

TITLE 14
SEWER USE REGULATIONS

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CHAPTER 14.01

GENERAL PROVISIONS

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14.01.010 Title. These regulations shall hereafter be known, cited and referred to as the SEWER USE ORDINANCE of the City of Olathe, Kansas. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.01.020 Purpose. The purpose of this Ordinance is to provide for the maximum possible beneficial use of the City's wastewater collection and treatment facilities through adequate regulation of sewer construction, sewer use and industrial wastewater discharges; to provide for equitable distribution of the City's costs; to provide procedures for complying with requirements placed upon the City by other regulatory bodies; to protect the public's investment; and to protect the local environment. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.01.030 Previous Regulations Superseded. This Ordinance regulating sewer construction, sewer use and industrial wastewater discharges shall supersede all previous regulations and policies of the City governing items covered in this Ordinance. All other ordinances and regulations, or parts thereof, inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.01.040 Severability. This Ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

CHAPTER 14.04

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14.04.010 Generally.

(a) For the purpose of this Title, the words and terms as used herein are defined to mean as set out in this Title; and

(b) The word "building" includes the word "structure"; the term "used for" includes the meaning "designated for" or "intended for." (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.020 Biochemical Oxygen Demand. "Biochemical Oxygen Demand" (herein abbreviated as BOD) means the quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter during incubation at 20 degrees Celsius for a period of five (5) days. The tests shall be made in accordance with "Standard Methods." (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.030 Bypass. "Bypass" means the intentional diversion of wastestreams from any portion of a discharger's pretreatment facility. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.040 Categorical Industry. "Categorical Industry" means an industry which has a manufacturing or other operational process which is subject to standards and requirements set forth in Section 307 (b) and (c) of the Federal Clean Water Act, and is listed in Title 40, Code of Federal Regulations, Part 403, Appendix C. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.050 Categorical Pretreatment Standards. "Categorical Pretreatment Standards" means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq., including 40 CFR, Chapter I, subchapter N, parts 405-471. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.060 Chemical Oxygen Demand. "Chemical Oxygen Demand" (herein abbreviated as COD) means the quantity of oxygen expressed in mg/l utilized in the chemical oxidation of organic matter in accordance with procedures given in "Standard Methods." (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.070 City. "City" means City of Olathe, Kansas and its governing body. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.080 Director. "Director" means the Director of Municipal Services or his delegated representative. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.085 Imminent Endangerment. "Imminent Endangerment" means a reasonable potential to cause harm to human health or welfare, or the environment or the operation of the wastewater treatment system. (Ord. 92-22 § 2, 1992)

14.04.090 40 CFR Part Number. "40 CFR" is an abbreviation of Title 40, Code of Federal Regulations. The applicable part number is cited after the abbreviation and includes any amendments thereto. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.100 Free-floating Oil. "Free-floating Oil" means that oil which can be removed in adequate facilities for gravity separation. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.110 Garbage. "Garbage" means solid waste from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of product. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.120 Industrial User. "Industrial User" means any user contributing industrial wastes to the municipal sewer system. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.130 Industrial Wastewater. "Industrial Wastewater" means all water-carried solid, liquid or gaseous wastes or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resource. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.140 Interference. The term "interference" or "interfering" means an inhibition or disruption of the wastewater treatment system or sewage collection system; its treatment processes or operations; its sludge processes, or sludge disposal which contributes alone or in conjunction with:

1. a violation of any standards or regulations set by this Title, including an increase in the magnitude or duration of a National Pollutant Discharge Elimination System (NPDES) Permit violation or

