (COD) means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed by a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand (BOD).

City means the City of Kansas City, Missouri.

City sewer means a sewer owned or controlled by the city.

Combined sewer means a sewer receiving both surface runoff and wastewater.

Combined wastestream formula means a method defined in 40 CFR 403.6(e) to derive alternative discharge limits. Such alternative discharge limits may apply where process effluent regulated by any categorical pretreatment standard is mixed prior to treatment with wastewaters other than those generated by the regulated process.

Commercial or industrial wastes means the waterborne wastes from commercial and/or industrial establishments as distinct from sanitary wastewater. This shall not include any discharge to the POTW through an interconnection pursuant to an interjurisdictional agreement as described in division 10 of this article.

Commercial user means industrial user.

Composite sample means a combination of individual samples collected over a designated period of time.

Code of Federal Regulations (CFR) means regulations as issued by the United States Government. References to sections of CFR shall be in accordance with the latest revisions unless specifically stated otherwise.

Code of State Regulations (CSR) means regulations as issued by the Missouri State Government. References to sections of CSR shall be in accordance with the latest revisions unless specifically stated otherwise.

Daily maximum means an effluent limitation that specifies the total mass or average concentration of pollutants that may be discharged in a calendar day.

Day means a period of normal operation not to exceed 24 hours.

Department means the water services department of Kansas City, Missouri.

Director means the director of the water services department of the city, or his authorized deputy, agent or representative.

Discharge means material directly or indirectly released to the POTW; or the act of releasing material directly or indirectly to the POTW.

Effluent means the "end of process" liquid wastes from an industrial process which ultimately are discharged.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency.

Garbage means solid food wastes from the preparation, cooking and disposing of food, together with incidental admixtures, and from the handling, storage and sale of produce.

Grab sample means a sample which is taken on a one-time basis without regard to the flow rate of the sampled stream and without consideration of time.

Hazardous waste means any material, regardless of amount, which would be defined as a hazardous waste under the Missouri Hazardous Waste Management Law, Chapter 260, Environmental Control, sections 260.350 to 260.430 RSMo or the federal Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., or their implementing regulations if it were not discharged to the POTW.

Industrial user means any person discharging pollutants into a POTW from any non-domestic source.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, independent of the discharge rate and duration of the sampling event.

Interference means inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which results in violation (including an increase in the magnitude or duration of a violation) of the city's NPDES permit or prevents wastewater sludge use or disposal in compliance with any federal, state or local law, regulation or permit.

Medical waste means isolation wastes, infectious agents, human blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis waste or any other materials or items commonly used or associated with medical care.

New Source means any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that*:

- (1) the building, structure, facility or installation is constructed at a site which no other source is located; or
- (2) the building, structure, facility or installation totally replaces the process or production equipment that cause the discharge of pollutants at an existing source; or
- (3) the production of wastewater generating process of the building, structure, facility or installation are substantially independent of an existing source 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.

Non-significant categorical industrial user means an Industrial User subject to categorical Pretreatment Standards that the director has found never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and:

- (1) the industrial user, prior to city's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; and
- (2) the industrial user annually submits the certification statement required in Section 60.160(b), together with any additional information necessary to support the certification statement; and
- (3) the industrial user never discharges any untreated concentrated wastewater.

Normal sewage means wastewater which contains not over 250 milligrams per liter (mg/l) of suspended solids, not over 250 milligrams per liter (mg/l) of BOD, not over 30 milligrams per liter (mg/l) of oil and grease and which does not contain any of the materials or substances listed in section 60-121 of this article in excess of allowable amounts specified in said section.

NPDES permit means national pollutant discharge elimination system permit issued by the Missouri Department of Natural Resources or EPA.

