

CHAPTER XIX. UTILITIES

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ARTICLE 1. WATER SERVICE

19-101

DEFINITIONS.

As used in this Chapter, the following words shall have the following meanings:

- (A) Consumer means a person having a contract with the City for water supply;
- (B) Customer, patron means a customer or patron of the City water and sewage system;
- (C) Service shall mean water and/or sewage disposal service supplied by the City.
- (D) Premises shall mean a commercial building, industrial building, or residential dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas, and facilities held out for the use of tenants generally or whose use is promised to the tenant. (Ord. 8747)

(Code 1979, 19-101)

19-102

MUNICIPAL SERVICES AND OPERATIONS DEPARTMENT.

The Department of Municipal Services and Operations shall administer and the water and sewage system which shall be operated in accordance with the applicable provisions of K.S.A. 12-856 et seq. and amendments thereto, and in accordance with the provisions of 12-1001 to 12-1038 inclusive and all amendments thereto, and all other applicable statutes. (Code 1979, 19-102, Ord. 9495)

19-103

WATERWORKS AND SEWAGE DISPOSAL SYSTEMS COMBINED.

The waterworks system and the sewage disposal system of the City as defined in K.S.A. 2016 Supp. 12-856 et seq. and amendments thereto, including all future improvements and extensions thereto, whether to the waterworks system or to the sewage disposal system, shall be and the same are combined and shall be known as the Municipal Services and Operations Department of the City. Such Municipal Services and Operations Department shall be operated and financed as provided in K.S.A. 2016 Supp. 12-856 et seq., as amended. (Code 1979, 19-103, Ord. 9495)

19-104

SERVICE CONTRACT.

The rules and regulations provided in this Chapter shall constitute and be considered a part of the contract with every person who is supplied with water or sewer service by the City. Every such person shall be held to have consented to be bound thereby. (Code 1979, 19-104)

- 19-105 **GRATUITOUS SERVICE PROHIBITED.**
No water, fire protection or sewage disposal system service shall be furnished or rendered free of charge. (Code 1979, 19-105)
- 19-106 **WATER SERVICE APPLICATIONS.**
Application for water service shall be made in writing upon contract blanks to be furnished by the City Municipal Services and Operations Department. (Code 1979, 19-106, Ord. 9495)
- 19-107 **TAMPERING WITH MAINS.**
It shall be a misdemeanor for any person or persons to tamper with any water main, fire main, fire hydrant, water meter or sewer line or to make any connection to the water and sewage system of the City without written permission from the City or to reconnect service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including the cutoff and reconnection fee. (Code 1979, 19-107)
- 19-108 **DISCONTINUANCE OF SERVICE FOR REPAIR.**
The City hereby reserves the right to discontinue service to any consumer without notice and without liability for damages to any person or property when it deems such discontinuance necessary during the repair, improvement, or construction of water lines, sanitary sewer lines, or related facilities. (Code 1979, 19-108)
- 19-109 **CITY TO MAKE WATER CONNECTIONS.**
All water taps shall be driven, street excavations made, corporation cocks inserted, pipes installed from main to meter box, curb valve installed, meters installed and connections made by City employees only. (Code 1979, 19-109)
- 19-110 **WATER SERVICE PIPES: OWNERSHIP MAINTENANCE.**
All water service pipes hereafter laid shall be owned by the City from the street main to and including the meter box or curb box or cut off box placed in the parking and shall be maintained by the City at all times. Water service lines extending beyond the meter box, curb box or valve box shall be owned and maintained by the property owner regardless of the location of the water meter. (Code 1979, 19-110)
- 19-111 **FURNISHING WATER LINE: REGULATIONS.**
In making water service connections, the Municipal Services and Operations Department of the City shall furnish up to sixty (60) feet of water line, including a street crossing, and any additional water line shall be furnished by the consumer.

Water service lines shall not be installed in the same trench with the building sewer or drainage piping. A minimum distance of ten (10) feet of undisturbed and compacted earth shall separate parallel water and sewer lines.

Water service will be furnished only to premises complying with the applicable plumbing codes and regulations of the City.

(Code 1979, 19-111, Ord. 9495)
- 19-112 **SEPARATE INSTALLATIONS.**
Separate premises shall have separate service pipe installations and shall be separately metered. (Code 1979, 19-112)
- 19-113 **TURNING WATER OFF AND ON.**
No person who is not a duly licensed plumber of the City or a regular employee of the Municipal Services and Operations Department or Department of Finance shall turn water on or off at any time. Such an employee may do so only when authorized by a duly approved application. Such application shall not be required for a licensed plumber, however, a licensed plumber may

turn water off or on only in case of emergency caused by leaks or breaks of fixtures. In such cases he or she may turn off the water, make the necessary repairs and turn the same on again. Any person violating this Section shall be guilty of a misdemeanor. (Code 1979, 19-113, Ord. 9495)

19-114 **TAKING WATER FROM PREMISES OF OTHERS.**
No person shall take any water from any premises not owned by such person or without the permission of the owner of such premises. (Code 1979, 19-114)

19-115 **PROHIBITED EXTENSIONS OF SERVICE.**
In no case shall a consumer extend service to an adjacent property or residence in order to furnish service to such adjacent property or residence even though such property is owned by the same person. (Code 1979, 19-115)

19-116 **EXTENDING WATER PIPES; PERMIT REQUIRED.**
No person shall extend any water pipes from one property or street number to another without special permit of the City Commission being given therefor. Where the permit required by this Section is desired, a full report shall be made to the City by the applicant, which report shall include a diagram of all underground pipes giving the exact location of the same in reference to the property lines. (Code 1979, 19-116)

19-117 **CLAIMS AGAINST CITY: ALLOWANCES.**
No claim for damages may be made against the City on account of breaking or leaking of any water valve or service pipe, nor shall any allowance or adjustment be made to any consumer because of a leak resulting in water wasted unless accompanied by a repair bill showing repair of underground or a hidden leak. (Code 1979, 19-118)

19-118 **TERMINATING WATER SERVICE.**
All consumers shall give the City Municipal Services and Operations Department proper notice two (2) days before discontinuing their service. Upon failure to give such notice they shall be liable for the water registered by the meter or the minimum bill until such time as such notice is given. (Code 1979, 19-119, Ord. 9495)

19-119 **WATER SERVICE PIPES; REGULATIONS.**
There shall be a valve placed in the service pipe in front of each piece of property supplied with water. Each and every water service pipe shall have a stop and waste valve near the building line for the purpose of draining the house piping.

It shall be the duty of the property owner to keep the curb valve or meter cover in view above the ground and not covered with dirt or other accumulation. (Code 1979, 19-120)

19-120 **ABANDONED WATER SERVICE CONNECTIONS.**
When a water service connection to any premises is not being used, the Municipal Services and Operations Department may consider the service connection be abandoned and will, at its option disconnect any abandoned water service connection at the main and remove the service pipe and appurtenant equipment. When a service connection is required to serve premises disconnected under this Section, a new service shall be installed only upon application therefor by the owner as prescribed in Section 19-106. (Code 1979, 19-121, Ord. 9495)

19-121 **WATER SERVICE EXTENSION POLICY.**
The City Commission has authorized the City Municipal Services and Operations Department to extend water service within the city in accordance with the Policy for Extension of Water Service of the City of Lawrence. It is the intended purpose of this Chapter to be consistent and harmonious with the Policy for Extension of Water Service of the City of Lawrence. (Code 1979, 19-122, Ord. 9495)

19-122

FIRE SERVICE CONNECTIONS.

All fire service connections shall be provided with properly located control valves that may be closed in case of broken inside piping. The maximum size of any fire service connection shall be at least two (2) inches in diameter smaller than the main line from which such fire service connection is made. However, upon application, the City Manager may, upon the recommendation of the Director of the Municipal Services and Operations Department, or his or her designee, waive said requirement if there are unique circumstances requiring such a waiver and if the granting of a waiver will not compromise or otherwise diminish life, health, or fire safety requirements. If an application for a waiver is denied, the applicant may appeal the denial by filing with the City Clerk a written Notice of Appeal within thirty (30) days of said denial. If a timely written Notice of Appeal is filed, the City Commission shall, within a reasonable time thereafter, conduct a public hearing on said appeal. The City Municipal Services and Operations Department reserves the right at any time to require a meter to be installed on any such fire service connection(s), which expense shall be borne by the property owner.

(Code 1926, 17-215; Ord. 1590; Ord. 6902, Ord. 8964, Ord. 9495)

19-123

CHEMIGATION; DEFINITIONS.

- (A) Chemigation means any process whereby pesticides, fertilizers or other chemicals or animal wastes are added to the potable water system for the purpose of application to land, crops, lawns, greenhouse vegetation or land vegetation through an irrigation distribution system.
- (B) Irrigation Distribution System means any device or combination of devices having a hose, pipe or other conduit which connects directly or indirectly to the City water system, through which water is drawn and applied to land, crops, lawns, greenhouse vegetation or land vegetation. The term does not include any hand held hose sprayer or other similar device. (Ord. 6388, Sec. 1)

19-124

CHEMIGATION PROHIBITED.

It shall be unlawful for any person to apply any chemical by the chemigation process in any irrigation distribution system. Persons convicted of violation of this Section shall be subject to a fine of not less than \$50.00 nor more than \$500.00. Each consecutive day's violation shall constitute a separate punishable offense. In order to protect the public health, safety and welfare, the Director of Municipal Services and Operations Department shall have the authority to order the immediate termination of water service to a property where chemigation is practiced. (Ord. 6388, Sec. 2, Ord. 9495)

ARTICLE 2. SEWER SERVICE

19-201

DEFINITIONS.

As used in this Article the following words shall have the following meanings:

- (A) Outside Sewer Connection shall mean any sewer connection for premises located outside the City limits that discharges into, or connects with sewers that discharge into the sewers of the City.
- (B) Inside Sewer Connection shall mean any sewer connection for premises located inside the City limits that discharges water or connects with sewers that discharge into the sewers of the City. (Code 1979, 19-201)

19-202

PERMIT REQUIRED.

No person shall make a sewer connection without first obtaining a permit therefor. The permit required by this Section shall be issued by the Building Inspector. All applications for permits

required by this Section shall be made in writing to the Building Inspector and shall contain a legal description of the premises for which such connection is to be made. (Code 1979, 19-202)

19-203 **NUMBER PER BUILDING.**

Only one (1) permit required by this Article shall be issued for each building. (Code 1979, 19-203)

19-204 **SAME; FEE.**

No permit required by Section 19-202 of this Article shall be issued until there has been paid to the City the appropriate fee. (Code 1979, 19-204)

19-205 **OUT OF CITY CONNECTION.**

Acceptance of sewerage from areas outside the City will be made only in cases where approval has been granted by the City Commission and:

- (A) In conformance with laws governing county benefit districts; or
- (B) Where the entire cost of sewers serving industrial establishments or subdivisions is paid by individuals, corporations, or others; or
- (C) Where isolated property borders existing City sewers and where the isolated property owner makes payment to the City for the sewer connection in accordance with Section 19-202 of this Article. (Code 1979, 19-205)

19-206 **SAME; CONSTRUCTION STANDARDS.**

All sewers and appurtenances, including house connections, shall be constructed in accordance with designs, sizes, materials, plans, specifications and construction supervision approved by the City. (Code 1979, 19-206)

Ref.: See Plumbing Code, Section 5-601 et seq.

19-207 **SAME; INSPECTIONS.**

All building and sewer lines for which a permit has been issued for an outside sewer connection shall be subject to the inspection of the Building Inspector at any time and shall likewise be subject to the same inspection as buildings within the City. The applicant under each permit shall pay for such inspection as provided by the building ordinances of the City. (Code 1979, 19-207)

19-208 **SAME; OWNERSHIP.**

Sewer lines constructed in areas outside the City which contribute to the City sewerage system shall become the property of the City when, and if, the areas in which the lines are located are annexed to the City and the City's ownership and responsibility therefor shall be on the same basis as if the lines were originally constructed within the City. The City will not, however, accept responsibility for the indebtedness incurred in the original construction of the sewer lines except to the extent required by law. (Code 1979, 19-208)

19-209 **SEWER CONNECTIONS REQUIRED.**

All persons and property owners owning buildings within the City which are within two hundred (200) feet of the public water supply and sanitary sewer shall make such connections with the sewer system of the City as may be necessary in the judgment of the health officer for the protection of the health of the public, for the purpose of disposing of all substances from any such building affecting the public health, which may be lawfully and properly disposed of by means of such sewer. The costs of all connections with the sewerage disposal system of the City shall be borne by the consumer. (Code 1979, 19-209)

19-210

SAME; FAILURE TO COMPLY.

If any person shall fail, neglect or refuse to so connect any building with the sewer system of the City as provided for in Section 19-209 of this Article for more than ten (10) days after being notified in writing by the health officer to do so, the Commissioners shall cause such premises and buildings to be connected with the sewer system. The Commissioners are hereby authorized to advertise for bids for the construction and making of sewer connections pursuant to the preceding Section, to contract therefor with the lowest responsible bidder or bidders, to cause such premises to be connected with the sewer system, and to assess the costs and expenses thereof against the property and premises so connected. Such assessment shall be made in the same manner as other special assessments are made. (Code 1979, 19-210)

19-211

SERVICE CHARGE; NONPAYMENT.

In the event of the failure to pay sewer connection service charges when due, the City shall have the right to disconnect the water service connection until all back charges and penalties are paid.

The penalties for late payment of sewer connection service charge shall be the same as the penalty for failure to pay for water when due. (Code 1979,19-211)

19-212

SAME; WHEN CONNECTION DISCONTINUED.

In the event water service is discontinued for sixty (60) days for failure to pay sewer connection service charge, or in the event the user of such sewer connection is not a water patron and is in default of payment for such service for sixty (60) days, then the City may dig up and plug such sewer connection. Service in such case shall be restored only upon payment of the cost of disconnecting such sewer plus twenty-five percent (25%) of such cost for penalty.

The sewer connection service charge shall apply to all outside sewer connections now in use, as well as those hereafter made. (Code 1979, 19-212)

19-213

DISPOSITION OF CONNECTIONS.

All funds collected for permits and for sewer services under this Article and other ordinances shall be deposited with the City Treasurer and credited to the general fund. (Code 1979, 19-213)

19-214

LOCATION REQUIREMENTS FOR PUBLIC SANITARY SEWER MAINS AND PRIVATE SANITARY SEWER LINES.

- (A) As a condition of City sanitary sewer service, after March 1, 2004 each lot created by the laws of the City or the City's subdivision regulations, including lot splits, shall have direct access to the City sanitary sewer main in City public right-of-way or City public utility easement. Such access shall not cross property ownership lines unless the access is in adjacent City public right-of-way or adjacent City public utility easement. A sanitary sewer main shall extend into a platted lot or an adjacent City public utility easement or an adjacent City public right-of-way a minimum of ten (10) feet. (Ord. 7743)
- (B) A private sanitary sewer service line shall not cross any public right-of-way or drainage easement. A private sanitary sewer service line shall not be located in a City public utility easement or City public right-of-way for a length of greater than fifteen (15) feet. (Ord. 7743, Ord. 8747)
- (C) A private sanitary sewer service line shall only serve one residential dwelling unit or a single commercial or industrial premises. Multiple buildings sited on a single lot shall be considered separate premises. Each dwelling unit that requires a separate water meter per unit pursuant to Chapter 19, Article 1 of the City Code shall also require a separate private sanitary sewer service line that directly connects to the City sanitary

sewer main. Duplexes are considered two distinct residential dwelling units and thus require two separate private sanitary sewer service lines that both directly connect to the City's main. An additional residential sanitary sewer connection (i.e. for a swimming pool, etc.) may be allowed with approval of the Utilities Engineer, provided that such additional connection shall be assessed an additional sewer system development charge. (Ord. 7743, Ord. 8747)

- (D) A single private sanitary sewer service line can serve a multiple living unit served by a single water meter, pursuant to Chapter 19, article 3 of the City Code. Additionally, multiple living units served by separate water meters can be served by a single private sanitary sewer service line. For purposes of this ordinance, a multiple living unit is defined as a building with three (3) or more separate residences contained therein. (Ord. 7743, Ord. 8747)
- (E) The provisions of this Section 19-214 may be waived by the City Manager if, upon review by Municipal Services and Operations Department staff and the City Manager, it is found that the requirements of this Section create a hardship on the property owner or that the characteristics of the property are unique in comparison of other properties in the general area. Should a waiver request be denied, the applicant may appeal the decision to the City Commission for further consideration. (Ord. 7743, Ord. 8747, Ord. 9496)

ARTICLE 3. METERS, BILLINGS AND RATES

19-301

WATER SERVICE TO BE METERED; PLACEMENT.

Except as provided in Section 19-309, all water service shall be furnished upon a metered basis. A separate meter shall be installed by the City for each dwelling, apartment, business establishment or other property served with water. Such meters shall be located on the outside of the buildings and be placed in tile, concrete or brick boxes with cast-iron lids.

19-302

SAME; MULTIPLE LIVING UNITS.

(Ord. 8747)

Water meters required for multiple living units shall be as follows:

- (A) Trailer Courts or Mobile Home Courts. From and after the effective date of this Article, the owner of a trailer court or mobile home court shall have the option of installing a single water meter or an individual meter for each trailer space, but the rates shall be based upon Sections 19-312 and 19-314 regardless of the method of metering. After all of the court spaces have been fully occupied, the minimum water service charge and sewer service per unit shall not be decreased under any circumstances by virtue of vacancies.
- (B) Multi-Dwelling Structures. Multi-Dwelling Structures within RM zoning categories having three (3) living units or more may either have a water meter for each living unit or a single water meter.

The rates in all cases shall be based upon Sections 19-312 and 19-314. The minimum water service charge and sewer service charge per unit shall not be decreased under any circumstances by virtue of vacancies.

Multi-Dwelling Structure Customers served by a single meter shall be charged for water and sewer service according to the number of units served by the single meter, i.e., total usage will be divided by the number of units served by the single meter to determine the charge per unit. (Ord. 5701, Ord. 8747)

19-303

WATER METERS.

All water meters shall be furnished and installed by and remain property of the City. Any water meter may be removed at any time without notice for the purpose of testing or repairing the same or upon discontinuance of the service. (Code 1979, 19-301)

19-304

SAME; INSPECTION.

The City shall keep all water meters in proper working condition. There will be a service charge of \$25 to the customer on all water meters that are inspected and tested unless the test indicates an inaccurate recording of the water consumed. (Ord. 5414, Ord. 8931)

19-305

SAME; DAMAGE TO.

Each property owner shall be held responsible for any damage done to any water meter installed on his or her premises. (Code 1979, 19-303)

19-306

TAMPERING WITH METERS.

No person shall alter, repair or remove any water meter or break any seal or tamper or interfere with the proper registration of water consumed. (Code 1979, 19-304)

19-307

APPLICATIONS FOR SERVICE; DEPOSIT.

Application for water, sewage disposal system service, and/or sanitation service shall be made to the Department of Finance by the owner or occupant of the property to be served.

Prior to receiving water, sewage disposal system service, and/or sanitation service, each residential nonowner customer desiring to be served shall make with the city a cash deposit of forty dollars (\$40) to serve as a guaranty of the payment of bills thereafter rendered for water, sanitation service, or sewage disposal system service. The City shall retain residential deposits until the earlier of: 1) Final termination of service by the customer; or 2) Eighteen (18) months of continuous good credit by the customer. The City reserves the right to require a deposit from the customer at any time thereafter should the customer's account become delinquent. A deposit equal to the average two (2) month utility bill will be required of residential nonowner customers who become delinquent on their account. (Ord. 6996)

The City reserves the right to require the above deposit from residential owner customers if the customer's service is disconnected for non payment two (2) or more times in a twelve (12) month period.