2. violations of any local, state or federal laws, rules or regulations applicable to the method of disposal or use by the City. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.150 Manhole. "Manhole" means a structure designed to provide access to the sewer or drain for purposes of examination, cleaning or sampling. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.160 MG/L. "Mg/L" means milligrams per liter; sometimes referred to as parts per million (ppm). (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.170 New Source. "New Source" means any building, structure, facility or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, and in accordance with 40 CFR 403.3 (m)(1). (Ord. 09-29 § 1, 2009; Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.180 Pass Through. "Pass Through" means a discharge which exits the wastewater treatment plant into waters of the State of Kansas in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the City's wastewater treatment plant NPDES Permit (including an increase in the magnitude or duration of a violation). (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.190 Person, Establishment, User or Owner. "Person", "Establishment", "User" or "Owner" means individual, firm, partnership or company, corporation, society or group including any federal, state, county or city agency. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.200 pH. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration of a solution. It indicates the intensity of acidity and alkalinity on a scale running from 0 to 14. A pH of 7.0 represents neutrality, pH values above 7.0 represents alkalinity and pH values below 7.0 represents acidity. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.210 Pollution. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.220 Pretreatment. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary sewer system. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by another means, except by dilution as prohibited by 40 CFR Part 403.6 (d) and this Title. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.230 Private Sewer or Private Drain. "Private Sewer" or "Private Drain" means that sewer line or drain line either on public or private property not owned by the City. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.240 Public Sewer or Public Drain. "Public Sewer" or "Public Drain" means that sewer line or drain line owned and controlled by the City. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.250 Sanitary Sewer. "Sanitary Sewer" means a sewer line or drain line, the specific purpose of which is to carry sanitary wastewater or mixtures of sanitary and industrial wastewater, as defined above. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.260 Sanitary Wastewater. "Sanitary Wastewater" means a combination of water-carried wastes discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), business buildings, institutions and industrial establishments. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.270 Sewer System. "Sewer System" means the combination of sewers, pumping stations, force mains and appurtenant structures or devices used for collecting wastewaters, including the treatment plant; sometimes referred to as "sewerage system." (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.04.280 Significant Industrial User. "Significant Industrial User" shall mean:

(a) All Categorical industrial users;

(b) Any noncategorical industrial user or commercial user that:

1. Discharges 25,000 gallons per day or more of process wastewater ("Process Wastewater" excludes sanitary, noncontact cooling and boiler blowdown wastewaters), or
2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
3. Has a reasonable potential, in the opinion of the Director, to adversely affect the wastewater collection or treatment system, cause inhibition, pass-through of pollutants, sludge contamination, or endangerment of City employees. (Ord. 92-22 § 2, 1992)

14.04.285 Significant Non-Compliance. Instances of significant non-compliance (SNC) are industrial user violations which meet one or more of the following criteria:

A. Violations of wastewater limits.

1. Chronic violations. Pollutants whose concentrations or masses exceed the daily maximum permit limit amount or the monthly average limit for sixty-six (66%) or more of the total number of pollutant tests in a six (6) month period (any magnitude of exceedance).

2. Technical Review Criteria (TRC) violations. Pollutants whose concentrations or masses exceed the daily maximum permit limit or the monthly average limit by at least twenty percent (20%) for thirty-three percent (33%) or more of the total number of pollutant tests in a six (6) month period.

3. Any other violation(s) of an effluent limit (average or daily maximum) that the Director believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

4. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTWs exercise of its emergency authority to halt or prevent such a discharge.

B. Violations or compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction and attaining final compliance by ninety (90) days or more after the scheduled date.

C. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within thirty (30) days from the due date.

D. Failure to accurately report non-compliance.

E. Any other violation or group of violations that the Director considers to be significant. (Ord. 92-22 § 2, 1992)

14.04.290 Slug. "Slug" or "Slug Loading" means any discharge of sanitary or industrial wastewaters having a concentration of any constituent sufficiently above the average and for a period to be considered by the Director as harmful to the collection system or the performance of the treatment works. (Ord. 92-22 § 2, 1992)

14.04.300 Standard Methods. The examination of water and wastewater shall mean samplings and analysis performed in accordance with the techniques prescribed in 40 CFR, Part 136 and amendments thereto. Analysis must be performed by a laboratory certified by the Kansas Department of Health and Environment. (Ord. 92-22 § 2, 1992)

14.04.310 Storm Sewer or Storm Drain. "Storm Sewer" or "Storm Drain" means a pipe or sewer, the purpose of which is to carry storm and surface waters, ground drainage, and street washings, but excludes wastewaters. It may, however, carry cooling waters, water condensates or unpolluted water from any source. (Ord. 92-22 § 2, 1992)

14.04.320 Stormwater. "Stormwater" means the excess water running off from the surface of a drainage area during and immediately following a rain. (Ord. 92-22 § 2, 1992)

14.04.330 Total Suspended Solids. "Total Suspended Solids" (herein abbreviated as TSS) means the laboratory determination of the dry weight expressed in mg/l of solids that either float on the surface, or are in suspension and which can be removed from the wastewater, in accordance with procedures given in "Standard Methods." (Ord. 92-22 § 2, 1992)