Oil and grease means any material recovered as a substance soluble in an organic extracting solvent as specified by Standard Method 5520 of "Standard Methods for the Examination of Water and Wastewater," 18th edition, 1992 or the latest revision thereto. Oil and grease is composed primarily of fatty matter from animal and vegetable sources and from hydrocarbons of petroleum origin. The concentration of oil and grease of petroleum hydrocarbon origin can be determined using Standard Method 5520F. The concentration of oil and grease of animal and vegetable origin is hereby defined as the difference between the total and the petroleum hydrocarbon oil and grease concentrations.

pH means a measure of the acidity or alkalinity of a substance, expressed in standard units.

Pass through means a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation, caused by a discharge or combination of discharges.

Person means any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties or their legal representatives, agents or assigns.

Pollutant means anything discharged into the POTW which causes any alteration of chemical, physical, biological, or radiological integrity of water including, but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, but not by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard or requirement.

Pretreatment requirement means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a Categorical pretreatment standard or Pretreatment standard.

Pretreatment standard means any regulation which applies to industrial users and contains pollutant discharge limits promulgated by EPA in accordance with the Act. This term includes prohibitive discharge limits pursuant to 40 CFR 403.5.

Properly shredded garbage means garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the city sewers, with no particle greater than one-half inch in any dimension.

Publicly owned treatment works (POTW) means a "treatment works" as defined by Section 212 of the Act (33 USC 1292), which is owned by the city. This definition includes the sewer system and any other devices or systems used in the collection, storage, treatment, testing, monitoring, recycling and reclamation of wastewater or industrial wastes and any conveyances which convey wastewater to a treatment plant.

Receiving stream means any natural watercourse into which treated or untreated wastewater is discharged.

Sanitary wastewater means those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing and other household facilities.

Sanitary sewer means a sewer which carries wastewater and to which storm, surface and ground waters are not normally admitted.

Sewer means a pipe or a conduit for carrying wastewater.

Significant industrial user means any industrial user which:

- (1) Is subject to categorical pretreatment standards; or
- (2) Purchases, uses, or discharges an average of 25,000 gallons per day or more of water; or
- (3) Discharges a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant serving the said industrial user; or
- (4) Accepts waste from another location outside the facility's boundaries for treatment, storage or disposal; or
- (5) Is designated as significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operations, for violating this article or for violating pretreatment standards or requirements.

Slug discharge means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary discharge with any pollutant released at a flow rate and/or concentration which has a reasonable potential to cause interference, pass-through, or violation of the criteria or applicable discharge standards of this Chapter.

Standard laboratory methods means sampling and analytical techniques promulgated by EPA in 40 CFR Part 136.

State means the State of Missouri, including its agencies, and specifically the department of natural resources.

Storm sewer, storm drain means a sewer which normally carries only storm and surface waters and drainage.

Stormwater means any flow resulting from any form of natural precipitation including stormwater runoff, snowmelt runoff, surface runoff, and drainage.

Suspended solids (nonfilterable residue) means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

Toxic pollutants means those substances listed in regulations promulgated by EPA under the provisions of Section 307 (33 USC 1317) of the Act.

User means any person who discharges, causes or permits discharge into the city's POTW.

Waste treatment facility means any commercial facility accepting industrial wastes from another location outside the facility's boundaries for treatment, storage or disposal.

Wastewater or sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present, whether treated or untreated.

Wastewater treatment plant (WWTP) or treatment plant means the portion of the POTW designed to provide treatment of wastewater.

(b) Rules of construction. Unless the context specifically indicates otherwise, the construction of terms used in this article shall be as follows:

- (1) "Shall" is mandatory; "may" is permissive or discretionary.
- (2) The singular shall be construed to include the plural and the plural shall include the singular as indicated by the context.
- (3) The masculine shall be construed to include the feminine.

Sec. 60-116. Sample collection.

(a) The reports required in sections 60-152, 60-154, 60-155, and 60-161 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. Except as indicated in subsection (b) and (c) of this section or unless time-proportional comprise sampling or grab sampling is authorized by the director, industrial users shall collect wastewater samples using 24-hour flow proportional composite collection techniques. Where time-proportional composite sampling or grab sampling is authorized by the director, the samples must be representative of the discharge. The decision to allow the alternative sampling must also be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during 24-hour period may be comprised prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized by the director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile

organic compounds shall be obtained using grab sample collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 60-152 and 60-154, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the director may authorize a lower minimum. For reports required in sections 60-155 and 60-161, the director shall require the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(d) All wastewater samples shall be representative of the industrial user's effluent or 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 an industrial user to keep its monitoring facility or facilities clean and in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge or effluent.