Each multi-family customer, where one (1) meter serves two (2) or more living units, desiring service shall deposit with the City a cash deposit equal to the amount arrived at by multiplying the number of units by the amount of the minimum monthly bill for water, sewer, and sanitation service for one (1) unit, or forty dollars (\$40) whichever is greatest, to serve as a guaranty of the payment of bills thereafter rendered for water, sanitation service, or sewage disposal system service.

Each commercial customer desiring service shall make with the City a cash deposit of forty dollars (\$40) or the average of the highest three (3) months cost during the past twelve (12) months used by the previous customer, whichever is the larger, to serve as a guaranty of the payment of bills thereafter rendered for water, sanitation service, or sewage disposal system service.

Deposits may be billed in two (2) equal installments on the customer's first two (2) utility bills. In the event the deposit is not paid in accordance with 19-308, the provisions of 19-311 will apply.

The City shall retain commercial and multi-family deposits as follows: If the deposit is greater than or equal to \$5,000.00, the deposit shall be retained by the City until final termination of service by the customer. If the deposit is less than \$5,000.00, it shall be retained by the City until the earlier of: 1) Final termination of service by the customer or 2) Thirty-six (36) months

of continuous good credit by the customer. Upon obtaining 36 months of continuous good credit, the City will refund the deposit to the customer. The City reserves the right to require a deposit from the customer at any time thereafter should the customer's account become delinquent.

Any customer establishing service shall not be required to place a deposit on the new service address if they had uninterrupted residential service for 18 months, or uninterrupted commercial service for 36 months with the City at their previous address (es).

In the event that service shall be discontinued such cash deposit shall be applied as a credit against all amounts then due and owing from the customer to the City, and if there shall remain any surplus of such deposit, the same shall be returned to the customer. In the event that such deposit is insufficient to pay the amount then owing as aforesaid, the deficiency shall constitute a personal liability of the customer and shall be collectible by such lawful means as may then be available. (Code 1979, 19-307; Ord. 5921, Sec. 1; Ord. 6177, Sec. I; Ord. 6629, Sec 1, Ord. 6996)

19-308 **MONTHLY BILLING, DUE DATE, LATE FEE.**

All water meters shall be read and bills for water, sewage disposal system service, and sanitation service shall be rendered monthly except that for service extended for a period of less than one (1) month, bills shall be prorated on a daily basis. All bills will be due and payable at the office of the Finance Department or at such other place as may be designated by the Governing Body, during regular business hours, within the first twenty-one (21) days following the rendition of the bill. If not paid within the first twenty-one (21) days, a one-time late fee of two percent (2%) of the monthly bill outstanding will be assessed to the customer's account. The late fee will be immediately due and payable when assessed. (Code 1979, 19-308; Ord. 5921, Sec. 1; Ord. 6177, Sec. II, Ord. 6996)

19-309 **SAME; ESTIMATING CHARGES.**

In case any meter shall stop or for any reason fail to register properly, or upon failure to read the meter, the Finance Department may estimate the monthly bill for water to be based on the average quantity consumed during the same period, twelve (12) months previous or the average quantity consumed during the preceding months if no usage figures are available for the same period one (1) year previous for the customer. (Code 1979, 19-309; Ord. 5921, Sec. II; Ord. 6629, Sec II)

19-310 **SAME; ROUNDING OFF.**

When the water or sewage disposal system service bill for a customer is in excess of the minimum monthly per gallon charge, the charge shall be figured to the nearest one hundred (100) gallons. (Code 1979, 19-310; Ord. 6629, Sec III)

19-311 **SAME; DELINQUENT ACCOUNT, TRIP CHARGE.**

(A) If any bill for water or sanitary sewer service remains unpaid for forty (40) days following rendition of the bill, water service to the customer may be disconnected. Not less than ten (10) days prior to any such disconnection, the customer shall be informed in writing of the right to a hearing to present matters relating to the unpaid bill to a responsible employee of the Finance Department authorized to resolve such matters. If the customer requests a hearing, it shall be held within seven (7) days of the rendition of the notice of the possible action and notice of a right to a hearing. Once the customer has requested a hearing, no disconnection of service may take place until the hearing is held, unless the customer fails to appear at the hearing.

(B) In order to compensate the City for costs incurred in processing a disconnection notice, a service charge of \$25 will be assessed to the customer if City personnel arrive at the service address to disconnect the service, regardless of whether the service is actually

disconnected. If water service is disconnected, it shall not be reconnected until all past due bills for water, sanitary sewer service, solid waste, and storm water services together with a service charge of \$25 to reconnect the service plus any deposits not collected are paid or an agreement to pay is in place.

(Ord. 5282; Ord. 5921, Sec. 1; Ord. 6177, Sec. III; Section; Ord. 6629, Sec. IV , Ord. 6996, Ord. 8931)

19-312

WATER SERVICE CHARGES.

(A) Monthly charges for water service to water service customers, including residential units, institutions, business or industry, or irrigators served by a single water meter, except rural water districts and other municipalities, shall be in accordance with the following schedule: (Ord. 9755, Ord. 9800, Ord. 9891, Ord. 9929)

(1) The following water volume charges shall be as follows effective on and after January 1, 2023 through December 31, 2023, as shown below:

Customer Class	Inside City	Outside City
Residential –Block 1	\$ 8.20/1,000 gal	\$ 9.02/1,000 gal
Residential –Block 2	\$ 9.02/1,000 gal	\$ 9.93/1,000 gal
Residential –Block 3	\$ 9.43/1,000 gal	\$ 10.38/1,000 gal
Multifamily	\$ 6.93/1,000 gal	\$ 7.63/1,000 gal
Commercial	\$ 7.97/1,000 gal	\$ 8.77/1,000 gal
Industrial	\$ 7.62/1,000 gal	\$ 8.39/1,000 gal
Irrigation	\$ 9.43/1,000 gal	\$ 10.38/1,000 gal

(2) The following water volume charges shall be effective on and after January 1, 2024, through December 31, 2024, as shown below:

Customer Class	Inside City	Outside City
Residential –Block 1	\$ 9.17/1,000 gal	\$ 10.09/1,000 gal
Residential –Block 2	\$ 10.09/1,000 gal	\$ 11.10/1,000 gal
Residential –Block 3	\$ 10.55/1,000 gal	\$ 11.61/1,000 gal
Multifamily	\$ 7.59/1,000 gal	\$ 8.35/1,000 gal
Commercial	\$ 8.78/1,000 gal	\$ 9.66/1,000 gal
Industrial	\$ 8.34/1,000 gal	\$ 9.18/1,000 gal
Irrigation	\$ 10.55/1,000 gal	\$ 11.61/1,000 gal

(3) The following water volume charges shall be effective on and after January 1, 2025, through December 31, 2025, as shown below:

Customer Class	Inside City	Outside City
Residential –Block 1	\$ 10.27/1,000 gal	\$ 11.30/1,000 gal
Residential –Block 2	\$ 11.30/1,000 gal	\$ 12.43/1,000 gal
Residential –Block 3	\$ 11.82/1,000 gal	\$ 13.01/1,000 gal
Multifamily	\$ 8.48/1,000 gal	\$ 9.33/1,000 gal
Commercial	\$ 9.83/1,000 gal	\$ 10.82/1,000 gal
Industrial	\$ 9.34/1,000 gal	\$ 10.28/1,000 gal
Irrigation	\$ 11.82/1,000 gal	\$ 13.01/1,000 gal

Residential blocks are calculated using the Winter Quarter Average (WQA), as defined in 19-314.1, as follows:

Block 1 rate is applied to usage up to and including 125% of the WQA.

Block 2 rate is applied to all usage above 125% up to and including 200% of the WQA.

Block 3 rate is applied to all usage above 200% the WQA.

The minimum WQA used to calculate residential blocks shall be 3,000 gallons.

(B) Wholesale Rates.

- (1) Monthly charges for water service to rural water districts and other municipalities shall be at \$4.42/1,000 gallons effective on an after January 1, 2023, through December 31, 2023, or at such other rates as contracted by the City.
- (2) Monthly charges for water service to rural water districts and other municipalities shall be at \$4.69/1,000 gallons effective on an after January 1, 2024, through December 31, 2024, or at such other rates as contracted by the City.
- (3) Monthly charges for water service to rural water districts and other municipalities shall be at \$4.99/1,000 gallons effective on an after January 1, 2025, through December 31, 2025, or at such other rates as contracted by the City.

(Ord. 5743, Sec. 1; Ord. 5841, Sec. 1; Ord. 5951, Sec. I; Ord. 6052, Sec. I; Ord. 6263, Sec. I; Ord. 6360, Sec. I; Ord. 6472, Sec. I; Ord. 6603, Sec. I; Ord. 7137, Ord. 7244, Ord. 7387, Ord. 7559, Ord. 7683, Ord. 7808, Ord. 7904, Ord. 8029, Ord. 8133, Ord. 8307, Ord. 8438, Ord. 8648, Ord. 8821, Ord. 8846, Ord. 8883, Ord. 9008, Ord. 9122, Ord. 9375, Ord. 9521, Ord. 9703, Ord. 9755, Ord. 9800, Ord. 989, Ord. 9929)

19-312.1

MONTHLY SERVICE CHARGE PER METER.

(A) Monthly Service Charge Per Meter for Calendar Year 2023.

Meter Size - Inches	Inside City	Outside City
5/8 & 3/4	\$ 4.90	\$ 5.40
1	\$ 5.85	\$ 6.45
1 ½	\$ 6.75	\$ 7.40
2	\$ 9.25	\$ 10.20
3	\$ 27.60	\$ 30.35
4	\$ 34.35	\$ 37.80
6	\$ 51.00	\$ 56.10
8	\$ 68.55	\$ 75.40
10	\$ 89.90	\$ 98.90
12	\$ 104.60	\$ 115.05
15	\$ 139.50	\$ 153.45
Multi-Family (Per Unit)	\$ 4.90	\$ 5.40

(B) Monthly Service Charge Per Meter for Calendar Year 2024.

Meter Size - Inches	Inside City	Outside City
5/8 & 3/4	\$ 5.15	\$ 5.70

Meter Size - Inches	Inside City	Outside City
1	\$ 6.15	\$ 6.80
1 ½	\$ 7.10	\$ 7.80
2	\$ 9.75	\$ 10.70
3	\$ 29.00	\$ 31.90
4	\$ 36.10	\$ 39.70
6	\$ 53.55	\$ 58.95
8	\$ 72.00	\$ 79.20
10	\$ 94.40	\$ 103.85
12	\$ 109.85	\$ 120.85
15	\$ 146.50	\$ 161.15
Multi-Family (Per Unit)	\$ 5.15	\$ 5.70

(C) Monthly Service Charge Per Meter for Calendar Year 2025.

Meter Size - Inches	Inside City	Outside City
5/8 & 3/4	\$ 5.45	\$ 5.95
1	\$ 6.50	\$ 7.15
1 ½	\$ 7.50	\$ 8.25
2	\$ 10.25	\$ 11.30
3	\$ 30.45	\$ 33.50
4	\$ 37.95	\$ 41.70
6	\$ 56.25	\$ 61.900
8	\$ 75.60	\$ 83.20
10	\$ 99.15	\$ 109.05
12	\$ 115.35	\$ 126.90
15	\$ 153.85	\$ 169.25
Multi-Family (Per Unit)	\$ 5.45	\$ 5.95

(Ord. 5743, Sec. 1; Ord. 5841, Sec. 1; Ord. 5951, Sec. I; Ord. 6052, Sec. I; Ord. 6263, Sec. I; Ord. 6360, Sec. I; Ord. 6472, Sec. I; Ord. 6603, Sec. I; Ord. 7137, Ord. 7244, Ord. 7387, Ord. 7559, Ord. 7683, Ord. 7808, Ord. 7904, Ord. 8029, Ord. 8133, Ord. 8307, Ord. 8438, Ord. 8648, Ord. 8846, Ord. 8883, Ord. 9008, Ord. 9122, Ord. 9375, Ord. 9521, Ord. 9703, Ord. 9800, Ord. 9891, Ord. 9929)

19-313

SEWAGE DISPOSAL SYSTEM CHARGE.

(Ord. 9497)

- (A) The amount of any charge for sewer service shall be determined wholly, or in part, by the amount of water used upon any premises or property connected to the sewerage system, the quantity of water so used shall be measured by the water meter or meters serving the premise or property.
- (B) In the event a premise or property connected to the sewerage system is supplied either in whole, or in part, with water from wells or any source other than the City's water system, then such wells or in part, with water from wells or any source other than the City's water system, then such wells or other source of supply shall be registered with the Director of the Municipal Services and Operations Department. If the water from said wells or other source of supply is not measured by a water meter, or is measured by a water meter not acceptable to the Director, then in such case, the owner or other interested party, at his or her own expense, shall install and maintain water meters satisfactory to the Director on all supplies.
- (C) Alternatively, if a portion of the water as measured by the water meter or meters does

not enter the sewerage system then the Director of the Municipal Services and Operations Department may require or shall permit the installation of additional meters at the owner's or the interested party's expense, in such manner as to measure the quantity of water actually entering the sewerage system from the premises of such owner or other interested party, and the quantity of water used to determine the sewer service charge shall be the quantity of water actually entering the sewerage system as so determined.

- (D) If the Director of the Municipal Services and Operations Department of the City or his or her authorized agent find that it is not practicable to measure wastewater by aforesaid meters, he or she shall determine the wastewater in any manner or method as he or she may find practicable in order to arrive at the percentage of metered water entering the sewerage system, and the quantity of wastewater used to determine the charges for sewer service shall be that quantity developed from the percentage. (Code 1979, 19-313)

19-314

SEWER SERVICE CHARGES.

All premises or properties connected to the sewerage system of the City of Lawrence, Kansas, shall be charged in accordance with the following sewer service charge and basis of charges:

- (A) (1) The following wastewater volume charges shall be as follows effective on and after January 1, 2023 through December 31, 2023 as shown below:

Monthly Water Use	Inside City	Outside City
Volume Charge	\$10.00/1,000 gal	\$13.00/1,000 gal

- (2) The following wastewater volume charges shall be effective on and after January 1, 2024, through December 31, 2024, as shown below:

Monthly Water Use	Inside City	Outside City
Volume Charge	\$11.02/1,000 gal	\$14.33/1,000 gal

- (3) The following wastewater volume charges shall be effective on and after January 1, 2025, through December 31, 2025, as shown below:

Monthly Water Use	Inside City	Outside City
Volume Charge	\$12.22/1,000 gal	\$15.89/1,000 gal

- (B) (1) Monthly Service Charge Per Meter for Calendar Year 2023

Meter Size - Inches	Inside City	Outside City
5/8 and 3/4	\$ 16.40	\$ 18.05
1	\$ 16.40	\$ 18.05
1 ½	\$ 16.40	\$ 18.05
2	\$ 16.40	\$ 18.05
3	\$ 16.40	\$ 18.05
4	\$ 16.40	\$ 18.05
6	\$ 16.40	\$ 18.05
8	\$ 16.40	\$ 18.05
10	\$ 16.40	\$ 18.05
12	\$ 16.40	\$ 18.05
15	\$ 16.40	\$ 18.05
Multi-Family (Per Unit)	\$ 16.40	\$ 18.05

(2) Monthly Service Charge Per Meter for Calendar Year 2024

Meter Size - Inches	Inside City	Outside City
5/8 and 3/4	\$ 17.25	\$ 18.95
1	\$ 17.25	\$ 18.95
1 ½	\$ 17.25	\$ 18.95
2	\$ 17.25	\$ 18.95
3	\$ 17.25	\$ 18.95
4	\$ 17.25	\$ 18.95
6	\$ 17.25	\$ 18.95
8	\$ 17.25	\$ 18.95
10	\$ 17.25	\$ 18.95
12	\$ 17.25	\$ 18.95
15	\$ 17.25	\$ 18.95
Multi-Family (Per Unit)	\$ 17.25	\$ 18.95

(3) Monthly Service Charge Per Meter Calendar Year 2025

Meter Size - Inches	Inside City	Outside City
5/8 and 3/4	\$ 18.15	\$ 19.95
1	\$ 18.15	\$ 19.95
1 ½	\$ 18.15	\$ 19.95
2	\$ 18.15	\$ 19.95
3	\$ 18.15	\$ 19.95
4	\$ 18.15	\$ 19.95
6	\$ 18.15	\$ 19.95
8	\$ 18.15	\$ 19.95
10	\$ 18.15	\$ 19.95
12	\$ 18.15	\$ 19.95
15	\$ 18.15	\$ 19.95
Multi-Family (Per Unit)	\$ 18.15	\$ 19.95

(Ord. 5743, Sec. II; Ord. 5841, Sec. II; Ord. 5951, Sec. II; Ord. 6052, Sec. II; Ord. 6263, Sec. II; Ord. 6360, Sec. II; Ord. 6472, Sec. II; Ord. 6603, Sec. II; Ord. 6714, Sec.; Ord. 6838, Sec. I; Ord. 6932; Ord. 7137, Ord. 7244, Ord. 7387, Ord. 7559, Ord. 7683, Ord. 7808, Ord. 7904, Ord. 8029, Ord. 8133, Ord. 8307, Ord. 8438, Ord. 8648, Ord. 8846, Ord. 8883, Ord. 9008, Ord. 9122, Ord. 9375, Ord. 9521, Ord. 9703, Ord. 9800, Ord. 9891)

19-314.1

BASIS OF SEWER CHARGE.

For the purpose of determining the sewer charge for residential customers, the following method shall be used to calculate the Winter Quarter Average (WQA): A monthly average usage will be computed based on the actual water usage for the billing periods falling in the months of December, January, and February. That average usage will be used to calculate the monthly sewer charge for all subsequent months until a new average usage is calculated the following year. All nonresidential customers shall be charged based on monthly water use. The City will consider applications, fully supported, for adjustments due to non-sewered water use. (Ord. 9703, Ord. 9800)

19-314.2

SURCHARGE.

- (A) Any premises or property connected to the sewerage system shall be charged a surcharge in addition to a sewer service charge when the BOD content of a wastewater accepted for admission to the sewerage system exceeds 300 mg/L and/or TSS content

exceeds 300 mg/L. If the BOD content of the wastewater is less than 300 mg/L, it will not be incorporated into the formula. If the TSS content of the wastewater is less than 300 mg/L, it will not be incorporated in the formula. The surcharge formula is as follows:

(B) The elements of the formula are as follows:

- S = Surcharge in dollars
- Vs = Sewage volume in million gallons
- 8.34 = Pounds per milligrams per liter per million gallons of water
- ICBOD = Inside City Unit Charge for BOD in dollars per pound
- OCBOD = Outside City Unit Charge for BOD in dollars per pound
- BOD = Biochemical Oxygen Demand strength in milligrams per liter
- 300 = Allowed BOD strength in milligrams per liter
- ICTSS = Inside City Unit Charge for TSS in dollars per pound
- OCTSS = Outside City Unit Charge for TSS in dollars per pound
- TSS = Total Suspended Solids strength in milligrams per liter
- 300 = Allowed TSS strength in milligrams per liter

Inside City

$$S = Vs \times 8.34 (\text{ICBOD} [\text{BOD} - 300] + \text{ICTSS} [\text{TSS}-300])$$

Outside City

$$S = Vs \times 8.34 (\text{OCBOD} [\text{BOD} - 300] + \text{OCTSS} [\text{TSS}-300])$$

The following schedule shall be used in calculating wastewater system surcharges:

Effective Date	Inside City Unit Charge for BOD in dollars per pound	Inside City Unit Charge for TSS in dollars per pound	Outside City Unit Charge for BOD in dollars per pound	Outside City Unit Charge for TSS in dollars per pound
January 1, 2023 to December 31, 2023	ICBOD	ICTSS	OCBOD	OCTSS
	\$0.977	\$0.624	\$1.075	\$0.686

Effective Date	Inside City Unit Charge for BOD in dollars per pound	Inside City Unit Charge for TSS in dollars per pound	Outside City Unit Charge for BOD in dollars per pound	Outside City Unit Charge for TSS in dollars per pound
January 1, 2024 to December 31, 2024	ICBOD	ICTSS	OCBOD	OCTSS
	\$1.140	\$0.711	\$1.254	\$0.782

Effective Date	Inside City Unit Charge for BOD in dollars per pound	Inside City Unit Charge for TSS in dollars per pound	Outside City Unit Charge for BOD in dollars per pound	Outside City Unit Charge for TSS in dollars per pound
January 1, 2025 to December 31, 2025	ICBOD	ICTSS	OCBOD	OCTSS
	\$1.305	\$0.800	\$1.436	\$0.880

(Code 1979, 19-314; Ord. 6360, Sec. III; Ord. 6472, Sec. II Ord. 6603, Sec III; Ord. 6714, Sec.