14.04.340 Total Toxic Organics. "Total Toxic Organics or TTO" means the summation of all quantifiable values greater than 0.01 mg/l of the organic compounds listed in 40 CFR, Chapter I, Subchapter N, Parts 405-471. (Ord. 92-22 § 2, 1992)

14.04.350 Toxic Substances. "Toxic Substances" means any substance, gaseous, liquid or solid, which when discharged to a sewer or drain may tend to interfere with any waste treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or to create a hazard to recreation in the receiving water of the effluent from the wastewater treatment plant or from the storm sewer into which wastes may be discharged. (Ord. 92-22 § 2, 1992)

14.04.360 Wastewater. "Wastewater" means any combination of sanitary and industrial wastewater and such groundwater and surface water as may be present. (Ord. 92-22 § 2, 1992)

14.04.370 Wastewater Treatment Plant. "Wastewater Treatment Plant" means any arrangement of structures and devices for treating wastewaters or industrial wastes and for handling the sludge resulting from such treatment. (Ord. 92-22 § 2, 1992)

CHAPTER 14.06

CONNECTIONS TO SEWERS

Sections:

14.06.010 City May Terminate Services.

Section 14.06.010 City May Terminate Services.

(a) The Director shall have the power and right, after giving notice, to close up any sewer or sewer connection, or to remove any building sewer pipe or to cut off said public sewer pipe from any unused sanitary sewer connection or connections and to properly close up the public sewer pipe; and the cost and expense of such work shall be charged to the person, firm or corporation failing or refusing to comply with the notice as aforesaid.

(b) The Director may immediately revoke any wastewater discharge permit, or terminate or cause to be terminated the potable water supply service and/or wastewater collection, treatment and disposal service to any premise, if a violation of any provision of this Ordinance is found to exist or if a discharge of wastewater appears to present an imminent endangerment to the health or welfare of persons. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment. The Director may also halt or prevent any discharge which presents or may present an endangerment to the environment, or which threatens to interfere with the operation of the wastewater treatment system.

(c) Determination of whether a discharge presents an imminent endangerment to the health or welfare of persons or an endangerment to the environment or a potential for interference with the operation of the wastewater treatment system shall be made by the Director.

(d) The Director may petition the courts for the issuance of a preliminary or permanent injunction or both as may be appropriate, whenever there is a discharge or nondischarge violation of the provisions of this Ordinance.

(e) Any person who is found by the Olathe Municipal Court to have violated an order of the City issued pursuant to this Chapter, or who willfully or negligently failed to comply with any provisions of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall be, upon conviction, subject to a penalty not exceeding Three Hundred Dollars (\$300.00) per offense in addition to paying for the damages and restoration thereof. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

CHAPTER 14.08

USE OF PUBLIC SEWERS

Sections:

14.08.010 Use of Public Sewers.

14.08.020 Measurement of Discharges to Sanitary Sewers.

14.08.030	Permit for Industrial Wastewater Discharge.
14.08.040	Discharge Reports.
14.08.041	Signatory Requirements of Reports.
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14.08.050	Wastewater Discharge Permits.
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14.08.090	Pretreatment.
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14.08.125	Local Limits.
14.08.130	Inspecting and Sampling.
14.08.140	Public Notification.
14.08.150	Falsifying of Information.

Section 14.08.010 Use of Public Sewers. No person shall discharge or cause to be discharged any stormwater, groundwater, roof-runoff, subsurface drainage, uncontaminated cooling water or unpolluted waters into any sanitary sewer. Stormwater runoff from limited areas which are likely to be polluted at times may be admitted to the system by a permit from the Director. Where storm sewers or drains are not or cannot be made available, limited quantities of approved water from installations such as swimming pools, may be admitted to the sewers by issuance of wastewater discharge permit or with the written permission of the Director.

Any stormwater, roof run-off or subsurface drainage from direct connections to the public sewer which is discharged to the sanitary sewer existing after the effective date of this Ordinance shall be considered illegal and shall be subject to immediate removal by the owner of the premises so connected and at such owner's expense.

Should the owner of such an illegally connected premise fail to remove the illegal connection, the Director may cause the connection to be removed and the cost thereof to be billed to the owner of the premises. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.020 Measurement of Discharges to Sanitary Sewers.