Sec. 60-117. Record keeping.

(a) Industrial users shall make available for inspection and copying by the director all records and information required by the director or by provisions of this article.

(b) Industrial users shall maintain records of all information resulting from any sampling or monitoring required pursuant to this article, any additional records of all information obtained pursuant to monitoring activities independent of such requirements including documentation associated with Best Management Practices, including time, date, place and method of sampling and analysis, personnel involved and the results of such activities, material safety data sheets, incoming hazardous waste manifest, outgoing hazardous waste manifests, analytical reports, production records, purchase records, reports submitted to regulatory agencies, and other related records, for a period of at least three years.

(c) The period for maintaining records shall be automatically extended for the duration of any litigation concerning compliance with this article, or where an industrial user has been specifically notified of a longer retention period by the director.

Sec. 60-121. Wastes prohibited in sewers.

(a) *General Prohibitions.* Any discharge which alone or in combination with other discharges causes pass through or interference. A discharge may not be considered to have caused pass through or interference if it was otherwise in compliance with this article and any wastewater discharge permit issued hereunder.

(b) *Specific Prohibitions.* No person shall cause, permit, or allow discharge to the POTW of the following materials, substances, or wastes:

- (1) Any solid, liquid or gas which by reason of its nature and/or quantity creates a fire or explosive hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint less than or equal to 150 degrees Fahrenheit using the test method specified in 40 CFR 261.21.
- (2) Any wastewater having a pH less than 6.0 or greater than 11.0.
- (3) Any garbage except properly shredded garbage.

- (4) Any solid or viscous materials in amounts or concentrations which cause obstruction of the flow in the POTW, or solids greater than one-half inch in any dimension. Examples of such materials include, but are not limited to, ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, grass clippings, paunch manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, asphalt residues, acid residues, residues from refining or processing fuel or lubricating oil, and food processing bulk solids.
- (5) Any oil and grease of animal or vegetable origin in excess of 150 mg/l.
- (6) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Any corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the POTW or creating a public nuisance or hazard, or preventing entry into the POTW's facilities for maintenance and repair.
- (8) Any concentrated dyes or other materials which are either highly colored or could become highly colored by reacting with other discharges.
- (9) Any material or substance not specifically mentioned in this section which is in itself corrosive, irritating to human beings or animals, toxic or noxious, or which by interaction with other wastes could produce undesirable effects, including deleterious action on the POTW's facilities or operations, hazards to humans or animals, or adverse effect(s) upon the receiving stream.
- (10) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (11) Any medical wastes, except as specifically authorized by the director.
- (12) Any wastewater having a temperature greater than 150 degrees Fahrenheit or which will inhibit biological activity in the POTW or which will cause the temperature at the treatment plant influent to exceed 104 degrees Fahrenheit.
- (13) Any septic tank sludge or any other trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 60-125.
- (14) Any wastewater containing any radioactive waste or isotopes except as specifically approved by the director in compliance with applicable state and federal statutes and regulations.
- (15) Any stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, or unpolluted industrial wastewater unless authorized by the director.
- (16) Any material or combination of materials which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and/or safety problems.