II, Ord. 6732; Ord. 6838, Sec. II; Ord. 6932; Ord. 7137, Ord. 7244, Ord. 7387, Ord. 7559, Ord. 7683, Ord. 7808, Ord. 7904, Ord. 8029, Ord. 8133, Ord. 8307, Ord. 8438, Ord. 8648, Ord. 9122, Ord. 9375, Ord. 9521, Ord. 9800, Ord. 9891, Ord. 9929)

19-315

SANITARY SEWER HOOK-ON FEE.

No permit shall be issued to make any connection with any sewer main or lateral for the purpose of serving any property which has not been specially assessed as part of a sanitary sewer benefit district or is not legally liable to special assessments for the cost of sewer lateral until a sanitary sewer hook-on fee, recommended by the City Engineer, approved by the City Commission, and based on the proportionate actual costs of the line to which the connection will be made, has been paid and permission granted to connect to the City sewer system. (Ord. 5173, Ord. 6241, Ord. 6316)

19-315.1

PUMP STATION #48 SANITARY SEWER CONNECTION FEE.

- (A) There is hereby established a Pump Station #48 sanitary sewer connection fee to be imposed on each proposed applicant for connection to the sanitary sewer in the area designated as the "Pump Station #48 service area." The fee to be assessed is in lieu of the sanitary sewer connection hook-on fee established in section 19-315 but in addition and supplemental to all other fees and charges otherwise imposed on applicants including but not limited to building permit fees, planning fees, tap fees, system development charges, special assessments, maintenance fees or other fees or charges established or imposed by the City pursuant to Title 19 or other applicable ordinances. (Ord. 8043)
- (B) No permit shall be issued to make any connection to the Pump Station #48 sanitary sewer system until the connection fee has been paid. (Ord. 8043)
- (C) The connection fee amount for this section shall be determined by calculating the peak flow for the proposed development multiplied by the cost per flow unit of the total project cost of pump station #48 and associated infrastructure. The fee shall include a proportionate amount representing the City's lost interest earned from the time of the completion of the project until the connection is made. (Ord. 8043)
- (D) For the purposes of this section the "Pump Station #48 service area" includes property within the corporate boundaries of the City of Lawrence that contributes flow to Pump Station #48 except for property designated in the map, attached as exhibit 1, which have public sewer systems designed and approved by the City that will service their property and whose land use intensity is developed consistent with the comprehensive plan. (Ord. 8043)
- (E) Connection to Pump Station #48 by applicants outside of the City shall be permitted only upon of after annexation to the City. (Ord. 8043)

19-315.2

WEST BALDWIN CREEK GRAVITY SEWER LINE CONNECTION FEE

- (A) There is hereby established a West Baldwin Creek Gravity Sewer line connection fee to be imposed on the property described in Exhibit 1 for the purpose of compensating the City for property development that contributes increased peak flows to the existing Pump Station #45. (Ord. 8118)
- (B) The fee to be assessed is exclusively for the purpose of paying for the increased sanitary sewer flows and costs for additional capacity in the West Baldwin Creek Gravity Sewer line as described in section (C) but does not relieve the owner or developer or any future owner or developer of property described in Exhibit 1 from any

other required connection fees and charges otherwise imposed including but not limited to building permit fees, planning fees, tap fees, system development charges, special assessments, maintenance fees or other fees or charges established or imposed by the City pursuant to Chapter 19 or other applicable ordinances. The property described in Exhibit 1 shall not be required to pay the Pump Station #48 Sanitary Sewer Connection Fee established by 19-315.1. (Ord. 8118)

- (C) The City will not issue any building permit to an owner or developer or allow the owner or developer to connect to City sanitary sewer for the development of any property described in Exhibit 1 until the owner or developer pays in to the City their share for the sanitary sewer flows and costs for additional capacity in the West Baldwin Creek Gravity Sewer line described as follows: (Ord. 8118, Ord. 9112)

<u>Tract: Owner/Developer</u>	<u>Cost for Additional Capacity</u>
Tract 1: K10/K40 Development, LC	\$54,425.00
Tract 2: Root LC	\$9,330.00
Tract 3: Oregon Trial Holdings, LC	\$43,851.00
Tract 4: Prairie Rose Holdings, LLC	\$25,191.00
Tract 5: Turner-Douglas, LLC	\$17,416.00

- (D) This ordinance only applies to property included in Exhibit 1 (see Ord. 8118). Property not included in Exhibit 1 or any property outside of the corporate limits of the City of Lawrence shall not be permitted to connect to any City sewer line including the West Baldwin Creek Gravity Sewer line without being annexed by the City and the payment of the required connection fees and charges otherwise imposed including but not limited to building permit fees, planning fees, tap fees, system development charges, special assessments, maintenance fees or other fees or charges established or imposed by the City pursuant to Chapter 19 or other applicable ordinances. (Ord. 8118)

19-315.3

BALDWIN CREEK WEST SANITARY SEWER INTERCEPTOR LINE CONNECTION FEE

- (A) There is hereby established a Baldwin Creek West sanitary sewer interceptor line connection fee that shall be imposed for each connection to the Baldwin Creek West sanitary sewer interceptor line. The connection fee is the charge for a new connection to the interceptor line or any connection that adds new or additional sanitary sewer flow into the interceptor line. The fee to be assessed is in addition to the Pump Station #48 sanitary sewer connection fee, established in section 19-315.1, and supplemental to all other fees and charges otherwise imposed on applicants including but not limited to building permit fees, planning fees, tap fees, system development charges, special assessments, maintenance fees or other fees or charges established or imposed by the City pursuant to Title 19 or other applicable ordinances. Properties paying the West Baldwin Creek Gravity Sewer Line connection fee, established in section 19-315.2, shall not be required to pay the Baldwin Creek West sanitary sewer interceptor line connection fee. (Ord. 8192)
- (B) No permit shall be issued to make any connection to the Baldwin Creek West sanitary sewer interceptor line until the connection fee has been paid. (Ord. 8192)

- (C) The connection fee amount for this section shall be determined by calculating the peak flow for the proposed development multiplied by the cost per flow unit of the total project cost of the Baldwin Creek West sanitary sewer interceptor line and associated infrastructure. The fee shall include a proportionate amount representing the City's lost interest earned from the time of the completion of the project until the connection is made. (Ord. 8192)
- (D) Connection to the Baldwin Creek West sanitary sewer interceptor line by applicants outside of the City of Lawrence, Kansas shall be permitted only upon or after annexation to the City. (Ord. 8192)
- (E) Section Two: Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance (Ord. 8192)

19-316

AFTER HOURS SERVICE CHARGE.

The City will provide service after regular office hours and on holidays and weekends for water-related emergency situations. This service is provided at no charge to the customer. Non-emergency service calls requested after regular office hours and on holidays and weekends will require a \$30 service charge. This charge is in addition to any other charges due. Examples of non-emergency service calls are requests for water service to be connected or disconnected, re-connection service after it has been disconnected because of non-payment of the bill, receipt of an insufficient check or if service was not connected because the customer failed to be at the address at during a scheduled appointment time period. (Ord. 5921, Sec. 11, Ord. 8931)

19-317

RESCHEDULED APPOINTMENT FEE.

The City requires that a responsible person be present at the service address when either initial connections of service or reconnections of service are performed in order to protect the residence from damage should any plumbing or fixtures be left on or leaking. City staff will schedule an appointment with the customer for these service calls. Appointments are normally scheduled in two hour time slots (e.g. 9-11, 1-3, etc.). The customer must be present from the beginning of the appointment time until the service is connected. Should the customer miss their appointment, they must contact our offices to reschedule the appointment and must also pay a \$10 rescheduled appointment fee before service will be connected. (Ord. 6177, Sec. IV)

19-318

CHARGES, LOW-INCOME ELDERLY PERSONS; REDUCTION OF CHARGE.

- (A) The purpose of this Section is to permit qualified low-income elderly persons to have reduced water and sanitary sewer charges. A low-income elderly person is one who is sixty (60) years of age or more on or before the 1st day of January of the year in which the reduced service charge is applicable. To qualify for this low-income elderly person reduced water and sanitary sewer charge: (Ord. 7137, Ord. 7244, Ord. 7387, Ord. 7559, Ord. 7683, Ord. 7808, Ord. 8029, Ord. 8133, Ord. 8307, Ord. 8438, Ord. 8648, Ord. 8846, Ord. 8883, Ord. 9008, Ord. 9122, Ord. 9315, Ord. 9375, Ord. 9521, Ord. 9703, Ord. 9800, Ord. 9891, Ord. 9929)
 - (1) The individual shall have an income during the preceding calendar year from all sources of less than \$14,949.00, or
 - (2) Any elderly person who is the head of a family with a family income during the preceding calendar year from all sources of less than \$20,141.00.
 - (3) The individual must meet the qualifications of this Section.

- (B) A low-income elderly person who applies for reduced dwelling unit water and sanitary sewer charges, and whose application is approved shall pay a flat rate monthly charge per dwelling unit of 35% of the regular monthly residential water and sanitary sewer charge. Applications for reduced charges shall be on forms supplied by the City, filed with or mailed to the Utility Billing Division of the Department of Finance. All information required on such forms shall be supplied by the applicant. Applications made prior to the first of any month and approved shall be granted for the following billing month and through the balance of the year. All qualifying persons must submit new applications annually to be eligible for the reduced rate through the next year. An individual may transfer this special rate status from one address to another unless such individual is disqualified by other circumstances.

ARTICLE 4. AIR CONDITIONING SYSTEMS

19-401

PERMIT REQUIRED.

No air conditioning system using City supplied water as its cooling medium shall be installed on any premises in the City without having a permit from the Building Inspector for the installation or operation of such a system.

The Building Inspector may issue permits in residential districts for air conditioning systems where water passing to and from such system is discharged upon lawns and gardens of private property. (Code 1979, 19-401)

19-402

SAME; FEE.

The permit required in Section 19-401 of this Article shall be issued without a fee upon a proper application or a showing of compliance with this Article. The Building Inspector may waive the making of an application where there is no evidence or showing that any system now installed and operated does not conform in all respect to Section 19-403 of this Article. (Code 1979, 19-402)

19-403

SAME; CONDITIONS.

Before the Building Inspector shall issue any permit for an air conditioning system to be installed or operated by the use of City water, he shall determine:

- (A) Whether or not such system is water-cooled or air-cooled, and, in the event it is a water-cooled system, whether or not it has a water-conservation device of such efficiency that it can operate with not over ten (10) gallons of City water per hour per ton of refrigeration.
- (B) Whether the make-up water connections to the conservation device are so arranged that the supply has a physical break between the City water lines and such device, whereby it is impossible for water to siphon back into the water lines in case of low pressure.
- (C) Whether the discharge of waste into the City sewage system will or does overburden the City system of sewage disposal or its discharge otherwise causes a nuisance or violates the rules and regulations of the Water and Sewage Department pertaining thereto.
- (D) Whether the system as installed and used will result in the violation of any regulations of the City respecting safety of persons or property.
- (E) Whether the system can be operated without adversely affecting the flow of water to other water uses in the area. (Code 1979, 19-403)

19-404

SAME; REVOCATION.

The Building Inspector shall cause all such systems as are mentioned in Section 19-401 of this Article to be inspected from time to time for compliance with the preceding Section. In cases of noncompliance therewith, the Building Inspector shall notify the permit holder to correct the condition. In the event of failure or upon refusal of the permit holder to do so, the permit may be revoked by the Building Inspector. (Code 1979, 19-404)

ARTICLE 5. RESERVED

ARTICLE 6. SANITARY SEWER USE AND PRETREATMENT REGULATIONS (Ord. 9965)

GENERAL REQUIREMENTS

19-601

PURPOSE AND APPLICABILITY.

- (a) The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of Lawrence, it is necessary to regulate certain activities, including the use of the City's Publicly Owned Treatment Works (POTW). These regulations also enable the City to comply with all applicable Federal and State laws, including the Federal Water Pollution Control Act of 1972, commonly known as the Clean Water Act of 1972, codified, as amended by the Clean Water Act of 1977, *inter alia*, at 33 U.S.C. § 1251 *et seq.*, and the *General Pretreatment Regulations*, promulgated by the United States Environmental Protection Agency and published, as amended, at 40 C.F.R., Part 403.
- (b) This Article shall apply to all Users who Discharge nondomestic Waste -- or who have the potential to do so -- into the POTW.

19-602

OBJECTIVES.

By establishing the responsibilities and obligations of Users of the POTW, the City seeks to attain the following objectives:

- (a) To prevent the Discharge of Pollutants into the POTW that will Interfere with its operation;
- (b) To prevent the Discharge of Pollutants into the POTW that will be incompatible with the POTW or that will otherwise Pass Through the POTW, inadequately treated, into receiving waters;
- (c) To protect the general public and City personnel from adverse exposure to Pollutants in Sludge and Wastewater Discharged into the City's POTW.
- (d) To promote the City's reuse and recycling of Industrial Wastewater and Sludge from the POTW; and
- (e) To enable the City to comply with conditions of its National Pollutant Discharge Elimination System Permit (NPDES Permit), Federal and State Sludge use and disposal requirements, and all other Federal or State laws to which the City is subject.

19-603

AUTHORITY.

Except as may otherwise be provided in this Article, the City's Director of the Department of Municipal Services and Operations (MSO), anyone fulfilling the duties of the Director of MSO, on either a temporary or permanent basis, or anyone designated either by the City Manager or the Director of MSO shall have the authority to implement, administer, and enforce the provisions of this Article.

19-604 **DEFINITIONS.**

- (a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:
- (1) "**Act**" shall mean the Federal Water Pollution Control Act of 1972, commonly known as the Clean Water Act of 1972, codified, as amended by the Clean Water Act of 1977, *inter alia*, at 33 U.S.C. §§ 1251 *et seq.*
 - (2) "**Approval Authority**" shall mean the Environmental Protection Agency (EPA); or, if the program has been formally delegated by the United States to the State of Kansas, then the Kansas Department of Health and Environment (KDHE).
 - (3) "**Authorized Representative**" shall mean:
 - (A) A principal executive officer of at least the level of vice-president, or the equivalent, if the User is a corporation;
 - (B) A general partner or proprietor if the User is a partnership or sole proprietorship, respectively;
 - (C) A duly authorized representative of the User, if such representative is responsible for the overall operation of the facilities from which the Discharge of Wastewater originates; or
 - (D) A representative of a governmental entity operating a public facility subject to Pretreatment regulations.
 - (4) "**Baseline Monitoring Report (BMR)**" shall mean a report, submitted by a Categorical Industrial User within 180 days after the effective date of an applicable National Categorical Pretreatment Standard, or, if a New Source, at least 90 days before commencing Discharge into the POTW, that contains specific facility information, including flow and Pollutant concentration data. For Existing Sources, the report must also certify its compliance status with respect to all applicable National Categorical Pretreatment Standards.
 - (5) "**Best Management Practices (BMP)**" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that ensure that a User is in compliance with this Article and 40 C.F.R. § 403.5(a)(1) and (b). BMPs may include, but are not limited to treatment requirements and operating procedures and practices to control plant site runoff, spillage or leaks, sludge or Waste disposal, or drainage from the storage of raw materials. BMPs may also include alternative means (*e.g.*, management plans) of complying with established National Categorical Pretreatment Standards or other Pretreatment Standards and Pretreatment Requirements, including Local Limits.
 - (6) "**Biochemical Oxygen Demand (BOD)**" shall mean the quantity of oxygen used in the biochemical oxidation of organic matter present in water or Wastewater under laboratory procedures in five days at 20° C, expressed in milligrams per liter (mg/L), as established in the latest EPA-approved version of *Standard Methods for the Examination of Water and Wastewater*, co-published by the American Public Health Association, American Water Works Association, and the Water Environment Federation.

- (7) **"Building Sewer"** shall mean the extension from the building drain to the City's Sanitary Sewer Collection System.
- (8) **"Bypass"** means the intentional diversion of Wastewater from any portion of an Industrial User's Pretreatment facility.
- (9) **"Categorical Industrial User (CIU)"** shall mean any Industrial User subject to a National Categorical Pretreatment Standard.
- (10) **"Chemical Oxygen Demand (COD)"** shall mean the 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 inorganic and organic matter present in water or Wastewater in milligrams per liter (mg/L).
- (11) **"City"** shall mean the City of Lawrence, Kansas.
- (12) **"Code of Federal Regulations (C.F.R.)"** shall mean regulations promulgated by agencies of the United States and published by the United States Office of the Federal Register. References to the C.F.R. shall be to the latest publication, unless specifically stated otherwise.
- (13) **"Composite Sample"** shall mean a sample resulting from the combination of individual Wastewater samples taken at selected intervals based on increments of flow or time.
- (14) **"Daily Maximum Limit"** shall mean the maximum amount of a Pollutant that a User may Discharge into the POTW during any one calendar day. When expressed in units of mass, the Daily Maximum Limit shall be measured as the total mass Discharged over the course of one calendar day. When expressed in units of concentration, the Daily Maximum Limit shall be measured as the arithmetic average of all measurements of pollutant concentration Discharged over the course of one calendar day.
- (15) **"Director"** shall mean the City's Director of MSO, anyone fulfilling the duties of the Director of MSO, on either a temporary or permanent basis, or anyone designated by the City Manager or Director of MSO to fulfill the Director's duties under this Article.
- (16) **"Discharge or Indirect Discharge"** shall mean the introduction into the POTW of Pollutants from any nondomestic source that is regulated by Section 307(b), (c), or (d) of the Act, codified as amended at 33 U.S.C. § 1317.
- (17) **"Environmental Protection Agency (EPA)"** shall mean the United States Environmental Protection Agency.
- (18) **"Existing Source"** shall mean any source of Discharge that is not a New Source.
- (19) **"Food Service Facility"** shall mean any facility that prepares and/or packages food for sale or consumption, on- or off-site, that Discharges Wastewater into the City's Sanitary Sewer Collection System, excluding noncommercial private residences. For the purposes of this Article, Food Service Facility shall not include a facility that prepares only beverages, a facility that has been issued a Wastewater Discharge Permit under this Article, a facility classified by the Director under this Article as a Significant Industrial User, or a facility that only

sells prepackaged foods that does not produce a non-drinkable food product in or on a receptacle that requires washing.