(1) All persons or companies who discharge or desire to discharge to the sanitary sewers, industrial wastes or wastewaters other than sanitary, shall furnish the City data covering quantity and variations of flow and concentrations of constituents to be discharged, including averages and peaks or slugs in the form of an industrial wastewater discharge application. After the Director is satisfied with the accuracy and completeness of the information provided, he shall determine what regulation of discharge is required and what permits if any are necessary. Those Users subject to Significant Industrial User classification must provide the required information within ninety (90) days of the date this Ordinance takes effect.

(2) Where the required data and information cannot be provided, the Director may require installation of facilities for measuring flow and concentration of the discharge and will establish regulations, agreements and charges based upon the results of these measurements prior to the discharge. The costs of the installation shall be paid by the Industrial User. The Director shall control through the issuance of permits or other administrative action provided by this Ordinance the contribution to the wastewater treatment facility by each Industrial User. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.030 Permit for Industrial Wastewater Discharge.

(1) All Significant Industrial Users and New Sources must apply for and receive a wastewater discharge permit before discharging any industrial wastewater to the sanitary sewer system.

(2) No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.040 Discharge Reports.

(1) The City may require that any person discharging or proposing to discharge wastewater into a public sewer file periodic discharge reports. The discharge report may include, but is not limited to, nature of process, volume, rate of flow, mass emission rate, production quantities, hours of operation, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid, solid or gaseous materials stored on site even though they may not normally be discharged.

(2) In addition to discharge reports, the City may require information in the form of wastewater discharge permit applications and self-monitoring reports. Information requests apply to all such users of the municipal sewer system whether or not the user is subject to national categorical pretreatment or any other national, state or local pretreatment standards or requirements.

(3) In addition to these information requests, industries subject to noncategorical or categorical standards must file a baseline monitoring report, a ninety (90) day compliance report and periodic continued compliance reports in accordance with 40 CFR, Part 403.12 (d).

(4) Periodic continued compliance reports shall be submitted to the Director at least semiannually on forms provided or approved by the Director.. (Ord. 09-29 § 2, 2009; Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.041 Signatory Requirements of Reports. All reports and applications for discharge permits submitted to the Director by an Industrial User must be signed and certified by an authorized representative of the industry; either an owner, corporate officer or manager, or departmental manager who supervises more than two hundred fifty (250) employees. One of these officials may also appoint any other company representative to be authorized to sign the certification, but only after giving written notice to the Director. (Ord. 92-22 § 2, 1992)

14.08.042 Certification Statements. Certification statements of all applications for wastewater discharge permit and required reports shall, in accordance with 40 CFR 403.6 (a) (2) (ii), read: 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed 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 fines and imprisonment for knowing violation. (Ord. 09-29 § 3, 2009; Ord. 92-22 § 2, 1992)

14.08.050 Wastewater Discharge Permits.

(1) Permits. All Significant Industrial Users proposing to connect or to discharge into a public sewer must obtain a wastewater discharge permit before connecting to or discharging into a public sewer. All unpermitted Significant Industrial Users connected to or discharging into a public sewer must apply for a wastewater discharge permit within ninety (90) days after the effective date of this Ordinance.

(2) Permit Application. Significant Industrial Users seeking a wastewater discharge permit shall complete and file with the Director, an application in the form prescribed by the Director, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, any or all of the following information:

- (a) Name, address and Standard Industrial Classification number of the applicant;
- (b) Volume of wastewater to be discharged;

- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 14.08.130, as determined by a laboratory certified by the Kansas Department of Health and Environment;
- (d) Time and duration of discharge;
- (e) Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged;
- (g) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, other systems relating to the waste discharge system, treatment systems, and other related areas of the facility may be required. The Director may require a compliance schedule or graduated timetable for improvements or installation of equipment for obtaining better wastewater quality or achieving established standards. The standards, schedules or timetables may be stated specifically in the permit or a separate written agreement between the City and the user. Failure to meet the standards, schedules or timetables stated therein can result in immediate revocation of permit.