- (17) Any discharge containing detergents, surface active agents, or other substances which cause excessive foaming in the POTW.
- (18) Any discharge which contains any of the following substances in excess of the following daily maximum and/or instantaneous maximum total concentrations. These restrictions apply at the point where the wastewater is discharged to the POTW:

Arsenic* 1.80 mg/l
Benzene 0.50 mg/l
Cadmium* 1.00 mg/l
Chromium* 5.00 mg/l
Copper* 5.10 mg/l
Cyanide* 2.00 mg/l
Ethylbenzene 1.00 mg/l
Lead* 5.00 mg/l
Mercury* 0.05 mg/l
Nickel* 20.00 mg/l
Phenols 5.00 mg/l
Silver* 5.00 mg/l
Sulfate 500 mg/l
Toluene 1.00 mg/l
Xylene 1.00 mg/l
Zinc 10.10 mg/l
PCB's 0.01 mg/l
Total toxic organics (TTOs) as defined by 40 CFR 433.11(e) shall not exceed 5.0 mg/l at any time.

*All other provisions of this article notwithstanding, no industrial user shall discharge this pollutant in an amount exceeding five percent of the average daily loading (in pounds per day) of this pollutant at the receiving WWTP without the express written consent of the director.

- (19) Any discharge or effluent which violates the limitations imposed by a wastewater discharge permit issued under the provisions of this article, or categorical standard, including equivalent concentration limits based on a mass or production-based categorical standard and concentration limits derived in accordance with the combined wastestream formula.

Sec. 60-122. Additional limitations.

Industrial Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471. When necessary to protect or to prevent adverse effects on the POTW, its treatment processes, receiving stream, sludge treatment or disposal processes, to provide for worker health and safety, to impose categorical standards, or to address similar concerns of other jurisdictions providing sewer service to the city, the director may:

- (1) Impose mass limitations in addition to or in place of concentration limitations provided for in this article or in any applicable categorical pretreatment standards;
- (2) Establish more stringent standards or requirements for discharge to the POTW in

wastewater discharge permits;

- (3) Establish limits on the effluent from specific industrial processes or pretreatment systems in wastewater discharge permits;
- (4) Issue wastewater discharge permits to industrial users setting out special requirements for discharge to the POTW. In no case shall a permit waive compliance with a categorical pretreatment standard or allow any discharge which could cause pass through or interference, except that the director may establish a reasonable time frame for compliance with this article;
- (5) Require treatment to reduce the BOD, suspended solids, and/or oil and grease concentrations in a discharge to levels more closely approaching those of normal sewage; and/or
- (6) Establish additional temporary standards for substances not specifically mentioned in section 60-121. Such temporary standards shall be effective for a period not to exceed 120 days.

Sec. 60-125. Hauled waste.

(a) The department may provide treatment and disposal services for hauled wastes, including septic tank sludge, contents of cesspools and privy vaults, and other nonhazardous wastes generated in Kansas City, Missouri or the metropolitan area. The director shall have the authority to determine:

- (1) Whether the wastes are compatible with treatment plant operations and to approve or deny the discharge of wastes to the POTW;
- (2) The location, method and allowable times for discharge of such wastes to the POTW;
- (3) Requirements for documentation of the origin, type, and characteristics of all hauled wastes discharged to the POTW.

(b) Waste haulers using the treatment and disposal services of the department shall be in compliance with all applicable bonding and licensing requirements imposed by the city and the state and shall comply with the determinations made by the director under subsection (a) of this section.

(c) Hauled wastes must comply with all applicable requirements, including those in any applicable pretreatment standard and any established by or pursuant to sections 60-121 and 60-122 of this article.

(d) The director shall have authority to establish and collect fees for the reception and treatment of hauled wastes and to publish said fees as set forth by division 9 of this article.

The following fees are applicable:

Residential and Commercial Septic Tanks - \$0.06/gallon or \$10 minimum

Portable Toilets -) \$0.09/gallon or \$10 minimum

Other approved and accepted hauled waste - the director will have the authority to determine the cost to treat and charge accordingly.

- (e) The director shall have the authority to suspend or terminate treatment and disposal services

provided to a waste hauler for violations of rules and regulations applicable to waste haulers promulgated pursuant to section 60-162.

Sec. 60-126. Accidental/slug discharge control plans.

(a) The director may require reasonable safeguards to prevent discharge or leakage of any material stored in areas served by, or draining into, the POTW which could create a fire or an explosion hazard in the POTW or in any other way have a deleterious effect upon the POTW's facilities or treatment processes, or constitute a hazard to human beings or animals or the receiving stream.