- (20) **"Garbage"** shall mean any solid Waste from domestic, institutional, commercial, or industrial preparation or packaging of food or beverages; or from the handling, storage, and sale of produce.
- (21) **"Gravity Grease Interceptor"** shall mean a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oil, and grease (FOG) from a Wastewater Discharge and is identified by volume, 30-minute retention time, a baffle or baffles, a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. Gravity Grease Interceptors are designed by a registered professional engineer and are generally installed outside.
- (22) **"Grease"** shall mean any liquid or solid material containing substances that may solidify or become viscous at temperatures between 32° and 150° F., composed primarily of fats, oil, and grease from animal or vegetable sources. The terms "fats, oils, and grease" (FOG), "oil and grease," or "oil and grease substances" shall be included in this definition.
- (23) **"Grease Interceptor"** means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne FOG prior to the Wastewater entering the City's Sanitary Sewer Collection System. Grease Interceptors also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the City's Sanitary Sewer Collection System.
- (24) **"Grease Removal Device (GRD)"** shall mean any Hydro Mechanical Grease Interceptor that mechanically removes non-petroleum FOG from the Grease Interceptor, the control of which is either automatically or manually initiated.
- (25) **"Hydro Mechanical Grease Interceptor"** shall mean a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum FOG from Wastewater Discharge and is identified by flow rate, separation, and retention efficiency. The design of a Hydro Mechanical Grease Interceptor incorporates air entrainment, hydro mechanical separation, interior baffling, and/or barriers, in combination or separately, and an external flow control with air intake (vent).
- (26) **"Industrial User"** shall mean any User that, as a result of industrial or manufacturing processes, Discharges into the POTW any Industrial Waste.
- (27) **"Industrial Waste"** shall mean any nondomestic Waste that is produced as a byproduct of industrial or manufacturing processes.
- (28) **"Instantaneous Limits"** shall mean limits governing the maximum concentration of a Pollutant, as determined from the analysis of any discrete or Composite Sample collected, independent of the industrial flow rate and the duration of the sampling event, that a User may Discharge into the POTW at any time.
- (29) **"Interference"** shall mean any Discharge, alone or in conjunction with any Discharge or Discharges from other sources, that:
- (A) inhibits or disrupts the POTW, its treatment processes or operations,

or its sludge processes, use, or disposal; or

- (B) causes a violation of one or more of the following:
- (i) the City's National Pollutant Discharge Elimination System (NPDES) Permit (including an increase in the magnitude or duration of a violation) or the City's prevention of sewage sludge use or disposal in permits issued thereunder (or more stringent State or Local Limits);
 - (ii) Section 405 of the Act, codified as amended at 33 U.S.C. § 1345;
 - (iii) the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)); or
 - (iv) any State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act, the Toxic and Substance Control Act, or the Marine Protection, Research and Sanctuaries Act.

(30) **"Local Limits"** shall mean any Discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed at 40 C.F.R. § 403.5(a)(1) and (b).

(31) **"Medical Waste"** shall include, but not be limited to isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(32) **"National Categorical Pretreatment Standard"** shall mean any regulation, promulgated by the EPA in accordance with section 307(b) and (c) of the Act, codified as amended at 33 U.S.C. § 1317, establishing, in specific industrial subcategories identified and listed by the EPA at 40 C.F.R., Chapter I, Subchapter N, Parts 405-471, quantities of concentrations or Pollutant properties that may be Discharged into the POTW.

(33) **"New Source"** shall mean any of the following:

(A) 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 Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (i) the building, structure, facility, or installation is constructed at a site upon which no other source is located;
- (ii) the building, structure, facility, or installation completely replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
- (iii) the production or Wastewater generating processes of the building, structure, facility, or installation are substantially

independent of an Existing Source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.

- (B) Construction at a site on 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 of Subsection (A)(ii) or (iii), *supra*, but otherwise alters, replaces, or adds to existing processes or production equipment.
 - (C) Construction of a New Source as defined herein has commenced if the owner or operator has:
 - (i) commenced, or caused to commence, as part of a continuous on-site construction program:
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, that is necessary for the construction, placement, assembly, or installation of New Source facilities or equipment; or
 - (ii) entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. An option to purchase, a contract that can be terminated or modified without substantial loss, and any contract for feasibility, engineering, and design studies do not constitute a contractual obligation for the purposes of this subsection.
- (34) **"National Pollutant Discharge Elimination System Permit (NPDES Permit)"** shall mean a permit issued to the City pursuant to Section 402 of the Act, codified as amended at 33 U.S.C. § 1342.
- (35) **"Noncontact Cooling Water"** shall mean any water used for cooling that does not come into direct contact with any raw material, intermediate product, Waste product, or finished product.
- (36) **"Pass Through"** shall mean a Discharge that exits the POTW into waters of the United States in quantities or concentrations that alone or in conjunction with a Discharge or Discharges from other sources violates any requirement of the City's NPDES Permit (including any increase in magnitude or duration of a violation).
- (37) **"Person"** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.
- (38) **"pH"** shall mean a measure of acidity or alkalinity of a solution, expressed in

standard units.

- (39) **"Pollutant"** shall mean anything Discharged into the POTW that causes any alteration of chemical, physical, biological, or radiological integrity of water, including but not limited to dredged spoil, solid waste, incinerator residue, sewage, Garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural wastes, or anything that has characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor, or the like).
- (40) **"Pretreatment"** shall mean the reduction in 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 Discharging or otherwise Discharging such Pollutants into the POTW. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except those that may be prohibited by 40 C.F.R. § 403.6(d). Appropriate Pretreatment technology includes, but is not limited to control equipment, such as equalization tanks or facilities, for the protection of the POTW against surge or Slug Discharges that might Interfere, cause Pass Through, or otherwise be incompatible with the POTW. However, where Wastewater from a regulated process is mixed in an equalization facility with unregulated Wastewater or with Wastewater from another regulated process, then the Wastewater Discharge from the equalization facility must meet the adjusted Pretreatment limits calculated in accordance with 40 C.F.R. § 403.6(e).
- (41) **"Pretreatment Requirements"** shall mean any substantive or procedural requirement imposed on a User, excluding Pretreatment Standards.
- (42) **"Pretreatment Standards"** shall mean Prohibited Discharge standards, National Categorical Pretreatment Standards, and Local Limits.
- (43) **"Prohibited Discharge"** shall mean the absolute prohibition of the Discharge of certain substances. See Section 19-606 of this Article, as amended.
- (44) **"Publicly Owned Treatment Works (POTW)"** shall mean the treatment works owned and operated by the City. The POTW includes any and all devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or Industrial Wastes of a liquid nature. It also includes sewers, pipes and other conveyances, but only if they convey Wastewater to a treatment facility.
- (45) **"Sanitary Sewer Collection System"** shall include, but not be limited to the system of facilities for collecting, pumping, treating and transferring Wastewater.
- (46) **"Septic Tank Waste"** shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (47) **"Sewage"** shall mean human excrement and "gray water," *i.e.* water from household showers, dishwashing operations, *etc.*
- (48) **"Sewer"** shall mean any pipe or conduit for carrying Wastewater.
- (49) **"Severe Property Damage"** shall mean substantial physical damage to

property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a Bypass. For the purposes of this Article, Severe Property Damage shall not be construed to mean solely economic loss caused by delays in production.

(50) **"Significant Industrial User (SIU)"** shall mean :

(A) Except as provided in subsection (B) hereof, the term Significant Industrial User means:

(i) any User subject to National Categorical Pretreatment Standards under 40 C.F.R. 403.6 and 40 C.F.R., Chapter I, subchapter N; or

(ii) Any User that:

(a) Discharges an average of 25,000 gallons per day or more of processed Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater);

(b) contributes a process waste stream that constitutes five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment facility; or

(c) is so designated by the City, pursuant to 40 C.F.R. § 403.8(f)(6), on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation, causing Interference or Pass Through, or for violating any Pretreatment Standards or Pretreatment Requirements.

(B) Upon a finding that a User, meeting the criteria in subsection (A)(ii), *supra*, has no reasonable potential for adversely affecting the POTW's operation, for causing Interference or Pass Through, or for violating any Pretreatment Standards or Pretreatment Requirements, the Director may, at any time, upon the Director's own initiative or in response to a petition received from a User, and in accordance with procedures established at 40 C.F.R. § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

(51) **"Significant Noncompliance (SNC)."**

A Significant Industrial User shall be in Significant Noncompliance (SNC) if it meets one or more of the criteria set forth below, and an Industrial User shall be in Significant Noncompliance (SNC) if it violates criteria (C), (D), or (H) set forth below:

(A) Chronic violations of Wastewater Discharge limits, meaning that 66% or more of all measurements taken for the same Pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Pretreatment Requirement, including Instantaneous Limits;

(B) Technical Review Criteria (TRC) violations, meaning that 33% or more of all Wastewater measurements taken for each Pollutant

parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Pretreatment Requirement, including Instantaneous Limits, multiplied by the applicable factor, which is 1.4 for BOD, TSS, and FOG, and 1.2 for all other Pollutants, excluding pH;

- (C) Any other violation of a Pretreatment Standard or Pretreatment Requirement as defined herein (Daily Maximum Limit, 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 endangerment of the health of the City's POTW personnel or the general public;
 - (D) Any Discharge that has caused imminent danger to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a Discharge;
 - (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit, a general permit, or an enforcement order for starting construction, completing construction, or attaining final compliance;
 - (F) Failure to provide, within 45 days after the due date, any required reports, including BMRs, reports on compliance with categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;
 - (G) Failure to accurately report noncompliance; or
 - (H) Any other violation(s) that may include a violation of BMPs, that the Director determines will adversely affect the operation of the POTW or local Pretreatment programs.
- (52) **"Slug Discharge"** shall mean any Discharge, at a flow rate or concentration, that could cause a violation of the prohibited Discharge standards established at Section 19-606 of this Article, as amended. 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, that has the reasonable potential to cause Interference or Pass Through, or in any other way violates the City's POTW regulations, Local Limits, or permit conditions.
- (53) **"State"** shall mean the State of Kansas.
- (54) **"Storm Water"** shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (55) **"Surcharge"** shall mean a charge applicable to Users of the POTW. Any User who is found to Discharge or introduce into the POTW Wastewater or other Pollutant having a BOD that exceeds 300 mg/L and/or suspended solids that exceed 300 mg/L will be subject to a Surcharge. Surcharges shall be calculated according to the formula established at Section 19-314.2 of the City Code, as amended.
- (56) **"Suspended Solids or Total Suspended Solids (TSS)"** shall mean 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 as established in

the latest EPA-approved version of *Standard Methods for the Examination of Water and Wastewater*, as published by the American Public Health Association, American Water Works Association and the Water Environment Federation.

- (57) **"Toxic Pollutant"** shall mean any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 of the Act, codified as amended at 33 U.S.C. § 1317.
- (58) **"Upset"** shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent that it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless, improper, or negligent operation.
- (59) **"User"** shall mean any Person and/or connection to the City's Sanitary Sewer Collection System that Discharges into the POTW.
- (60) **"Waste"** shall mean the liquid and water-carried domestic or nondomestic Waste from residential, institutional, commercial, and industrial facilities, whether treated or untreated.
- (61) **"Wastewater"** shall mean any liquid and water-carried industrial Wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, that are contributed to the POTW.
- (62) **"Wastewater Discharge Permit"** shall mean any permit issued pursuant to Section 19-622 of this Article, as amended.
- (63) **"Wastewater Treatment Plant"** shall mean that portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

19-605

ABBREVIATIONS.

- (a) Unless the context specifically indicates otherwise, the following abbreviations, as used in this Article, shall have the following meanings:
 - (1) **BOD** - Biochemical Oxygen Demand
 - (2) **BMP** - Best Management Practice
 - (3) **BMR** – Baseline Monitoring Report
 - (4) **CIU** – Categorical Industrial User
 - (5) **C.F.R.** - Code of Federal Regulations
 - (6) **COD** - Chemical Oxygen Demand
 - (7) **EPA** - Environmental Protection Agency
 - (8) **KDHE** - Kansas Department of Health and Environment
 - (9) **NCPS** - National Categorical Pretreatment Standard

- (10) **NPDES** - National Pollutant Discharge Elimination System
- (11) **NSCIU** – Non-Significant Categorical Industrial User
- (12) **POTW** - Publicly Owned Treatment Works
- (13) **SIU** - Significant Industrial User
- (14) **SNC** - Significant Noncompliance
- (15) **TSS** – Total Suspended Solids
- (16) **U.S.C.** - United States Code.

19-606

PROHIBITED DISCHARGES.

- (a) **General Prohibition.** No User shall Discharge into the POTW any Pollutant that will cause Interference or Pass Through. That general prohibition applies to all Users of the POTW, whether or not they are subject to any National Categorical Pretreatment Standard or any other National, State, or local Pretreatment Standards or Pretreatment Requirements.
- (b) **Specific Prohibitions.** In addition to the general prohibition established above, all Users shall be subject to the following specific prohibitions:
 - (1) No User shall Discharge into the POTW any Pollutant that, by reason of its nature or quantity, is or may be sufficient, either alone or by interaction with other substances, to create a fire or explosive hazard, to cause Interference, or to be injurious in any other way to the POTW. At no time, shall two successive readings on an explosion hazard meter, at any point in the POTW, be more than 5%, nor any single reading be more than 10% of the Lower Explosive Limit (LEL) of the meter. All Users are also prohibited from introducing into the POTW any Pollutant with a closed cup flash point of less than 140° F. or 60° C., using the test methods specified at 40 C.F.R. § 261.21. Under this subsection, prohibited substances include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any other substance that the EPA, the State, or the City has notified the User is a fire hazard or a hazard to the POTW.
 - (2) No User shall Discharge into the POTW any solid or viscous Pollutant in amounts that will obstruct the flow in the POTW, resulting in Interference. Under this subsection, prohibited substances include, but are not limited to grease, Garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, grease, rags, spent grains, beans, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or of lubricating oil, mud, and glass grinding or polishing wastes.
 - (3) No User shall Discharge into the POTW any Pollutant having a pH less than 5.5 or greater than 10.5, or having corrosive properties such that it will cause structural damage to the POTW .

- (4) No User shall Discharge into the POTW any Toxic Pollutant in sufficient quantity, either singly or by interaction with other Pollutants or substances, that would cause Interference, harm the POTW, constitute a hazard to humans or animals, create a toxic effect in the POTW or receiving waters, or exceed any limitation set forth in any National Categorical Pretreatment Standard. A Toxic Pollutant shall include, but is not limited to any Pollutant identified under Section 307(a) of the Act, codified as amended at 33 U.S.C. § 1317.
- (5) No User shall Discharge into the POTW any Pollutant containing noxious, toxic, or malodorous solids, liquids, or gases that, either alone or by interaction with other substances, are sufficient to create a public nuisance, to present a hazard to life, or to prevent the City from entering the sewers for maintenance or repair.
- (6) No User shall Discharge into the POTW any Pollutant product, such as residue, sludge, or scum, that may cause the POTW's Wastewater Discharge or any other product of the POTW to be unsuitable for reclamation and reuse or that may otherwise Interfere with the reclamation process. In no case shall any User Discharge into the POTW any Pollutant that would cause the POTW to be in noncompliance with any of the following: sludge use or disposal criteria; guidelines or regulations developed under Section 405 of the Act, codified as amended at 33 U.S.C. § 1345; or any criteria, guidelines, or regulations affecting sludge use or disposal developed under the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any state criteria applicable to the sludge management method being used.
- (7) No User shall Discharge into the POTW any Pollutant that, alone or in combination with other substances, will cause the City to be in violation of its NPDES Permit or in violation of any receiving water quality standards.
- (8) No User shall Discharge into the POTW any Pollutant containing pigment that would create a visual contrast with the material appearance of any Pollutant at the POTW or that would not be removable by ordinary POTW processes. Such substances include, but are not limited to dyes, inks, and other colorants.
- (9) No User shall Discharge into the POTW any Wastewater that will inhibit biological activity resulting in Interference. In no case shall any user Discharge Wastewater that causes the POTW Treatment Plant influent waste stream to exceed a temperature greater than 104° F or 40° C.
- (10) No User shall Discharge into the POTW any Pollutant, including any oxygen-demanding Pollutant (BOD, COD, etc.), released at a flow rate or concentration that will cause Interference. In no case, shall any User have a Slug Discharge that has a flow rate or contains concentrations or quantities of Pollutants that exceeds, for any time period longer than fifteen (15) minutes, more than five times the average 24-hour flow rate, concentration, or mass of Pollutants Discharged during normal operation.
- (11) No User shall Discharge into the POTW any Wastewater or other waste containing radioactive radioisotopes of such half-life or of such excessive activity that it exceeds limits established by the Director in compliance with applicable Federal or State regulations.
- (12) No User shall Discharge into the POTW any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause

Interference or Pass Through.

- (13) No User shall Discharge into the POTW any trucked or hauled Pollutants, excluding Septage or Hauled Waste that meets requirements of Section 19-648 of this Article, as amended, at Discharge points at the POTW designated by the Director
- (14) No User shall Discharge into the POTW any rain water, storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by the Director. The Director may require that such Discharges be eliminated entirely from the City's Sanitary Sewer Collection System.
- (15) No User shall Discharge into the POTW any sludges, screenings, or other residue from the Pretreatment of Industrial Waste.
- (16) No User shall Discharge into the POTW any Medical Waste, except as specifically authorized by the Director pursuant to a Wastewater Discharge Permit.
- (17) No User shall Discharge into the POTW any detergents, surface active agents, or other substances that may cause excessive foaming in the POTW.
- (18) No User shall Discharge into the POTW any FOG of animal or vegetable origin, in such concentration that it results in Interference.

19-607

NATIONAL CATEGORIAL PRETREATMENT STANDARDS.

- (a) Industrial Users shall comply with all applicable National Categorical Pretreatment Standards, established at 40 C.F.R., Chapter I, Subchapter N, Parts 405-471, as amended, which standards are hereby adopted and herein incorporated by reference.
- (b) Upon the promulgation of any National Categorical Pretreatment Standard for a particular industrial subcategory, the National Categorical Pretreatment Standard, if more stringent than limitations imposed upon sources in that subcategory under this Article, shall immediately supersede the limitations imposed under this Article.
- (c) Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 C.F.R., Chapter I, Subchapter N, Parts 405-471, or regulations promulgated in the future shall comply with the standards and applicable reporting requirements under 40 C.F.R. § 403.12.
- (d) New sources of categorical Discharge shall meet NCPS in the shortest feasible time, but in no case longer than 90 days from the commencement of Discharge. Failure to comply with NCPS shall be a violation of this Article and subject the User to enforcement action.
- (e) The Director shall notify all known affected Categorical Users of the applicable reporting requirements under 40 C.F.R. § 403.12. Failure of the POTW to notify the User shall not relieve the User of the duty, if any, to comply with NCPS.
- (f) The Director may determine that an Industrial User, subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, noncontact

cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (1) The Industrial User, prior to the Director's finding, has consistently complied with all applicable National Categorical Pretreatment Standards and Pretreatment Requirements;
 - (2) The Industrial User annually submits the certification statement in accordance with 40 C.F.R. § 403.12, together with any additional information necessary to support the certification statement; and
 - (3) The Industrial User never Discharges any untreated concentrated Wastewater.
- (g) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Director may impose equivalent concentrations or mass limits in accordance with 40 C.F.R. § 403.6 (c).
- (h) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 C.F.R. § 403.6 (c) (3) and (4).
- (i) When Wastewater, subject to a categorical Pretreatment Standard, is mixed with Wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 C.F.R. § 403.6 (e).
- (j) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with 40 C.F.R. § 403.15

19-608 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Where the City's POTW achieves consistent removal of Pollutants limited by any Pretreatment Standard, the Director shall have the discretion to apply to the Approval Authority for modification of specific limits in the Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a Pollutant or alteration of the nature of a Pollutant to a less toxic or harmless state, that is achieved by the POTW in 95% of the samples taken, when measured according to the procedures set forth at 40 C.F.R. § 403.7. If the City achieves "Consistent Removal" and prior approval of the Approval Authority, then the City may modify Pollutant Discharge limits established by the NCPS.