(3) Permit Conditions. Wastewater Discharge Permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the City. The conditions of wastewater discharge permits shall be uniformly enforced by the Director. Permits may contain the following:

- (a) The average and maximum wastewater constituents and characteristics;
- (b) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (c) Requirements for installation of inspection and sampling facilities;
- (d) Pretreatment requirements;
- (e) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedules. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136 and amendments thereto;
- (f) Requirements for submission of technical reports or discharge reports;
- (g) Requirements for maintaining plant records relating to wastewater discharge and affording the City access and right to copy thereto;
- (h) Mean and maximum mass emission rates, or other limits which incompatible pollutants (as defined herein) are proposed or present in the user's wastewater discharge;
- (i) Compliance schedules;
- (j) Requirements for disposal of sludges, floatables and skimmings;
- (k) Requirements for amended application if discharge is significantly changed;
- (l) Other conditions as deemed appropriate by the Director to insure compliance with this Ordinance. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.060 Duration of Permits. Permits shall be issued for a specific time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the City thirty (30) days prior to the expiration date, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit as limitations or requirements as identified in Section 14.08.050 are modified or changed. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.070 Revocation of Permit. Any user who violates the following conditions of the permit or this Ordinance or applicable state and federal regulations, is subject to having his permit revoked:

- (1) Failure of user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit. If a Significant Industrial User's permit is revoked, that user will be considered to be in violation of Section 14.08.030 of this Ordinance. Violators will be subject to the enforcement process outlined in Chapter 14.12 of this Ordinance. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.080 Sampling, Self-monitoring and Flows.

- (1) The Director shall require the Industrial User to provide results of periodic measurements of his discharge which is to include chemical analysis and flow. The Director may require a monitoring facility to be furnished and operated at the Industrial User's expense. All Industrial User's making periodic measurements shall furnish and install at an appropriate location, calibrated flume, weir, flow meter or similar device suitable to measure flow rate and total volume approved by the Director. In lieu of wastewater flow measurement, the Director may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.
- (2) The monitoring facility should normally be situated on the user's premises, but the Director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Director; unless a time extension is granted by the Director.
- (4) Those industrial wastewater dischargers required by the Director to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements as required in the industrial discharge permit. When required by the Director, dischargers shall install and maintain in proper order automatic analysis and recording equipment.
- (5) Persons in charge or occupants of premises where industrial wastewater is generated or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for purpose of sampling or in performance of any other duties. For the purpose of this Section, reasonable times shall be any time when a wastewater discharge could be occurring due to active operations. The Director shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, the Director or his staff shall be permitted to enter without delay.
- (6) All sampling, analysis and flow measurement procedures, equipment, results and records shall be subject at any time to inspection by the Director.
- (7) Retention of Records. Any industrial user subject to the reporting requirements in accordance with 40 CFR 403.12(o) shall retain for a minimum of three (3) years, any record of monitoring activities and results. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance or where the industrial user has been specifically notified of a longer retention period by the Director. Any records relating to compliance of pretreatment standards shall be made available to officials of the Environmental Protection Agency, the Kansas Department of Health and Environment, and the Director upon request. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.090 Pretreatment. All Significant Industrial Users shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. Any facilities required to pretreat wastewater to a level acceptable to the Director shall be provided and maintained at the user's expense. Detailed plans, compliance schedules and operation procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the Director. No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any local, state or federal discharge standard. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.100 Accidental Discharge.

(1) All categorical industries with a wastewater discharge permit, and all noncategorical industries discharging wastewater to the City sewer system but not required to have a permit, must notify the Director immediately of all discharges that could cause problems to the sewer collection system or wastewater treatment facility, or which might result in a violation of a wastewater discharge permit or any other provision of this Ordinance.

(2) All industrial users shall notify the Director of any substantial changes in the user's wastewater discharge.

(3) All industrial users with pretreatment facilities must verbally notify the Director within twenty-four (24) hours of an unanticipated wastewater bypass of the facility. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Director; if possible, at least ten (10) days before the date of the bypass. A bypass is only allowable if it will not cause National Pretreatment Standards or any other provision of this Ordinance to be violated, and is essential for proper maintenance of the facility to assure its efficient operation. Otherwise, the bypass of any pretreatment facility is strictly prohibited unless unavoidable to prevent loss of life, personal injury or severe property damage, and there were no feasible alternatives to the bypass.

(4) Each person shall provide protection from accidental discharge of prohibited materials from other substances regulated by this Ordinance, and from discharges which exceed permit limitations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the person's own cost and expense.

(5) For the purpose of this Section, "accidental discharge" means an exceptional incident in which there is unintentional and temporary noncompliance with the standards for industrial discharge or sewer use promulgated in this Ordinance or in the Significant Industrial User's wastewater discharge permit. An accidental discharge does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation. Any person who wishes to establish the affirmative defense of accidental discharge shall demonstrate through properly signed operating logs or other relevant evidence that:

- (a) The accidental discharge occurred and the user can identify the specific cause of the accidental discharge;
- (b) The facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- (c) The user has submitted the reports required in Section 14.08.100(6).