(b) The director shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. This plan shall, in addition to satisfying the requirements under 40 CFR 403.8, including at least the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description and location of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge or any discharge which violates section 60-121 of this article and for providing a written report of such discharge within five days of its occurrence. Such report shall be submitted in accordance with section 60-157 of this article;
- (4) Procedures for permanently posting a notice in a conspicuous place in a common area of the industrial user's premises advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure; and
- (5) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, measures for containing materials, and/or measures and equipment for emergency responses.

Secs. 60-128. Conversion to Concentration limits.

The director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the director.

Sec. 60-142. Application signatories and certification.

(a) All wastewater discharge permit applications must contain the certification statement as described in section 60-160 and be signed by the authorized representative of the industrial user.

(b) All wastewater discharge permit applications must contain the appropriately signed and certified

"designation of authorized representative" form.

(c) A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to section 60-112(a) must annually submit the signed certification statement in Section 60-160(b).

Sec. 60-143. Wastewater discharge permit contents.

(a) Wastewater discharge permits may include such conditions as are reasonably deemed necessary by the director to prevent pass through or interference, protect the water quality of the receiving stream, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality of the POTW, or protect against damage to the POTW.

(b) Wastewater discharge permits may contain, but need not be limited to, the following conditions and may contain a schedule for compliance with said conditions:

- (1) A statement of the wastewater discharge permit duration, which in no event shall exceed five years;
- (2) A statement that the wastewater discharge permit is not transferable;
- (3) Discharge and/or effluent limits including Best Management Practices applicable to the permittee and the permittee's processes, based on applicable standards in federal, state, or local laws and regulations and interjurisdictional agreements;
- (4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include parameters to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or local statutes or regulations and/or interjurisdictional agreements. These requirements may also include provisions for increased self-monitoring activities in the event of violations;
- (5) A statement of applicable civil, criminal, and administrative penalties for violation of discharge or effluent standards and requirements, and any applicable compliance schedule;
- (6) Requirements to control sludge discharges, if determined by the director to be necessary;
- (7) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (8) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
- (9) Requirements for the installation of pretreatment technology or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
- (10) Requirements for development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

- (11) Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (12) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW;
- (13) Requirements for installation and maintenance of inspection, monitoring and sampling facilities and equipment;
- (14) Requirements for periodic submittal of all incoming and outgoing hazardous waste manifests;
- (15) Other conditions as deemed appropriate by the director to ensure compliance with this article, and state and federal laws, rules, and regulations.

Sec. 60-155. Periodic compliance reports.

(a) Any significant industrial user shall, at a frequency determined by the director but in no case less than every six months, submit a report indicating the concentration in its effluent and/or discharge of all pollutants which are limited by such pretreatment standards and/or pretreatment requirements, and the measured or estimated average and maximum daily flows for the reporting period. Where required by the pretreatment standard or the director, the significant industrial user shall also report the mass of each regulated pollutant in the discharge and/or in the effluent from each regulated process and the production rate of each regulated process. This report must be signed and certified in accordance with section 60-160.

(b) All wastewater samples must be collected in accordance with section 60-116.

(c) If an industrial user subject to reporting requirements of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, the results of this monitoring shall be included in the report.

(d) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the industrial user shall submit documentation required by the director or the Pretreatment Standard necessary to determine the compliance status of the industrial user. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may modify the months during which the above reports are to be submitted.

Sec. 60-157. Reports of potential problems.

(a) Any industrial user which has an accidental discharge, a discharge of a nonroutine, episodic nature, a non-customary batch discharge, or a slug discharge which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in section 60-121 of this article), shall immediately telephone and notify the director of the incident. This notification shall include the location of discharge, source, material(s) involved, concentration and volume, if known, and corrective actions taken by the industrial user.

- (1) Within five days following such discharge, the industrial 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 industrial user to prevent similar future occurrences. Such

notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may 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 industrial user of any fines, civil penalties, or other liability which may be imposed by this article.