19-609 STATE REQUIREMENTS.

State requirements and limitations relating to the Discharge of Pollutants shall apply in any case where they are more stringent than National or local Pretreatment Standards or Pretreatment Requirements.

19-610 LOCAL LIMITS.

- (a) In order to prevent Interference and Pass Through, the Director shall establish Local Limits on Pollutant parameters, which shall include numerical limits on Discharge concentrations, on Discharge mass limits, or on both. The City shall monitor Local Limits at the point where the Wastewater is Discharged into the POTW, or end-of-pipe, as opposed to National Categorical Pretreatment Standards, which are monitored at end-of-process. The aggregate permitted Discharge from all Users shall not exceed the mass Local Limits per day as established by the Director and approved by the

Approval Authority. The Director may also establish BMPs to enforce the prohibitions set forth in Section 19-606 of this Article, as amended. All Local Limits and BMPs shall be considered Pretreatment Standards and Pretreatment Requirements for the purposes of this Article and Section 307(d) of the Act, codified as amended at 33 U.S.C. § 317. All Users in violation of Local Limits or BMPs are subject to enforcement action under this Article.

- (b) The aggregate permitted Discharge from all Significant Industrial Users shall not exceed the Local Limits established by the Director or in the City Code, as amended.
- (c) The Local Limits, derived using EPA protocol, have been approved by the Approval Authority.

19-611

CITY'S RESERVATION OF RIGHTS.

The City reserves the right to establish more stringent limitations or requirements on Discharges into the POTW if such are deemed necessary to comply with the express purposes of this Article. Special agreements and arrangements between the City and any User may be established when, in the opinion of the Director, unusual or extraordinary circumstances compel special terms or conditions. However, National and State Pretreatment Standards may not be waived by any such special agreement or arrangement.

19-612

EXCESSIVE DISCHARGE, DILUTION.

No User shall increase the use of process water or, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate Pretreatment in order to achieve compliance with the limits established by the National Categorical Pretreatment Standard, or any other pollutant limitation developed by the City or State. The Director may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Pretreatment Requirements, or in other cases when the imposition of mass limitations is appropriate.

19-613

PRETREATMENT OF WASTEWATER.

- (a) The City hereby requires all Users to provide necessary Wastewater Pretreatment, in order to comply with this Article, and to achieve compliance with all National Categorical Pretreatment Standards within the time-frames established by the National Categorical Pretreatment Regulations. Any facilities necessary to Pretreat Wastewater in order to meet National Categorical Pretreatment Standards shall be provided, operated, and maintained at the User's sole expense. Prior to the construction of any such facility, the User shall submit to the Director, for review and approval, detailed plans showing such Pretreatment facilities and outlining all operating procedures. The approval of such plans and operating procedures shall, in no way, relieve the User from the responsibility of modifying any such facilities or operating procedures as may become necessary to Pretreat Wastewater so that it meets the requisite standards. Any subsequent changes in the Pretreatment facilities, in the methods of operation, or in the nature and characteristics of Discharge into the POTW shall be reported to and be approved by the Director prior to the User's implementation of those changes.
- (b) The City may, at its discretion, require Users that have the potential to Discharge flammable substances into the POTW to install and maintain, at their sole cost and expense, a combustible gas detection meter.
- (c) The City hereby requires all Food Service Facilities, having the potential to Discharge into the POTW FOG, and all Users, having the potential to Discharge petroleum or mineral oil, sand and grit or other substances in quantities harmful or hazardous to the POTW, to install Grease Interceptors, Grease-removal devices, separators, sand traps, or other collector devices to prevent the introduction of such Pollutants into the POTW. All devices shall be of a type and capacity approved by the Director, shall

comply with the International Plumbing Code as adopted by the City, and shall be so located to be easily accessible for cleaning and inspection. All such devices shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited therein. All such devices shall be routinely inspected, cleaned, and repaired by the User and at the User's sole expense. The City may require any User, having such a device or a BMP that fails to protect the POTW from the Discharge of FOG, sand, or other harmful or hazardous substances, to install a device of the type and capacity to provide the necessary protection to the POTW as required by the City.

- (1) Cleaning and maintenance of Food Service Facilities Grease Interceptors shall be conducted in accordance with manufacturer specifications or when 25% of the Grease Interceptor capacity is occupied by solids and floating substances, such as grease. The City shall have authority to determine maintenance intervals for each type of Grease Interceptor in order to be protective of the POTW. Records of maintenance and cleaning activities shall be kept on file for a time period of at least 3 years. Maintenance records shall include information as requested by the City including date of service, name of person or company performing service, total quantity of liquid removed, any defects in equipment and final disposal destination. Records showing determination of maintenance interval utilizing equipment manufacturer methods shall be kept on file. All maintenance records are subject to inspection or submission as requested by the City.
- (2) **Prohibited Practices:** No person shall introduce, cause, permit, or suffer the introduction of any surfactant, solvent, or emulsifier into a Grease Interceptor. Surfactants, solvents, and emulsifiers are materials that allow the grease to pass from the Grease Interceptor into the City's Sanitary Sewer Collection System, and include but are not limited to enzymes, soap, diesel, kerosene, terrene, and other solvents.
- (d) All reports relating to compliance with National, State, or local Pretreatment Standards or Pretreatment Requirements shall be made available, upon request, to officials of the City, the EPA, or the KDHE.

19-614

ACCIDENTAL DISCHARGE; SPILL CONTROL PLANS.

Each User shall protect the POTW from accidental Discharge into the POTW of prohibited materials or other substances regulated by this Article. If, during routine on-site inspections, the City determines that a Spill Control Plan is needed, then the User shall, at the User's sole cost and expense, install and maintain facilities to prevent the accidental Discharge into the POTW of prohibited materials or other substances regulated by this Article. Prior to the installation of such facilities, the User shall submit to the City, for its review and approval, detailed plans showing said facilities and outlining all operating procedures. No User shall commence Discharge unless and until the City has approved the User's Spill Control Plan. However, review and approval of such plans and procedures shall not relieve the User from the responsibility to modify the User's facilities and operating procedures as may become necessary to meet the requirements of this Article. Any subsequent revisions to such Spill Control Plans and operating procedures shall be provided to the Director for review and approval prior to the implementation of those revisions. Additionally, all Users shall comply with the following:

- (a) In the case of an accidental Discharge into the POTW, the User shall immediately notify the POTW of the incident. The notification shall set forth in detail the location of the accidental Discharge, the type of Waste, the concentration and volume of the Discharge, and all corrective actions taken.
- (b) Within five days following an accidental Discharge into the POTW, the User shall

submit to the Director a detailed written report describing the cause of the accidental Discharge and the measures that the User will implement to prevent similar occurrences in the future. Such report shall not relieve the User of any expense, loss, damage, or other liability that may be incurred as a result of damage to any Person, to the POTW, to any property, or to wildlife; nor shall such report relieve the User of any fines, civil penalties, or other liability that may be imposed by this Article or other applicable law.

- (c) The User shall permanently post, in a prominent place, a notice to employees advising them of whom to call in the event of accidental Discharge into the POTW. The User shall ensure that employees are advised of the emergency notification procedure described herein.
- (d) The Director may require any User to develop a Spill Control Plan, submit the Spill Control Plan for approval, to implement such Spill Control Plan, or to take such other action that may be necessary to control accidental Discharges into the POTW. A Spill Control Plan shall address, at a minimum, the following:
 - (1) A description of Discharge practices, including non-routine batch Discharges;
 - (2) A description of chemicals stored on the premises near floor drains;
 - (3) Procedures for immediately notifying the Director of any accidental Discharge and providing written follow-up notification, as required by this Article; and
 - (4) Procedures for preventing adverse affects from any accidental Discharge. Such procedures shall 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, measures and equipment for emergency response, and the like.

19-615

MONITORING FACILITIES.

- (a) The City may require the User to provide and operate sampling and monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer and internal drainage systems. The facilities shall be located on the User's premises. However, in the case where the Director determines that such location is impractical or causes undue hardship on the User, the Director may allow the facilities to be constructed in the public right of way, assuming said construction and use comply with all local laws and regulations governing the use of public rights of way.
- (b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The User shall maintain the facility, sampling, and measuring equipment in a safe and proper operating condition.
- (c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided at the User's expense, in accordance with the City's requirements, and in compliance with all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City unless such time is otherwise extended by the Director.

INDUSTRIAL WASTEWATER SURVEY AND WASTEWATER DISCHARGE PERMITS

19-616 INDUSTRIAL WASTEWATER DISCHARGE AND INDUSTRIAL WASTEWATER SURVEY.

It shall be unlawful to Discharge non-domestic Wastewater into the City's POTW without authorization granted by the Director in accordance to the provisions in this Article. No Industrial User shall connect to the City's POTW without first completing and submitting to the Department of MSO an Industrial Wastewater Survey on a form created by the Department for that purpose. The Director shall use the Wastewater Survey to determine whether an Industrial User shall be required to obtain from the Department of MSO a Wastewater Discharge Permit.

19-617 WASTEWATER DISCHARGE PERMIT REQUIRED.

All Significant Industrial Users connected to or contributing Wastewater to the POTW shall first obtain from the City and shall have, in their possession, a current and valid Wastewater Discharge Permit.

19-618 WASTEWATER DISCHARGE PERMIT FEE.

The Wastewater Discharge Permit Fee shall be \$500.00. The Wastewater Discharge Permit Fee shall be paid by the User to the City at the time of initial and renewal Application.

19-619 WASTEWATER DISCHARGE PERMIT APPLICATION – BASELINE MONITORING REPORTS.

Users applying for a Wastewater Discharge Permit must submit to the Director an application on a form provided by MSO for that purpose. All new Significant Industrial Users must submit such application 180 days prior to the date of any Wastewater Discharge. Existing Users, subject to new NCPS must, within 180 days after the effective date of the new Pretreatment Standard, submit such application. New Users must, within 90 days before connecting to the POTW, submit such application. All Users applying for a Wastewater Discharge Permit or submitting a Baseline Monitoring Report shall submit on the application, at a minimum, as required by 40 C.F.R. § 403.12 or by the Director, the following information:

- (a) Name, address, and location of facility.
- (b) Name of a person or agent authorized to accept legal service of process in behalf of the applicant.
- (c) Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which NCPS have been promulgated and a list of any environmental control permits held by or for the facility.
- (d) Wastewater constituents and characteristics, including any Pollutants in the Discharge that are limited by any federal, state, or local standards with sampling and analyses performed in accordance with EPA approved methods, and meeting the following requirements:
 - (1) The User shall identify the Pretreatment Standards applicable to each regulated process if the user is a Categorical Industrial User.
 - (2) All samples shall be representative of daily operations.
 - (3) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24-hour Composite Samples must be obtained through flow-proportional composite sampling techniques, where feasible. The Director may waive flow-proportional Composite Sampling for any User that demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained

through time-proportional techniques or through a minimum of four grab samples where the User demonstrates that such sampling will provide a representative sample of the effluent being Discharged.

- (4) Where the flow of the stream being sampled is less than or equal to 250,000 gpd, the User must analyze three samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 gpd, the User must analyze six samples within a two-week period.
 - (5) Samples must be taken immediately downstream from Pretreatment facilities, if such exist, or immediately downstream from the regulated process if no Pretreatment exists, and prior to mixing with other Waste. If non-regulated Wastewater is mixed with regulated Wastewater prior to Pretreatment, the User must measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 C.F.R. § 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentrations or mass limit has been calculated in accordance with 40 C.F.R. § 403.6(e), this adjusted limit along with supporting data shall be submitted to the Director. Users not subject to categorical standards shall submit analysis of Wastewater representative of the effluent Discharged to the POTW.
 - (6) The Director may allow the submission of an application that uses only historical data, so long as the data provides information sufficient to determine the need for Pretreatment.
 - (7) A statement indicating the time, date and place of sampling, methods of analyses, and certifying that such sampling and analyses are representative of normal work cycles and expected Pollutants Discharges to the POTW shall accompany each Application/Baseline Monitoring Report unless such sampling and analyses was performed by the City.
- (e) Time and duration of all Discharges.
 - (f) Daily maximum, daily average, and monthly average Wastewater flow rates, including daily, monthly, and seasonal variations, if any.
 - (g) A description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be Discharged to the POTW;
 - (h) Copies of site plans, floor plans, and mechanical and plumbing plans, including details showing all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram that indicates all points of Discharge to the POTW. All plans must be certified for accuracy by a professional engineer.
 - (i) Each product being produced, by type, amount, process or processes, and the rate of production;
 - (j) The type and amount of raw materials being processed (average and maximum per day);
 - (k) The number of employees, job descriptions of employees, the hours of operation, and the proposed or actual hours of operation of the Pretreatment facility;
 - (l) A statement, reviewed by an Authorized Representative of the User and certified by a

professional engineer registered or licensed in the State of Kansas, stating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance or additional Pretreatment is required for the User to meet Pretreatment Standards and Pretreatment Requirements;

- (m) If additional operations and maintenance or Pretreatment will be required to meet Pretreatment Standards or Pretreatment Requirements, then the User shall supply a compliance schedule outlining the shortest time schedule necessary to accomplish installation or adoption of such additional operations and maintenance or Pretreatment. The completion date of the schedule shall not extend beyond the compliance date established for the applicable Pretreatment Standard or Pretreatment Requirement. The following conditions shall apply to the schedule.
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards or Pretreatment Requirements (such schedule shall include, where applicable, but not limited to dates for the hiring of an engineer, completion of preliminary plans, execution of contracts for major components, commencement of construction, commencement of operation, and conducting routine operations).
 - (2) No increment referred to in subsection (m)(i), *supra*, shall exceed nine months, nor shall the total compliance period exceed 18 months.
 - (3) No later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director, including, as a minimum, whether or not the User has met the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the User to return to the established schedule. In no event shall more than nine months elapse between the submission of such progress reports to the Director.
- (n) Any additional information that may be required by the Director to evaluate the application.
- (o) All applications and reports must contain the certification statement and be signed in accordance with Section 19-632(c) of this Article, as amended.
- (p) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a Pollutant, neither present nor expected to be present in the Discharge based on 40 C.F.R. § 403.12(e)(2).

19-620

CATEGORICAL INDUSTRIAL USERS - REPORT ON COMPLIANCE.

Users subject to NCPS shall submit a report to the Director containing the information described in Section 19-619(a), (c), (d), (e), and (f) of this Article, as amended, within 90 days following the date for final compliance with applicable NCPS or, in the case of a New Source, following commencement of Discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the User's long-term production rate. For all other Users subject to NCPS, expressed in terms of allowable pollutant Discharge per unit of production (or other measure of operation), the report shall include the User's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with Section 19-632(c) of this Article, as amended.

19-621

TESTING PROCEDURES.

- (a) All Pollutant analyses, including sampling techniques, to be submitted as part of a

Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed at 40 C.F.R., Part 136, as amended, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 C.F.R., Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that if 40 C.F.R., Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by the EPA.

- (b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analyses performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (c) For sampling required in support of Baseline Monitoring Reports and 90-day Compliance Reports required at Sections 19-619 and 19-631 of this Article, as amended, a minimum of 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 is available, the Director may authorize a lower minimum. For the reports required by Section 19-632 of this Article as amended, the Industrial User is required to collect the number of grab samples necessary to assess and to assure compliance with applicable Pretreatment Standards and Pretreatment Requirements.

19-622

WASTEWATER DISCHARGE PERMIT ISSUANCE; DENIAL.

- (a) If, after examining the information submitted with the application, the Director determines that the characteristics of the existing or proposed Discharge do not conflict with the provisions of this Article, and that the Wastewater Discharge Permit Fee has been paid, the Director shall issue to the applicant a Wastewater Discharge Permit, allowing the applicant to Discharge Wastewater into the POTW in accordance with the terms of the Wastewater Discharge Permit and this Article.
- (b) The Director shall deny the application for a Wastewater Discharge Permit if:
 - (1) the Director determines that the characteristics of the Wastes are not in compliance with the provisions of this Article;
 - (2) the application is incomplete or inaccurate;
 - (3) the application includes a material misrepresentation or contains a false statement; or
 - (4) the applicant has failed to remit to the City the Wastewater Discharge Permit Fee.
- (c) If the application for a Wastewater Discharge Permit is denied, then the Director shall advise the applicant of the steps that must be taken, if possible, to come into compliance with the provisions of this Article.

19-623

WASTEWATER DISCHARGE PERMIT TERM.

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than five years or may be stated to expire on a specific date, at the Director's discretion.

19-624

WASTEWATER DISCHARGE PERMIT ASSIGNABILITY.

Wastewater Discharge Permits may not be assigned or transferred without the prior written approval of the Director.

19-625

WASTEWATER DISCHARGE PERMIT APPEARANCE; MAINTENANCE.

- (a) The Wastewater Discharge Permit shall be on official MSO letterhead and shall include the Wastewater Discharge Permit number, the User's legal name, the User's address, the expiration date of the Wastewater Discharge Permit, and any conditions placed on the Wastewater Discharge Permit.
- (b) The Wastewater Discharge Permit shall be maintained by the User on the premises, if possible, or at the User's principal place of business, and shall be made available, upon request, to officials of the City, the EPA, or the KDHE.

19-626

WASTEWATER DISCHARGE PERMIT RENEWAL.

In order to retain a Wastewater Discharge Permit, at least 90 days prior to the expiration of a Wastewater Discharge Permit, a User must submit to the Director a renewal application on a form provided by MSO for that purpose. The Renewal application form shall be substantially similar to the application form described in Section 19-619, *supra*. After reviewing the application, applying the same standard of review set forth at Section 19-622, the Director shall either issue or deny the renewal application. If the renewal application for a Wastewater Discharge Permit is denied, the Director shall advise the User of the steps that must be taken, if possible, to come into compliance with the provisions of this Article.

19-627

WASTEWATER DISCHARGE PERMIT CONDITIONS.

Wastewater Discharge Permits are expressly subject to all provisions of this Article, all User charges and fees established by the City, and all other applicable National, State, and local regulations. Wastewater Discharge Permits may also include, but not be limited to the following conditions:

- (a) The unit charge or schedule of User charges and fees to be assessed to the User for discharging Wastewater into the POTW.
- (b) Limits on the average and maximum Wastewater constituents and characteristics.
- (c) Limits on average and maximum rates and times of Discharge or requirements for flow regulations and equalization.
- (d) Requirements for the installation and maintenance of inspection and sampling facilities.
- (e) Specifications for a monitoring program that may include, but not be limited to sampling locations, frequency of samplings, numbers, types, and standards for tests and a reporting schedule.
- (f) Compliance schedules.
- (g) Requirements for the submission of reports.
- (h) Requirements for maintaining and retaining, for a minimum of three years (the period of retention shall be extended throughout the course of any unresolved litigation), records relating to Wastewater Discharge and for affording the City access to those records.

- (i) Requirements for notifying the City of any new introduction of Wastewater constituents or any substantial change in the volume or character of Wastewater constituents being introduced into the POTW.
- (j) Requirements for slug control, notifying the City immediately of Slug Discharges, and notifying the City of any changes at the User's facility affecting the potential for a Slug Discharge.
- (k) Requirements for the development and implementation of spill control plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges.
- (l) Other conditions as deemed appropriate by the Director to ensure compliance with this Article, including but not limited to BMP conditions, special agreements and arrangements, process modifications, the addition of new processes, or the installation of technology required to meet applicable National, State, or local Pretreatment Standards or Pretreatment Requirements.
- (m) A note that failure to comply with the conditions may subject the User to civil and criminal penalties.

19-628 WASTEWATER DISCHARGE PERMIT MODIFICATION.