(6) In case of an alleged accidental discharge, it is the responsibility of the user to immediately notify the Director of the incident verbally. In no case shall this notification be given more than twenty-four (24) hours after the incident occurs. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.

Within five (5) days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notifications shall not relieve the user of any expense, loss, damages or other liability which may be incurred as a result of damage to the wastewater system, fish kills, or any other damage to persons or property; nor shall such notifications relieve the user of any fines, civil penalties or other liability which may be imposed by this Ordinance or other applicable law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of all accidental discharges. Users shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedures.

(7) The user shall be required to reimburse the City for the costs of any sampling or analysis necessitated by the accidental discharge in addition to any other fines, damages, penalty or costs that may be assessed by any provision of this Ordinance.

(8) It shall be unlawful for any person to fail to notify the Director as required by this section and upon conviction thereof shall be subject to the penalties provided in chapters 14.12 of this Title.

(9) If samplings performed by an Industrial User indicates a violation, the user shall notify the Director within twenty (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.110 Special Agreements. Special agreements and arrangements between the City and any persons or agencies may be established when in the opinion of the Director unusual or extraordinary circumstances compel special terms and conditions. National or Federal Standards may not be waived by special agreements. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.120 Prohibited Waste Discharge. At the discretion of the Director, and in accordance with this Title and other applicable regulations, the significant Industrial user's permit will contain limits and prohibitions governing discharge materials.

It shall be unlawful for any person to exceed the limits set by permit, Federal or State standards or any provisions of this Title, whichever is most restrictive, and any person convicted of such violations shall be subject to the penalties provided in Chapter 14.12 of this Title. No persons, with or without a permit shall discharge or cause to be discharged to a public sewer which directly or indirectly connects to the City's wastewater system, the following wastes:

(1) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the wastewater system.

(2) Any wastes containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other wastes substances, may create a health hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, causes a public nuisance, or cause any hazardous condition to occur in the wastewater system.

(3) Any waste having a pH lower than 6.0 or higher than 10.5 Standard Units or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system.

(4) Any solids or viscous substances of such size or in such quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.

(5) Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water, except as permitted under Section 14.08.010.

(6) Having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant resulting in interference. In no circumstances shall wastewater have a temperature at the introduction of the wastewater treatment plant greater than 104 degrees Fahrenheit (40 degrees Celsius).

(7) Containing more than 100 mg/l of oil or grease.

(8) Any strongly odorous waste tending to create odors.

(9) Reserved.

(10) Any substance promoting or causing the promotion of toxic gases.

(11) Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.

(12) Any excessive amounts of deionized water, steam condensate, distilled water or single pass cooling water.

(13) Any radioactive waste of such half-life or concentrations as may exceed limits established by the Director in compliance with applicable state or federal regulations.

(14) Any waste producing excessive discoloration of wastewater or treatment plant effluent.

(15) Any pollutants, including oxygen demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(16) The discharge of toxic or nontoxic materials including, but not limited to, all heavy metals, cyanide, phenols, chlorinated hydrocarbons, and other organic compounds shall be limited to that concentration which complies with all state and federal discharge limitations, and which does not interfere with the operation of the wastewater treatment plant, nor cause pass through, or which might otherwise cause the wastewater treatment facility to violate its NPDES Permit.

(17) Any waste prohibited by current federal or state regulations or City wastewater discharge permits.

(18) Any waste discharged by a categorical industry that is greater in concentration than limitations specified by the National Categorical Standard that applies to that industry.

(19) Any pollutant which creates a fire or explosion hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade).

(20) Any pollutants that result in toxic gases, vapors and fumes in a quantity that may cause acute worker health and safety problems.

(21) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that cause pass through, interference or inhibition at wastewater treatment plant. (Ord. 09-29 § 4, 2009; Ord. 01-101 § 1, 2001; Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.125 Local Limits. In accordance with this ordinance and General Pretreatment Standard 40 CFR Part 403.5 (a) (1), no user shall discharge pollutants that cause pass through or interference at the City's wastewater treatment plants. Where applicable, significant industrial user wastewater permits will contain local numerical limits of discharge concentrations for parameters that must be regulated by the city to prevent pass through and interference. (Ord. 09-29 § 5, 2009; Ord. 92-22 § 2, 1992)

14.08.130 Inspection and Sampling.

(1) Adequate identification shall be provided by the Director for all inspectors and other authorized personnel and those persons shall identify themselves when entering property for inspection purposes.