- (2) Each failure to notify the director of a discharge described in subsection (a) of this section shall be deemed a separate violation of this article.

(b) Significant Industrial Users are required to notify the director immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 60-160. Signatories and certification.

(a) Except as provided in subsection (b) below, all reports and applications submitted pursuant to the requirements of this article must contain the following certification statement and be signed by the authorized representative of the industrial user.

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

(b) A facility determined to be a Non-Significant Categorical Industrial User by the director pursuant to 60-112(a) must annually submit the following certification statement signed in accordance with the signatory requirements in 60-112(a). This certification must accompany an alternative report required by the director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR __, I certify that, to the best of my knowledge and belief that during the period from _____, __ to _____, [month, day, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 60-112(a);
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

Sec. 60-161. Reports from nonsignificant industrial users.

All industrial users which are not significant industrial users shall provide appropriate reports to the director as required by the director. If an industrial user monitors any regulated pollutant at the appropriate

sampling location more frequently than required by the director, the results of this monitoring shall be included in the report.

Sec. 60-181. Publication of industrial users in significant noncompliance.

The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city's POTW, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean one or more of the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (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 multiplied by the applicable TRC. The TRC for BOD, TSS, fats, oils and grease is 1.4. For all other parameters except pH, the criteria is 1.2;
- (3) Any other discharge violation of a pretreatment standard or requirement as defined by 40 CFR 403.31(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director believes has caused, or has the potential to cause, alone or in combination with other discharges, interference or pass through, or to endanger the health or welfare of city personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of 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 a wastewater discharge permit or an 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, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 60-183. Civil Remedies; Suit additional to other remedies.

(a) The director shall have the authority to adopt rules and regulations not otherwise inconsistent with anything herein to carry out the provisions of this article, including an enforcement response plan. The

enforcement response plan shall include fines assessed on a per-violation basis as follows:

<u>Nature of Violation</u>	<u>Administrative Fine</u>
Failure to file a report 45 days or more past due date	\$1,000
pH violation	\$500
Discharge Violation	
does not exceed Technical Review Criteria	\$500
exceeds Technical Review Criteria	\$1,000
Violations which place Industrial User in Significant Non-Compliance	\$2,000
Falsification of Records/Reports	\$5,000
Delay of Entry beyond 15 minutes	\$1,000
Denial of Entry	\$5,000
Denial of access to files	\$2,000

NOTE: Administrative Fines are subject to modification of the discretion of the director.

(b) In addition to any and all remedies provided in the Charter and this chapter, the city shall have the power to bring suit against any person who has violated an order of the director or who has failed to comply with any provisions of this article, and the orders, rules, regulations and permits issued hereunder, to seek a civil penalty of not less than \$1,000.00 but not more than \$5,000.00 per day per violation. In addition to the civil penalty imposed herein, the city shall be entitled to an award for the damage (including restoration) caused by said violation or failure to comply. Each calendar day in which a violation continues shall be considered a separate offense subject to the penalty provided herein.

- (1) Ten percent of the amount of the judgment shall be added as attorney's fees in every proceeding brought under this chapter, to be added and collected in the same manner as other costs in the case.
- (2) In addition to the penalties, damages, and attorney's fees provided herein, the city may recover, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this article or the orders, rules, regulations and permits issued hereunder.

Sec. 60-194. Hauled waste fees.

Fees for receiving and treating hauled wastes, as allowed under section 60-125 of this article, shall be as established by the director and published as "billing policy for waste generators and haulers". This policy shall be updated annually to reflect and recover the actual costs of providing this service. Current Fees are as follows:

Residential and Commercial Septic	\$0.06/Gal or \$10 Minimum
Portable Toilets	\$0.09/Gal or \$10 Minimum

Any other approved & accepted Waste - director has the authority to determine the cost to treat and shall charge accordingly.

Section 3. This ordinance shall become effective on June 1, 2023.

Approved as to form:

Nicole Rowlette
Senior Associate City Attorney