- (a) During the term of a Wastewater Discharge Permit, the Director may modify the conditions of the Wastewater Discharge Permit if the limitations or requirements identified in this Article are modified or if there is just cause. The Director shall notify the User of any changes to the conditions of the Wastewater Discharge Permit at least 30 days prior to the effective date of the change. Any changes to the conditions of a Wastewater Discharge Permit shall include a reasonable schedule for compliance.
- (b) Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Director shall modify the Wastewater Discharge Permit of a User, subject to such National Categorical Pretreatment Standard, to require the User to come into compliance with the National Categorical Pretreatment Standard within the requisite time frame.
- (c) A User with an existing Wastewater Discharge Permit shall submit to the Director, within ninety (90) days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required to demonstrate compliance with said applicable National Categorical Pretreatment Standard.
- (d) A User that previously was not required to obtain a Wastewater Discharge Permit from the City that becomes subject to a National Categorical Pretreatment Standard, shall submit to the Director an application for a Wastewater Discharge Permit no later than 90 days after the promulgation of the applicable National Categorical Pretreatment Standard.

19-629 SPECIAL GROUNDWATER DISCHARGE PERMITS.

No User shall Discharge into the City's Sanitary Sewer Collection System groundwater from a remediation site without first obtaining from the City a Special Groundwater Discharge Permit. Application for such Special Groundwater Discharge Permit may be made to the Director upon a form provided by the Department for that purpose. The Application fee shall be \$500.00. Among other things, the Director shall require an initial baseline analysis of the Discharge. The Director may require additional information, as necessary. If the application meets the conditions of this Article, then the Director shall issue the Special Groundwater Discharge Permit. A normal sewer rate shall thereafter be assessed as set forth at Section 19-314 of the

City Code, as amended. The Person or User granted the Special Groundwater Discharge Permit shall meet all monitoring, reporting, and recordkeeping requirements of this Article. The Special Groundwater Discharge Permit shall be valid, unless otherwise stated, for a period not to exceed five years.

19-630

SPECIAL WASTEWATER DISPOSAL AUTHORIZATION.

The Director may issue Special Wastewater Disposal Authorization to Users having a need to dispose of non-domestic Wastewater generated from non-routine activities or other unforeseen events. The User seeking Special Wastewater Disposal Authorization shall submit to the Director an application on a form provided by the Department for that purpose together with a letter summarizing the event and a \$100.00 review fee. If the Director determines, after review of the application and evaluation of the Wastewater characteristics, that the event meets limitations and conditions established by this Article, then the Director shall issue a letter granting Special Wastewater Disposal Authorization. The \$100.00 review fee shall be in addition to and not in lieu of any other fees or charges required by this Chapter. Special Wastewater Disposal Authorization shall be, unless otherwise stated in the letter, valid only for a one-time event.

19-631

REPORTING REQUIREMENTS.

- (a) Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of Discharge into the POTW, any User subject to Pretreatment Standards and Pretreatment Requirements shall submit to the Director a report indicating the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Pretreatment Standards and Pretreatment Requirements and the average and maximum daily flow for those process units in the User facility which are limited by such Pretreatment Standards or Pretreatment Requirements. In cases where the Pretreatment Standard requires compliance with BMPs, the User shall submit documentation as required by the Director to determine compliance with the standard. The report shall state whether the applicable Pretreatment Standards or Pretreatment Requirements are being met on a consistent basis and, if not, what additional operations and maintenance or Pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Pretreatment Requirements. An authorized representative of the User shall sign this statement. Any person signing the application statement submitted pursuant to this section shall make the following certification:

“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) **Reporting requirements for Industrial Users upon the effective date of Categorical Pretreatment Standard—Baseline Monitoring Report.** Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under C.F.R. §403.6(a)(4), whichever is later, existing Industrial Users, subject to such categorical Pretreatment Standards and currently discharging to or scheduled to Discharge to a POTW, shall be required to submit to the Control Authority a report that contains the information listed in subsections (c)-(i) hereof. At least 90 days prior to commencement of Discharge, New Sources, and sources that become Industrial

Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall be required to submit to the Control Authority a report that contains the information listed in subsections (c)-(g) hereof. New sources shall also be required to include in the report information on the method of Pretreatment the New Source intends to use to meet applicable Pretreatment Standards. New Sources shall give estimates of the information requested in subsections (f) and (g) hereof.

- (c) **Identifying information.** The User shall submit the name and address of the facility including the name of the operator and owners;
- (d) **Permits.** The User shall submit a list of any environmental control permits held by or for the User's facility;
- (e) **Description of operations.** The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
- (f) **Flow measurement.** The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (1) Regulated process streams; and
 - (2) Other streams as necessary to allow use of the combined waste stream formula established at C.F.R. §403.6(e), as amended.
 - (3) The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (g) **Measurement of pollutants.**
 - (1) The User shall identify the Pretreatment Standards applicable to each regulated process.
 - (2) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or Pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard
 - (3) The User shall take a minimum of one representative sample to compile data necessary to comply with the requirements of this subsection.
 - (4) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated wastewater prior to Pretreatment, then the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula of C.F.R. § 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been

calculated in accordance with C.F.R. § 403.6(e), the adjusted limit along with supporting data shall be submitted to the Control Authority;

- (4) Sampling and analyses shall be performed in accordance with the techniques prescribed at 40 C.F.R., Part 136, as amended. Where 40 C.F.R., Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the Director determines that the 40 C.F.R., Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties, as approved by the Director.
 - (6) The Control Authority may allow the submission of a Baseline Monitoring Report that uses only historical data, so long as the data provides information sufficient to determine the need for Industrial Pretreatment measures.
 - (7) The Baseline Monitoring Report shall state the time, date, and place of sampling and methods of analyses, and shall, further, certify that such sampling and analyses are representative of normal work cycles and expected pollutant Discharges to the POTW.
- (h) **Certification.** A statement, reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional, stating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance, additional Pretreatment, or both is required for the Industrial User to meet the Pretreatment Standards and Pretreatment Requirements.
- (i) **Compliance schedule.** If additional operations and maintenance, additional Pretreatment, or both will be required to meet the Pretreatment Standards, then the User shall supply a compliance schedule outlining the shortest time schedule necessary to accomplish installation or adoption of such additional operations and maintenance, Pretreatment, or both. The completion date of the schedule shall not extend beyond the compliance date established for the applicable Pretreatment Standard or Pretreatment Requirement.
- (1) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (C.F.R. § 403.7), the combined waste stream formula (C.F.R. § 403.6(e)), and/or a Fundamentally Different Factors variance (C.F.R. § 403.13) at the time the User submits the report required by subsection (ii) hereof, the information required by subsections (f) and (g) hereof shall pertain to the modified limits.
 - (2) If the categorical Pretreatment Standard is modified by a removal allowance (C.F.R. § 403.7), the combined waste stream formula (C.F.R. § 403.6(e)), and/or a Fundamentally Different Factors variance (C.F.R. § 403.13) after the User submits the report required by subsection (b) hereof, any necessary amendments to the information requested by subsections (f) and (g) of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.
- (j) Compliance schedule for meeting categorical Pretreatment Standards shall meet requirements set forth at Section 19-620, as amended.

PERIODIC COMPLIANCE REPORTS.

- (a) Any User subject to a Pretreatment Standard, or, in the case of a New Source, after commencement of Discharge into the POTW, shall submit to the Director, during the months of January and July, unless required more frequently by the Director, a report indicating the nature and concentration of Pollutants in the Discharge that are limited by such Pretreatment Standards. In addition, the report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flow reported in the permit application. In cases where the Pretreatment Standard requires compliance with BMPs (or Pollution prevention alternative), then the User shall submit documentation required by the Director to determine the compliance status of the 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 agree to alter the months during which the above reports are to be submitted.
- (b) The Director may impose limitations on Users that are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by this Article shall indicate the mass of Pollutants regulated by Pretreatment Standards in the Discharge of the User. The reports shall contain the results of sampling and analysis of the Discharge, including the flow, nature, and concentration, or production and mass, where requested by the Director, of Pollutants contained therein that are limited by the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the EPA, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA.
- (c) Baseline Monitoring Reports (BMRs), 90-day compliance reports, and reports on continued compliance require proper signatory and certification in accordance with 40 C.F.R., Part 403.12, as amended.
- (d) Industrial users shall notify the Director, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any Discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 C.F.R., Part 261. The notification shall comply with the requirements established at 40 C.F.R § 403.12(p), as amended.
- (e) If sampling performed by the User discloses a violation, the User shall notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results to the Director within thirty (30) days after becoming aware of the violation.
- (f) 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.
- (g) The Director may authorize a User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the 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 User. Authorization hereunder is subject to the conditions established at 40 C.F.R. § 403.12 (e)(2), as amended.

- (h) If the User monitors any Pollutant more frequently than required, using test procedures prescribed at 40 C.F.R., Part 136, as amended, or otherwise approved by EPA or as specified by the Director, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average Pollutant Discharge and results shall be reported in the monthly report.
- (i) The Director may reduce the requirement for periodic compliance reports to require compliance reports no less frequently than once per year, unless required more frequently in the Pretreatment Standard or by the State for those Users determined to be a Non-Significant Categorical Industrial User pursuant to 40 C.F.R. § 403.3(v)(2), as amended.
 - (1) Reduced reporting is not available to Users that have, within the last two calendar years, been in Significant Noncompliance.
 - (2) Reduced reporting is not available to a User with daily flow rates, production levels, or Pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirements for the User would result in data that are not representative of conditions occurring during the reporting period.

19-633

RIGHT OF ENTRY; INSPECTIONS AND SAMPLING.

- (a) Absent exigent circumstances, whenever it is necessary to determine whether any User is in compliance with the requirements of this Article or with all requirements or conditions of any Wastewater Discharge Permit, the City shall have the right after 48-hours' notice to the User, to enter the User's Premises for inspection, sampling, records examination, or to perform any duty imposed by this Article or other regulations, provided that such entry is made in accordance with the law. Where a User has security measures in place that require proper identification and clearance before entering the User's premises, the User shall make necessary arrangements so that representatives of the City, the KDHE, and the EPA will be permitted to enter the premises without delay for the purpose of performing any duty imposed by this Article or other regulations. If the City is denied consent to enter, then the City shall have the right to seek entry by way of an administrative search warrant or by any other lawful means.
- (b) The City will randomly sample and analyze the Discharge from Industrial Users and conduct lawful surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. The City will inspect, sample, and analyze the Discharge from each SIU at least once a year.

19-634

RECORDKEEPING.

Users subject to the reporting requirements of this Article shall retain and make available for the City's inspection and copying all records of information obtained pursuant to any monitoring activities required by this Article and any additional records of information obtained or compiled pursuant to monitoring activities undertaken by the User, independent of such requirements. The recordkeeping requirement shall include documentation associated with BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples, the dates analyses were performed, the name(s) of Person(s) who performed the analyses, the analytical techniques or methods used, and the results of such analyses. Those records shall be retained by the User and shall be available for inspection and copying for a period not less than three years. The retention period shall be automatically extended for the duration of any litigation involving the User or City, or where the User has been specifically notified by the Director that it shall have a longer retention period.

19-635

CONFIDENTIALITY.

Information and data on a User, obtained from reports, surveys, wastewater Discharge permit applications, individual wastewater Discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would disclose information, processes, or methods of production entitled to protection as trade secrets under applicable State or Federal law. Any such request must be made at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies, having jurisdiction, for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 C.F.R. § 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

19-636

EMERGENCY SUSPENSION.

- (a) The Director may suspend any Permit issued under this Article, when such suspension is necessary, in the opinion of the Director, in order to prevent or stop a threatened or actual Discharge that presents or may present an imminent or substantial danger to the health, welfare, or safety of Persons, to the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES Permit.
- (b) Any Person notified of a suspension of any Permit issued under this Article shall immediately stop or eliminate the Discharge. In the event of a failure of the Person to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary to abate the danger, including but not limited to the immediate severance of the sewer connection, in order to prevent or minimize damage to the POTW system or the endangerment of Persons.
- (c) The Director shall reinstate any Permit so suspended upon proof of the elimination of noncompliance with this Article. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Director within 15 days of the date of occurrence.

19-637

WASTEWATER DISCHARGE PERMIT SUSPENSION; REVOCATION

The Director may suspend or revoke a Wastewater Discharge Permit of any User under the following circumstances:

- (a) The User violates a condition of this Article, the Wastewater Discharge Permit (which may include a violation of BMPS), or any applicable Local, State, or Federal regulation;
- (b) The User provided false, misleading, or fraudulent information in the User's Wastewater Discharge Permit application or renewal application;
- (c) The User fails to report accurately and factually the Wastewater constituents and characteristics of the User's Discharge; or
- (d) The User fails to report significant changes in operations or in Wastewater constituents and characteristic.

19-638

NOTICE OF VIOLATION.

- (a) **Notice.** Whenever the Director finds that any User has violated or is violating this Article, the User's permit, a BMP, or any prohibition, limitation, or requirements contained herein, the City may serve upon such User a written Notice of Violation specifically describing the nature of the violation. Within 30 days of the date of Notice of Violation, the User shall submit to the City a plan for the satisfactory correction of the violation.
- (b) **Administrative order.** When the Director finds that a User has violated or continues to violate the provisions set forth in this Article, or in the User's permit, BMP or order issued thereunder, the Director may issue to the User responsible for the Discharge an Administrative Order, requiring compliance. Orders may contain any requirements as might be reasonably necessary and appropriate to address the noncompliance, including but not limited to the installation of Pretreatment technology, additional self-monitoring, and adherence to BMPs.
- (c) **Consent Order.** The Director is authorized to enter into consent orders, assurances of voluntary compliance, or other similar documents, establishing an agreement with the User responsible for the noncompliance. A Consent Orders will include specific action to be taken by the User to correct the noncompliance within a time period specified by therein. Consent Orders shall have the same force and effect as administrative orders issued pursuant to subsection (b), *supra*.

19-639

ADMINISTRATIVE PENALTY.

If the Director determines that any User is in violation of this Article or has violated any Order of the Governing Body may, as a penalty, in addition to or in lieu of other administrative penalties, administratively fine the User a maximum of \$1,000.00 for each violation. The penalty shall accrue on a "per violation, per day" basis. Each day on which a violation shall occur or continue unabated shall be deemed a separate and distinct violation.

19-640

RECONSIDERATION; APPEAL.

- (a) **Reconsideration.** Any Person aggrieved by a decision, denial, Notice of Violation, penalty, or other order issued by the Director under this Article may, within 14 days from the date of the Director's decision, request a hearing before the Director to show cause why such decision should not be reconsidered, modified, or made to not apply to such Person. Such request shall be in writing, shall be addressed to the Director, and shall state succinctly why the Director's decision is in error or why such decision should be reconsidered, modified, or not made applicable to such Person. The Director shall hold a hearing as soon as practical after receiving the request, at which time the Person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Director shall issue a written response to the Person requesting the hearing affirming, modifying, or rescinding the decision.
- (b) **Appeal.** Any Person aggrieved by any decision, denial, Notice of Violation, penalty or other order issued by the Director may, within 14 days from the date of the Director's decision, appeal such decision to the Governing Body by filing, with the Director, a written Notice of Appeal. The Governing Body shall schedule the appeal for hearing as soon as may be practicable. At the hearing before the Governing Body, the Person bringing the appeal shall have the burden to establish that it is more probably true than not true that the decision of the Director was in error. Based on the evidence presented at the hearing, the Governing Body may affirm, modify, or reverse the decision of the Director. The decision of the Governing Body on appeal shall be the final decision of the City.

19-641

USERS IN SIGNIFICANT NONCOMPLIANCE.

The City shall publish annually in the official newspaper of the City a list of the SIU(s) that were in Significant Noncompliance of any Pretreatment Standards or Pretreatment Requirements during the 12 months previous. The notification shall also summarize any enforcement actions taken against said SIU(s) during the same 12 months.

19-642 **MUNICIPAL OFFENSES.**

- (a) Any violation of any provision of this Article, any condition of a Wastewater Discharge Permit, any other permit issued hereunder, or any order of the Director issued under this Article is a municipal offense. Each day that such violation occurs shall be a separate offense and shall be punishable as a separate offense. Any Person violating any of the foregoing shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$1,000.00, by incarceration for a period not to exceed six months, or both a fine and incarceration. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine for any conviction under this Article. The municipal court judge shall have the authority to order any Person, upon adjudication of guilt or the entry of a plea of no contest hereunder, to cause the violation to be abated and to comply with the terms of this Article.
- (b) It shall be a municipal offense for any Person knowingly to make a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Article or any Wastewater Discharge Permit, or for any Person knowingly to falsify, tamper with, or render inaccurate any monitoring device or method of sampling or analyses required under this Article. Any Person taking any of the foregoing actions shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$1,000.00, by incarceration for a period not to exceed six months, or both a fine and incarceration. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine for any conviction under this Article.

19-643

OTHER REMEDIES.

Notwithstanding any other remedies or procedures that may be available in this Article or elsewhere, the City may, in the event any User or other Person Discharges Pollutants into the POTW contrary to the provisions of this Article or any Wastewater Discharge Permit, commence an action in the District Court of Douglas County, Kansas, or, if federal jurisdiction exists, in the United States District Court for the District of Kansas, for appropriate legal or equitable relief including damages and costs. Whenever a User has violated or continues to violate the provisions of this Article or any permit or order issued hereunder, the City may seek to enjoin the User's activities in the District Court of Douglas County, Kansas, or, if federal jurisdiction exists, in the United States District Court for the District of Kansas.

19-644

SUPPLEMENTAL ENFORCEMENT ACTIONS.

- (a) **Penalties for Late Reports.** The Director may assess a penalty of \$100.00 to any User for each day that a report required by this Article, a Wastewater Discharge Permit, or any other order issued hereunder, is late, commencing five business days after the date the report is due. Actions taken by the Director to collect penalties for late reports shall not preclude the Director from taking other enforcement actions related to late reporting violations.
- (b) **Performance Bonds.** The Director may deny an application for a Discharge Permit or deny the renewal of a Wastewater Discharge Permit for any User that has failed to comply with any provision of this Article, a previous Wastewater Discharge Permit, or

order issued hereunder, or any other Pretreatment Standard or Pretreatment Requirement, unless such User first files a satisfactory performance bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

- (c) **Liability Insurance.** The Director may deny an application for a Wastewater Discharge Permit or deny the renewal of a Wastewater Discharge Permit for any User that has failed to comply with any provision of this Article, a previous Wastewater Discharge Permit, or order issued hereunder, or any other National, State, or local Pretreatment Standard or Pretreatment Requirement, unless the User first submits proof that it has obtained liability insurance or other financial assurance that would be sufficient to restore or repair damage to the POTW caused by its actions.
- (d) **Payment of Outstanding Fees and Penalties.** The Director may deny an application for a Wastewater Discharge Permit or deny the renewal of a Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this article, a previous Wastewater Discharge Permit, or any other Order issued hereunder.
- (e) **Water Supply Severance.** Whenever a User has violated or continues to violate any provision of this Article, a Wastewater Discharge Permit, or any other Order issued hereunder, or any other National, State, or local Pretreatment Standard or Requirement, and the Director finds that the User's continued operation poses a threat to Persons, the environment, the POTW, or to the City, the Director may sever water service to the User. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply with said standards, requirements, or orders.
- (f) **Public Nuisances.** A violation of this Article, a Wastewater Discharge Permit, or any other Order issued hereunder, or any other National, State, or local Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be abated as directed by the Director. Any User creating a public nuisance shall be subject to reimbursing the City for any costs incurred in removing, abating, or remediating said nuisance.

19-645

ENFORCEMENT RESPONSE PLAN.

The POTW enforcement response plan shall be employed to respond to instances of noncompliance by an Industrial User as detailed at 40 C.F.R. § 403.8(f)(1) and (f)(2).

19-646

TREATMENT BYPASS.

- (a) Bypass is prohibited, and the Director may take an enforcement action against a User for a Bypass, unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or if no feasible alternatives exist, such as the use of auxiliary treatment facilities, retention of untreated Waste, or maintenance during normal periods of equipment downtime.
- (b) The User may allow a Bypass to occur if the Bypass does not cause a violation of Pretreatment Standards or Pretreatment Requirements, but only if it is for essential maintenance to assure efficient operation.
- (c) Notification of Bypass:
 - (1) **Anticipated Bypass.** If the User knows in advance of the need for a Bypass, the User shall submit to the Director prior written notice at least 10 days before the date of the anticipated Bypass.

- (2) **Unanticipated Bypass.** The User shall immediately notify the Director and submit a written report to the Director within five days of any unanticipated Bypass. The report shall, at a minimum, specify the following:
 - (A) A description of the Bypass, its cause, and its duration;
 - (B) Whether the Bypass has been corrected; and
 - (C) The steps being taken or to be taken to reduce, eliminate, and prevent a recurrence of the Bypass.
- (d) Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in this article.

19-647

TREATMENT UPSETS.

- (a) An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of subsection (b), *infra*, are met.
- (b) A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence the following:
 - (1) An Upset occurred and the User can identify the cause(s) of the Upset;
 - (2) The User's facility was, at the time in question, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted to the Director, within 24 hours of becoming aware of the Upset (if that information is provided orally, a written submission must be provided within five days), at a minimum, the following information:
 - (A) A description of the Indirect Discharge and cause of noncompliance;
 - (B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (C) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall bear the burden of proof.
- (d) The User shall control production or all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. That requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

19-648

HAULED WASTEWATER.

- (a) Septic tank waste may be introduced into the POTW only at locations designated by

the Director, and at such times as are established by The Director. Such Waste shall not violate Section 19-606 of this Article, as amended, or any other requirements established by The City. The Director may require septic tank waste haulers to obtain individual Wastewater Discharge Permits

- (b) The Director may require haulers of industrial Waste to obtain individual Wastewater Discharge Permits. The Director may require generators of hauled industrial Waste to obtain individual Wastewater Discharge Permits. The Director also may prohibit the disposal of hauled industrial Waste. The Discharge of hauled industrial Waste is subject to all other requirements of this ordinance.
- (c) Industrial Waste haulers may Discharge loads of Industrial Waste only at locations designated by the Director. No load of Industrial Waste may be Discharged without the prior consent of the Director. The Director may order samples collected of each hauled load of Industrial Waste to ensure compliance with applicable Standards. The Director may require the Industrial Waste hauler to provide a waste analysis of any load of Industrial Waste prior to Discharge.
- (d) Industrial Waste haulers must provide a Waste-tracking form for every load of Industrial Waste. The form shall include, at a minimum, the name and address of the Industrial Waste hauler, permit number, truck identification, names and addresses of sources of Waste, and volume and characteristics of Waste. The form shall identify the type of industry, known or suspected Waste constituents, and whether any Wastes are RCRA hazardous wastes.

ARTICLE 7. CROSS CONNECTION CONTROL

19-701

CROSS CONNECTION CONTROL - GENERAL INFORMATION. (Ord. 9859)

- (A) Purpose. This Article is necessary:
 - (1) To protect the public potable water supply of the City of Lawrence from pollution or contamination due to cross connection;
 - (2) To prohibit and eliminate cross connections within the potable water supply system;
 - (3) To provide for the establishment of a cross connection control program; and,
 - (4) To comply with Kansas Administrative Regulations, specifically K.A.R. 28-15-18(f), as amended.
- (B) Scope. All potable water distributed by the City of Lawrence Municipal Services and Operations Department is regulated by this Article and the Cross-Connection Control Program, as established under 19-711 of this Article. All public or private users being supplied water directly or indirectly by the City shall be regulated by this Article and the Cross-Connection Control Program, as established under 19-711 of this Article.
- (C) Intent.
 - (1) Through this Article, it is the intent of the City to recognize the varying degrees of hazard and to apply the principle that the degree of protection be

commensurate with the degree of hazard, in accordance with United States Environmental Protection Agency (EPA) and Kansas Department of Health and Environment (KDHE) criteria.

- (2) Provisions of this Article are intended to supplement, not supersede or replace, provisions of the current Plumbing Code, as adopted by the City.

19-702

SAME; RESPONSIBILITIES.

(Ord. 9859)

- (A) The Director of the City of Lawrence Municipal Services and Operations Department (MSO) will maintain primary responsibility for the development, implementation, and enforcement of the Cross-Connection Control Program. MSO will work in cooperation with other departments and authorized representatives, as necessary, to fulfill the objectives of this program.
- (B) Customers/Consumers.
 - (1) The customer has the primary responsibility of preventing pollutants and contaminants from entering a private potable water system or the public potable water system.
 - (2) The customer, at his or her own expense, shall install, operate, test, maintain, and repair approved backflow prevention devices as directed by MSO or its authorized representative, and shall maintain accurate records for all such devices, as required by this Article.

19-703

SAME; DEFINITIONS.

(Ord. 9859)

- (A) **AIR GAP SEPARATION:** The unobstructed vertical distance through free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.
- (B) **APPROVED DEVICE:** Devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment (KDHE) and the City of Lawrence Municipal Services and Operations Department.
- (C) **APPROVED TECHNICIAN (TESTER/REPAIR PERSONNEL):** An approved technician is a person who has completed a classroom course, hands-on test, and written test, approved by the City, has been certified, and who is registered with MSO. To retain registration, Approved Technicians must be tested and recertified every three years. Certification and recertification hands-on and written tests shall reflect the latest accepted practice methods. A written examination may include but is not limited to the device testers exam offered by the American Backflow Prevention Association.
- (D) **ATMOSPHERIC VACUUM BREAKER (AVB):** A mechanical device used to prevent backflow due to backsiphonage. An AVB may not be in use more than 12 hours in a 24-hour time period and may not have valves in the downstream piping. AVB backflow preventers must be installed above grade.
- (E) **BACKFLOW:** The flow of water or other substances (foreign liquids, gases, used

water, solids) into the distribution system of a potable supply of water from any source other than its intended source. Backsiphonage and back pressure are types of backflow.

- (F) **BACKFLOW PREVENTION DEVICE:** Any device, method, or type of construction intended to prevent backflow into the public water supply system.
- (G) **BACKSIPHONAGE:** The flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply due to negative pressure in the system.
- (H) **CONTAMINATION:** Introduction of any sewage, process fluids, chemicals, wastes, or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an aesthetic deterioration, such as color, taste, or odor.
- (I) **CROSS CONNECTION:** Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water, and the second which contains water of unknown or questionable safety, or steam, gases, chemicals or substances whereby there may be a flow from one system to the other. No physical cross connection shall be permitted between public or private water distribution systems containing potable water and any other system containing water of questionable quality or other substances.
- (J) **CUSTOMER:** Any individual, firm, partnership, corporation, or agency or their authorized agent receiving water directly or indirectly from the City of Lawrence Municipal Services and Operations Department.
- (K) **CUSTOMER'S WATER SYSTEM:** All service pipe, all distribution piping, and all appurtenances beyond the shut off valve of the public water system.
- (L) **DEGREE OF HAZARD:** An evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.
- (M) **DOUBLE CHECK VALVE ASSEMBLY (DCVA):** A mechanical device consisting of two internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports. A DCVA is suitable for non-toxic substances only.
- (N) **DUAL CHECK VALVE:** A device consisting of two internally loaded soft seated check valves. This device does not contain test ports and is acceptable for use only at the meter of residential customers.
- (O) **FREE WATER SURFACE:** A water surface at atmospheric pressure.
- (P) **FLOOD LEVEL RIM:** The edge of the receptacle from which water overflows.
- (Q) **HAZARDOUS CONDITIONS:** Actual or potential threat of a physical or toxic nature to the public water supply that would be a danger to the health of the consumer.
- (R) **HEALTH HAZARD:** Any condition, device, or practice in the public water supply system which would or could create a danger to the health and well-being of anyone using the water or would or could allow contamination of the water.
- (S) **KDHE:** Kansas Department of Health and Environment.
- (T) **PLUMBING:** The practices, materials, and fixtures used in the installation,

maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances.

- (U) POLLUTION: The presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.
- (V) PRESSURE VACUUM BREAKER (PVB): A mechanical device used to prevent backflow due to backsiphonage. A PVB may be used under continuous line pressure.
- (W) PUBLIC WATER SUPPLY SYSTEM: The public water system and the consumer's water system.
- (X) PUBLIC WATER SUPPLY SYSTEM: The water supply source, distribution system, and appurtenances to the service meter operated as a public utility which supplies potable water to the consumer's water system.
- (Y) REDUCED PRESSURE PRINCIPLE ASSEMBLY OR REDUCED PRESSURE ZONE BACKFLOW PREVENTER (RP): An assembly of two independently acting soft seated approved check valves together with a hydraulically operated mechanically independent differential pressure relief valve located between the check valves and below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved, these assemblies must be readily accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.
- (Z) SERVICE CONNECTION: The terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
- (AA) TESTER: A trained technician certified in the testing and repair of backflow prevention devices. See APPROVED TECHNICIAN.
- (BB) VACUUM: Any absolute pressure less than exerted by the atmosphere.
- (CC) VACUUM BREAKER: A device that permits entrance of air into the water supply distribution line to prevent backsiphonage.
- (DD) WATER, POTABLE: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirements for public water supplies, as well as those of the Environmental Protection Agency.
- (EE) WATER, NON-POTABLE: Water that is not safe for human consumption or that is of questionable potability.

19-704

SAME; UNCONTROLLED CROSS-CONNECTIONS PROHIBITED.

- (A) No water service connection shall be approved, installed, or maintained by the City of Lawrence Utilities Department unless the water service is protected from uncontrolled cross-connections, as required by the laws and regulations of the Kansas Department of Health and Environment, the Kansas Statutes pertaining to the public water supply, K.S.A. 65-163a, the City of Lawrence, Kansas. (Ord. 6293, Sec. 4)

19-705

SAME; PREVENTION DEVICES REQUIRED.

(Ord. 9859)

- (A) An approved backflow prevention device shall be installed on each service line, at the customer's expense, to a customer's water system serving premises where, in the judgment of the City of Lawrence Municipal Services and Operations Department or its authorized representative or the Kansas Department of Health and Environment, actual or potential uncontrolled cross-connections exist.
- (B) Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply.
- (C)
 - (1) The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public potable water system, in accordance with KDHE and EPA criteria, adopted plumbing code, as well as this Article.
 - (2) The following is a non-exhaustive list that includes, but is not limited to certain facilities where backflow protection is required, due to potential hazards to both the public and private piping system, at both the service connection and within the building:
 - a. Hospitals—RP
 - b. Funeral homes, morgues and mortuaries—RP
 - c. Medical Clinics—RP
 - d. Industrial, medical and institutional laboratories—RP
 - e. Plating and chemical plants—RP
 - f. Metal manufacturing, cleaning and fabricating—RP
 - g. Oil and gas production, storage and transmission facilities—RP
 - h. Breweries and beverage bottling plants—RP
 - i. Radioactive materials plants—Air Gap
 - j. Aircraft plants—RP
 - k. Plastic injection and molding plants—RP
 - l. Multi-storied buildings with booster pump—DCVA
Fire Systems:
 - (i) Contamination hazard—RP
 - (ii) Pollution hazard—DCVA
 - m. Car wash facilities—RP

- n. Restricted, classified or other closed facilities—RP
- o. Facilities in which the piping system cannot be traced—RP
- p. Facilities employing water pressure boost pumps
 - (i) Contamination hazard—RP
 - (ii) Pollution hazard—DCVA

19-705.5

SAME; LAWN IRRIGATION SYSTEMS; BACKFLOW PREVENTION DEVICES REQUIRED. (Ord. 9859)

- (A) Lawn irrigation systems are deemed to be low hazard systems for purposes of City's Cross Connection Control Program and the current Plumbing Code. All water customers with lawn irrigation systems are required to have one of the following types of backflow prevention devices:
 - (1) Double check valve assembly;
 - (2) Air Gap Separation;
 - (3) Reduced Pressure Principle Assembly or Reduced Pressure Zone Backflow Preventer (RP);
 - (4) Pressure Vacuum Breaker (for connections not subject to back pressure);
or
 - (5) Atmospheric Vacuum Breaker (for connections not subject to back pressure);
- (B) Lawn irrigation backflow prevention assemblies must be tested by, or on the behalf of the water customer, pursuant to the provision of this Article, a minimum of one time each year prior to August 1, or otherwise established by MSO, and must be tested when the device is installed, repaired, or relocated.

19-706

SAME; INSTALLATION. (Ord. 9500)

- (A) All approved backflow prevention devices must be installed according to the manufacturer's instruction or as required by the City of Lawrence Municipal Services and Operations Department or designated representative or KDHE.
- (B) Backflow prevention devices of all types shall be installed in a readily accessible location, above ground and/or preferably in the same room with the fixture they serve. No installation shall be made in pits or any other location not properly drained, unless approved by the City of Lawrence Municipal Services and Operations Department or its authorized representatives.
- (C) All backflow prevention devices must be inspected and tested in accordance with Sections 19-707 and 19-708 of this Article. (Ord. 6293, Sec. 6)

19-707

SAME; INSPECTION.

The City of Lawrence Municipal Services and Operations Department or its authorized representative shall have the right of entry into any building or premise receiving City water directly or indirectly to inspect the installation and operation of any backflow prevention device.

(Ord. 6293, Sec. 7, Ord. 9500)

19-708

SAME; TESTING, MAINTENANCE, AND REPAIR OF BACKFLOW PREVENTION DEVICES AND ASSEMBLIES.

(Ord. 9859)

- (A) It shall be the responsibility of the water customer to maintain all backflow prevention devices and assemblies within the building or on the premise and to make no piping or other arrangement for the purpose of bypassing backflow preventers.
- (B) Acceptable testing intervals and due dates shall be established by MSO for all backflow prevention devices and assemblies. All backflow prevention devices and assemblies shall be tested by a City approved tester a minimum of once a year and when installed, repaired or relocated. Documentation of this testing shall be filed as instructed by MSO.
- (C) Installation, testing and repair procedures shall be in accordance with the manufacturer's instructions and nationally accepted practices.
- (D) The testing and repair of backflow prevention devices shall be carried out, at the customer's expense, by an approved tester/repairer. Any backflow preventer that fails a test shall be repaired or replaced as applicable within 15 days.

19-709

SAME; UNLAWFUL ACTS.

(Ord. 9859)

It shall be unlawful for any person or persons:

- (A) To knowingly create an uncontrolled cross-connection and/or allow an uncontrolled cross-connection to exist, either through negligence or indifference.
- (B) To install or cause to be installed a cross-connection control device in a manner contrary to this Article.
- (C) To use cross-connection control device testers/repair personnel who are not approved by the State of Kansas or by the City.
- (D) To remove any cross-connection control device except when necessary for repair or replacement.
- (E) To test backflow prevention assemblies within the City water distribution system without submitting results to the City as directed by MSO.

19-710

SAME; PENALTIES.

(Ord. 9859)

- (A) Any person violating a provision of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a fine not to exceed \$500.00 for each offense. Each day that any violation continues shall constitute a separate offense.
- (B) Additionally, any person violating a provision of this Article shall be subject, at the discretion of the Director of MSO or designee, to one of the following:
 - (1) Under the authority of K.S.A. 65-163(a), MSO may deny or discontinue water service to any premises or customer where any backflow preventer required

by this policy is not installed, tested, and maintained in accordance with this Article, or where it is found that the backflow preventer has been removed or bypassed, or that an unprotected cross connection exists. Water service to such premises or customer shall not be restored until the premises or customer is in compliance with this Article, as determined by MSO.

- (2) Any premises or customer of City water service who fails to install, test, and maintain backflow preventer(s) in accordance with this Article and any schedule established by MSO may be subject to a water bill surcharge in the amount of \$25.00 per backflow preventer per billing cycle until such installation, testing, maintenance, and/or repair is completed and tests are filed, or until service is disconnected for non-compliance. The City may disconnect water services of any premises or customer of City water service who fails to pay a surcharge hereunder. Disconnection fees will be assessed in accordance with Section 19-311(B) of City Code, as amended.

19-711 **ESTABLISHING AND ADMINISTERING THE CROSS-CONNECTION CONTROL PROGRAM.**

The Director of the Municipal Services and Operations Department, with the approval of the City Manager and the Kansas Department of Health and Environment, will establish the Cross-Connection Control Program, consisting of rules and regulations pursuant to and not inconsistent with this Article, as required by state law and regulation. (Ord. 6293, Sec. 11, Ord. 9500)

19-712 **SEVERABILITY.**

If any provision, paragraph, word, or Section of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, Section and Chapters shall not be affected and shall continue in full force and effect. (Ord. 6293, Sec. 12)

ARTICLE 8. SEPTAGE WASTE HAULERS

19-801 **DEFINITIONS.**

As used in this Article, the following words shall have the following meanings:

- A. Septage: shall mean septic tank sludges and/or slurries or portable toilet waste strictly generated by sanitary conveniences; provided, industrial or agricultural waste or septage shall be excluded.
- B. Septage Waste Haulers: shall mean any firm, person or corporation engaged in the hauling or transportation and dumping or discharge of septage into the designated City Septage Access Site.
- C. Septage Access Site: shall mean the septage waste dump or discharge site as designated by the Director of the Municipal Services and Operations Department or his or her authorized agent. (Ord. 5890, Ord. 9501)

19-802 **PERMIT REQUIRED.**

It shall be unlawful for any septage waste hauler to dump or discharge or attempt to dump or discharge any septage into the designated Septage Access Site without first having obtained a permit. (Ord. 5890)

19-803 **SAME; APPLICATION.**

(Ord. 9501)

- A. Before any person shall be issued a permit as herein provided, such person shall file, with the Municipal Services and Operations Department, an application for a discharge

permit in the form prescribed by the Director, accompanied by the applicable fees.

- B. A permit may be issued to a person, firm or corporation upon approval of the application by the Director of the Municipal Services and Operations Department or his or her designated agent. The applicant shall be notified in writing within 30 days after filing said application as to approval or disapproval of the application.
- C. No permit shall be valid for more than three (3) years.
- D. The Director or his or her designated agent may revoke or suspend, in his or her discretion, any permit issued for any violation of any provisions of this ordinance, rule or regulation of the Municipal Services and Operations Department, or violation of any local, state or federal statute, ordinance, rule or regulation dealing with septage, waste, environmental hazards or health, safety and welfare of the public. (Ord. 5890, Ord. 9501)

19-804

DUMPING REPORT.

Prior to dumping or discharging any septage, the Septage Tank Hauler shall be required to complete a dumping/discharge report on a form provided by the Department of Utilities. Approval for discharge or dumping of any septage shall be required from the designated agent of the Municipal Services and Operations Department prior to any dumping or discharge. The designated agent may deny the discharge or dumping of any septage should the agent determine the septage may interfere with the safe operation of the sewage treatment plant or should the designated agent determine the septage may be harmful or detrimental to the health, safety or welfare of the City. (Ord. 5890)

19-805

MONITORING AND SAMPLING.

The designated agent of the Municipal Services and Operations Department may obtain a sample of any septage discharge at the time of dumping or discharge. Said sample may be tested in accordance with the policies and procedures of the Municipal Services and Operations Department, State, Federal or local rules and regulations. A permit may be suspended or revoked by the Municipal Services and Operations Department, if, after testing, it is determined the discharged septage does not comply with the rules, regulations or laws of the City, State or Federal government. (Ord. 5890, Ord. 9501)

19-806

SEPTAGE AND CHEMICAL WASTE DISCHARGE FEES.

The following fees for the discharge of septage and chemical waste are established effective on and after January 1, 2005: (Ord. 7818)

Chemical Waste	\$123.71 per 1,000 gallons
Septage	\$135.20 per 1,000 gallons

19-807

UNLAWFUL DISCHARGE.

It shall be unlawful for any person to discharge or dump any septage or prohibited waste at septage access sites or elsewhere which is in violation of any local, state, or federal laws, rules or regulations regarding septage which may be above acceptable pollution levels in accordance with local, state or federal rules or regulations or to dump or discharge or attempt to discharge any septage waste in any location in the City other than at approved septage access sites, or to dump or discharge any septage at access sites which have not been approved for discharge by the designated agent. (Ord. 5890)

19-808

ADDITIONAL PROVISIONS.

Notwithstanding the herein above, this Article shall not relieve any person, firm or corporation

from complying with any other ordinance, statute, rule or regulation regarding the dumping or discharging of any solid or liquid waste. (Ord. 5890)

ARTICLE 9. SYSTEM DEVELOPMENT CHARGES

19-901 **SYSTEM DEVELOPMENT CHARGE; GENERAL.**

In addition to other rates, deposits, and fees established by law, the requirement of system development charges for certain connections to the water and wastewater utility is hereby established as further provided in this Article. (Ord. 6791)

19-902 **WATER SYSTEM DEVELOPMENT CHARGE; METER TYPE, SIZE AND CHARGE.**

As required in Section 19-901 of the City Code, as amended, the water system development charge shall be effective on and after January 1 of the dates shown for each calendar year, as follows (Ord. 8847, Ord. 9375, Ord. 9958)

Meter Size - Inches	2023	2024	2025	2026	2027
RESIDENTIAL					
5/8 and 3/4	\$1,992	\$2,045	\$2,099	\$2,155	\$2,213
1	\$4,979	\$5,112	\$5,248	\$5,388	\$5,531
1 1/2	\$9,958	\$10,224	\$10,496	\$10,776	\$11,063
2	\$15,933	\$16,358	\$16,794	\$17,241	\$17,701
ALL OTHER					
5/8 and 3/4	\$1,992	\$2,045	\$2,099	\$2,155	\$2,213
1	\$4,979	\$5,112	\$5,248	\$5,388	\$5,531
1 1/2	\$9,958	\$10,224	\$10,496	\$10,776	\$11,063
2	\$15,933	\$16,358	\$16,794	\$17,241	\$17,701
3	\$29,875	\$30,671	\$31,488	\$32,327	\$33,189
4	\$49,792	\$51,119	\$52,481	\$53,879	\$55,314
6	\$99,584	\$102,238	\$104,961	\$107,758	\$110,629
8	\$199,169	\$204,475	\$209,923	\$215,516	\$221,258
10	\$298,753	\$306,716	\$314,884	\$323,274	\$331,887
12	\$438,171	\$449,845	\$461,831	\$474,135	\$486,767
15	\$1,095,428	\$1,124,613	\$1,154,576	\$1,185,338	\$1,216,918

19-903 **WASTEWATER SYSTEM DEVELOPMENT CHARGE; METER TYPE, SIZE AND CHARGE.**

As required in Section 19-901 of the City Code, as amended, the wastewater system development charge shall be effective on and after on and after January 1 of the dates shown for each calendar year, as follows. (Ord. 8847, Ord. 9375, Ord. 9958)

Meter Size - Inches	2023	2024	2025	2026	2027
RESIDENTIAL					
All Meters	\$2,379	\$2,348	\$2,318	\$2,288	\$2,259
ALL OTHER					
5/8 and 3/4	\$5,129	\$5,220	\$5,312	\$5,406	\$5,501
1	\$12,823	\$13,049	\$13,280	\$13,515	\$13,754
1 1/2	\$25,645	\$26,099	\$26,560	\$27,029	\$27,507
2	\$41,033	\$41,758	\$42,496	\$43,247	\$44,012
3	\$76,936	\$78,296	\$79,680	\$81,088	\$82,522
4	\$128,227	\$130,494	\$132,800	\$135,147	\$137,536

6	\$256,454	\$260,987	\$265,600	\$270,295	\$275,072
8	\$512,908	\$521,974	\$531,200	\$540,598	\$550,144
10	\$769,363	\$782,961	\$796,800	\$810,884	\$825,217
12	\$1,128,398	\$1,148,343	\$1,168,640	\$1,189,297	\$1,210,318
15	\$2,820,996	\$2,870,858	\$2,921,601	\$2,973,241	\$3,025,794

19-904

SYSTEM DEVELOPMENT CHARGE; ADMINISTRATION.

Prior to the establishment of a new service connection to the City water system or the City wastewater system, or both, the applicant for service shall pay to the City a system development charge as established in Section 3 or Section 4, or both, depending upon the service sought by the applicant. In situations where a new service connection is sought for both water and wastewater, the applicant shall pay the system development charges for both water and wastewater.

For purposes of this Article, a new water service connection shall be the installation of a water meter for service to a property. For purposes of development charge administration, master water meters shall be considered non-residential usage. For each new water connection, a separate wastewater system development charge shall be assessed, unless the water connection is not sewered. All new sanitary sewer service connections to the City sanitary sewer system, including those made in districts financed by a county sewer district, shall be covered by this Article.

The Director of the Municipal Services and Operations Department shall have the authority to promulgate rules and regulations to implement the provisions of this Article. (Ord. 6791, Ord. 9502)

19-905

COLLECTION, EXPENSE, AND ANNUAL REPORT OF SYSTEM DEVELOPMENT CHARGES.

- (A) The system development charge shall be deposited by the Finance Department into the City Utility Fund and shall be used only for the payment of costs for the design and construction, and related improvement costs including but not limited to interest and debt issuance costs, of capital improvements of the water or wastewater utility. Water system development charges shall only be expended on water utility capital improvements which expand the capacity of the system to accommodate new connections to the system. Wastewater system development charges shall only be expended on wastewater utility capital improvements which expand the capacity of the system to accommodate new connections to the system. The Director of Finance shall maintain and keep adequate financial records for the receipt and expense of system development charges.
- (B) The Director of the Municipal Services and Operations Department, in cooperation with other appropriate City personnel, shall prepare an annual report detailing the receipt and expenditure of system development charges. The report shall be presented to the City Commission on or about March 1 of every year. The report shall: detail the receipt of system development charges, detail the expenditure of system development charges, review the rates of the system development charges, and report on such other matters as may be appropriate for the administration of the system development charges. (Ord. 6791, Ord. 9502)

19-906

EXEMPTIONS FOR SYSTEM DEVELOPMENT CHARGE.

- (A) The following service connections shall be exempt from the system development charge:

- (1) The installation of a new water meter or the establishment of a new sanitary sewer tap for existing structures which are being altered, remodeled, rehabilitated, or restored and which do not require a change of the existing meter size.
 - (2) Service connections for properties with a valid building permit issued prior to the effective date of this Article and with substantial construction within ninety (90) days of the issuance of the building permit.
- (B) The City Commission may exempt a specific certain service connection or service connections from the requirement of system development charges, provided that the City Commission finds that such exemption serves the public interest pursuant to an adopted policy concerning exemptions. The City Commission may direct the transfer of other lawfully budgeted funds to the Utility Fund in lieu of the system development charge. (Ord. 6791)

19-907

CREDIT FOR SYSTEM DEVELOPMENT CHARGE.

For existing structures which are being altered, remodeled, rehabilitated, or restored with an increased sized meter, the applicant shall be credited in the payment of a system development charge an amount equal to the system development charge for the applicant's existing meter. (Ord. 6791)

19-908

REFUND OF SYSTEM DEVELOPMENT CHARGE.

The current owner of property on which a system development charge has been paid may apply for a refund of such charge if the City has failed to expend the original system development charge receipts for the property within five (5) years of the date of the payment of the charge. Only the current owner of property may petition for a refund. A petition for refund must be filed within one year of the event giving rise to the right to claim a refund. The petition shall be submitted to the Director of the Municipal Services and Operations Department. The petition must contain: a statement that the petitioner is the current owner of the property; a copy of the dated receipt for payment of the system development charge; and a statement of the reasons for which a refund is sought. The Director of the Municipal Services and Operations Department shall have thirty (30) days from the date of submission of the petition to issue an administrative order on the petition. The administrative order shall include a refund of the original system development charge receipts if the Director of the Municipal Services and Operations Department finds that the original system development charge receipts for the property have not been expended within five (5) years of the date of the payment of the charge. (Ord. 6791, Ord. 9502)

19-909

TERMINATION OF SERVICE FOR FAILURE TO PAY CHARGE.

The failure of a system development charge to be collected as provided by this ordinance shall provide the City with the authority, after lawful notice, to terminate water or sewer service, or both services, on the subject property. Prior to the reconnection of service, the applicant for service shall pay to the City all lawfully required fees and charges. (Ord. 6791)

19-910

APPEALS.

A decision made under this article may be appealed to the Director of the Municipal Services and Operations Department by submitting a written appeal request to the Director of the Municipal Services and Operations Department within ten (10) days of the date of the decision. The Director of the Municipal Services and Operations Department shall schedule a hearing on the appeal. In considering the appeal, the Director of Utilities may affirm, modify, or overrule the decision in a manner that is consistent with the provisions of this ordinance. All decisions of the Director of the Municipal Services and Operations Department shall be in writing and the decision rendered shall be a final administrative decision. The Director of the Municipal Services and Operations Department may delegate responsibilities of this Section to other City personnel as the Director determines appropriate. (Ord. 6791, Ord. 9502)

19-911

CHAPTER 19 PROVISIONS.

This ordinance shall be supplemental to the provisions of Chapter 19, Code of the City of Lawrence, Kansas, and the terms and definitions of Chapter 19 shall be used to interpret the terms and provisions of this Article. (Ord. 6791)

19-912

SEVERABILITY.

The declaration of invalidity of a provision, section, or portion of this Article by a court of competent jurisdiction shall not invalidate the remaining provisions, sections, or portions of this Article, and to that end this ordinance shall be deemed severable. (Ord. 6791)

ARTICLE 10. WATER CONSERVATION

19-1001

PURPOSE.

The purpose of this Article is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such an emergency is declared. (Ord. 8492)

19-1002

DEFINITIONS.

(Ord. 8492)

- (A) "Water", as the term is used in the Article, shall mean water available to the City of Lawrence for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- (B) "Water Emergency", as the term is used in this Article, shall mean any situation that results in limitations on the City's ability to provide service to consumers, including but not limited to power failures at treatment and/or pumping facilities, equipment failures, lack of adequate source of supply, and/or operational limitations.
- (C) "Consumer", as the term is used in this Article, shall mean any person using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (D) "Waste of Water", as the term is used in this Article, includes, but is not limited to (a) permitting water to escape down a gutter, ditch or other surface drain, (b) failure to repair a controllable leak of water due to defective plumbing.
- (E) The following classes of uses of water are established:

Class 1:

Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; the washing of streets, motor vehicles, boats, trailers, or the exterior of any building or structure and water sold to wholesale customers, or other similar uses of water.

Class 2:

Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employee & are

engaged in the performance of their duties at their place of employment.

Class 3:

Domestic usage, other than that which would be included in either Classes 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic animals and maintain minimum standards of hygiene and sanitation.

19-1003

DECLARATION OF A WATER WATCH, WARNING, OR EMERGENCY.

(Ord. 8492, Ord. 9503)

- (A) Whenever the governing body of the City finds that a circumstance exists by reason of a shortage of water or inability to produce water needed for essential uses, it shall be empowered to declare by resolution that a water watch, warning, or emergency exists and that it will encourage voluntary conservation or impose mandatory restrictions on water use during the period of the crisis. Specific steps are indicated in the City of Lawrence Water Conservation Plan, which has been adopted by the City Commission. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch, warning, or emergency shall be effective immediately and may be publicized through the general news media or other appropriate method for making such resolutions public.
- (B) As an alternative to the provisions of subsection (a), the City Manager or the Director of the Municipal Services and Operations Department, or the designees of such persons, may exercise termination powers pursuant to Section 19-1009.

19-1004

VOLUNTARY CONSERVATION MEASURES.

Upon the declaration of a water emergency as provided in 19-1003, the City Manager is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses: (Ord. 8492)

- (A) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (B) Washing of automobiles.
- (C) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (D) Waste of water.

19-1005

MANDATORY CONSERVATION MEASURES.

Upon the declaration of a water emergency as provided in 19-1003, the City Manager is also authorized to implement certain mandatory water conservation measures, including, but not limited to the following: (Ord. 8492)

- (A) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the

emergency.

- (B) Restrictions on the uses of water in one or more classes of water use, wholly or in part.
- (C) Restrictions on the sales of water at coin-operated facilities or sites.
- (D) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions.
- (E) Complete or partial bans on the waste of water; and
- (F) Any combination of the foregoing measures.

19-1006

EMERGENCY WATER RATES.

Upon the declaration of a water emergency as provided in 19-1003, the governing body of the City shall have power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform- charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. 8492)

19-1007

REGULATIONS.

During the effective period of any water watch, warning, or emergency as provided for in 19-1003, the City Manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this Article, any water emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or emergency meeting. (Ord. 8492)

19-1008

VIOLATIONS. DISCONNECTIONS AND PENALTIES.

(Ord. 8492)

(A) If the City Manager or other city officials charged with implementation and enforcement of this Article or a water emergency resolution learn of any violation of any water use restrictions imposed pursuant to this Article, a written notice of the violation shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water services to the consumer subject to the following procedures:

- (1) The City shall give the consumer notice by mail that water services will be disconnected within a specified time due to the violation and that the consumer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
- (2) If such a hearing is requested by the consumer charged with the violation, he or she be given a reasonable opportunity to be heard

at the hearing; and

- (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.
- (B) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second violation and \$300 for any additional violations.
- (C) Violation of this Article shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this Article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a minimum fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in jail which shall be fixed by the Court and which shall not exceed 30 days.

The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

19-1009

EMERGENCY TERMINATION.

Nothing in this Article shall limit the authority of the City Manager or the Director of the Municipal Services and Operations Department, or the designees of such persons, from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public. (Ord. 8492, Ord. 9503)

19-1010

SEVERABILITY.

If any provision of this Article is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Article and its applicability to other persons and circumstances shall not be affected thereby. (Ord. 7094, Ord. 8492)

ARTICLE 11. SWIMMING POOL DISCHARGE REGULATION

19-1101

APPLICABILITY AND ENFORCEMENT.

This Article provides for the regulation of swimming pool discharge from any indoor pool, outdoor pool, residential pool, or non-residential pool with a full volume equal to or greater than 5,000 gallons constructed after August 1, 1999. It shall be unlawful for any person to discharge in noncompliance with the provisions of this article, the provisions of Chapter 19, Articles 5 and 6 of the Code of the City of Lawrence, Kansas, and amendments thereto, and the provisions of the Lawrence Douglas County Health Department Regulations. (Ord. 7094)

19-1102

DEFINITIONS.

The following words used in this Article shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise: (Ord. 7094)

- (A) City shall mean the City of Lawrence, Kansas.

- (B) Discharge for the purposes of this ordinance, shall refer to the transfer of any substance from the swimming pool system to the sanitary sewer system or storm drainage system. Typical substances discharged for swimming pools include but are not limited to water, chemicals, detergents, filtering agents and debris.
- (C) Sanitary Sewer System shall mean a sewer that carries wastewater and to which storm, surface and ground waters are not intentionally admitted.
- (D) Sewer shall mean a pipe or conduit for carrying wastewater or storm water.
- (E) Shall is mandatory; may is permissive.
- (F) Storm Drainage System shall mean swales, gutters, inlets, pipes, sewers, ditches, channels and streams that carry storm and surface water, but exclude wastewater and industrial wastes. The surface of the ground in any location shall be considered part of the storm drainage system.

All other definitions shall reference the provisions of Chapter 19, Articles 5 and 6 of the Code of the City of Lawrence, Kansas and amendments thereto.

19-1103

DISCONNECTION OF CITY SERVICES.

The governing body finds that swimming pools not in compliance with the provisions of this article and constructed after August 1, 1999, constitute a hazard to the public health, safety and welfare, and that the provision of City water and sanitary sewer services is reasonably related to safe and healthy operation of swimming pools. After lawful notice to the customer and the property owner concerning the proposed disconnection, the City Manager or his or her designee shall have the authority to order the disconnection of City water and sanitary sewer services serving such property not in compliance with the provisions of Chapter 19 of the Code of the City of Lawrence, Kansas, and amendments thereto. (Ord. 7094)

19-1104

DISCHARGE TO THE SANITARY SEWER SYSTEM.

Filter backwash lines and any other pipelines that discharge through the filtering system shall be connected to the sanitary sewer system. All swimming pools shall have a connection to the sanitary sewer system installed for the purpose of discharge, regardless of filtering system needs. Connections to the sanitary sewer system shall comply with the following: (Ord. 7094)

- (A) Discharge to the sanitary sewer system shall not exceed a rate of 50 gallons per minute. If the capacity of the pumping system exceeds this rate, secondary pumps, wet wells, reduced pipe size or other alternatives shall be installed to comply with the 50 gallon per minute maximum discharge rate. Hydraulic calculations for chosen alternatives shall be submitted with permit applications.
- (B) Connections to the sanitary sewer system shall be installed with a Hub Drain for Swimming Pool Discharge in substantially the same form as set forth in that certain document entitled "Hub Drain for Swimming Pool Discharge, City of Lawrence," dated June 6, 1999, and incorporated by reference as if fully set forth herein, and on file in the Office of the City Clerk.

19-1105

DISCHARGE TO THE STORM DRAINAGE SYSTEM.

Pipelines that discharge at greater than 50 gallons per minute may be installed, provided that they bypass the filtering system and are connected to the storm

drainage system. Connections to the storm drainage system shall comply with the following: (Ord. 7094)

- (A) Swimming pool water, excluding filter backwash, may be discharged to the storm drainage system provided that it does not contain harmful quantities of chlorine, acid or other chemicals. Generally, chemical content at or below safe levels for swimmers will be acceptable for discharge to the storm drainage system. Swimming pool water that does not meet this quality shall be subject to the provisions of the Sewer Use Regulations and Pretreatment Regulations described in Chapter 19 of the Code of the City of Lawrence, Kansas, and amendments thereto. If the provisions are met, discharge to the sanitary sewer system is allowed.
- (B) For swimming pools with a full volume equal to or greater than 30,000 gallons, discharge to the ground surface is not allowed unless the discharge enters a drainage channel in a platted drainage easement prior to leaving the property.
- (C) For swimming pools with a full volume less than 30,000 gallons, discharge to the ground surface is not allowed unless prior to leaving the property the discharge enters either:
 - (1) a drainage channel in a platted drainage easement, or
 - (2) the public street right-of-way.
- (D) Where discharge to the ground surface is not allowed, all connection to the storm drainage system shall occur at manholes, junction boxes and inlet boxes. Tapping of public storm sewer pipe is not allowed.

19-1106

REQUIRED INSPECTIONS.

- (A) No work or discharge shall proceed prior to a City inspection. All installations shall be permitted and inspected pursuant to City Code. The owner shall notify the appropriate City inspector at least 24 hours prior to the start of any work. Construction sequencing shall yield to inspection schedules. Any subsurface work that has been buried prior to inspection shall be excavated as directed by the inspector. (Ord. 7094)
- (B) Swimming pool system components and connections to the sanitary sewer system shall be permitted and inspected by the Department of Neighborhood Resources. (Ord. 7094)
- (C) Connection to the storm drainage system shall be permitted and inspected by the Municipal Services and Operations Department. (Ord. 7094, Ord. 9504)