(2) Inspection and sampling of every facility that is involved directly or indirectly with the discharge of wastewater to the City's wastewater system may be made by the Director as he deems necessary. These facilities shall include but not be limited to sewers, wastewater pumping stations, pollution control plants, all industrial processes, industrial wastewater generation, conveyance and pretreatment facilities, and all similar wastewater facilities. Chemical storage areas may also be subject to inspection to identify and correct possible problems associated with accidental spills or leakage to the wastewater system. Inspections may be made to determine that such facilities are maintained and operated properly and are adequate to meet the provisions of this Ordinance.

(3) Access to all of the above facilities or to other facilities directly or indirectly connected to the City's wastewater system shall be given to the Director at all reasonable times, including those occasioned by emergency conditions. No person shall interfere with, delay, resist or refuse entrance to the Director attempting to inspect any chemical storage or wastewater generation, conveyance or treatment facility connected directly or indirectly to the City's wastewater system.

(4) During any inspection by the City, the Director will have explicit authority to copy Industrial User records as deemed pertinent and necessary. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.140 Public Notification. The city shall annually publish in the official city newspaper, a list of the Industrial Users which, during the previous twelve (12) months, were significantly violating local or federal pretreatment requirements or standards. For the purpose of public notification, the Director will use the definition of significant non-compliance as stated in Section 14.04.285 to determine the significant violators and violations subject to publication. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.08.150 Falsifying of Information. It shall be unlawful for any person to knowingly make any false statement, representation, record, report, plan or other document filed with the Director, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Title and upon conviction thereof shall be subject to the penalties provided by Chapter 14.12. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

CHAPTER 14.10

REFUSE IN SEWERS

Sections:

14.10.010 Waste Matter.

Section 14.10.010 Waste Matter.

A. Food waste grinders are prohibited at new food service facilities. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing food waste grinders in accordance with Subsection C. Food waste grinder waste shall be defined as:

1. Wastes generated in preparation of food normally consumed, or processed in any way, on the premises at a commercial or institutional food establishment, or in public or private schools.

B. This section does not apply to waste from residential or non-commercial dwellings.

C. Owners of food establishments with existing food waste grinders, installed prior to February 15, 2010, may continue to use the grinders in accordance with the following requirements:

1. Food waste grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the sanitary sewer.

2. Food waste grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

3. Prohibited waste as defined in Section 14.08.120 shall not be discharged into the sanitary sewer.

4. Food waste grinders may be used until their use causes a problem in the food establishment or in the sanitary sewer or until a grease interceptor is required. Any person or establishment found to be violating this subsection shall be subject to the penalties provided in Chapter 14.12.

Owners of food establishments with existing food waste grinders may choose to cease using the grinders and remove all solids material from the food processing operation to the solid waste collection dumpster. (Ord. 10-09 § 1, 2010; Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

Section 14.10.020 Refuse in Sewers. It shall be unlawful for any person to, carelessly or intentionally throw, sweep or place any waste paper, street sweepings, garbage, dirt, ashes, dead animal, offal or other putrescible matter, or any rubbish or refuse of any sort, into any inlet grating, manhole or other appurtenances of any sewer in the City of Olathe. Upon conviction thereof in the Olathe Municipal Court, any violator shall be subject to the penalties provided in Chapter 14.12; provided, however, that the provisions of this subsection shall not apply to matter commonly designated as sewage discharged from a house sewer into another sewer. (Ord. 10-09 § 2, 2010)

CHAPTER 14.12

ENFORCEMENT AND PENALTIES

Sections:

14.12.010	Access to Property.
14.12.020	Notice of Violation.
14.12.030	Request for Hearing.
14.12.040	Appeals to City Council.
14.12.050	Procedures for Violations.
14.12.060	Penalty.
14.12.070	Cost of Damage.

14.12.010 Access to Property. The Director or his/her designees shall be permitted access to any part of any property where access is necessary for the purpose of inspecting, observing, measuring, sampling or testing to determine compliance with the provision of this Ordinance. If any person should refuse to permit access to the Director, the Director may, with the assistance of the City Attorney, obtain the necessary court orders to obtain access. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.12.020 Notice of Violation. If the Director finds any violation of this Ordinance or the user's permit at the premises of any user or in the user's analysis reports, the Director shall notify the owner or occupant or user in writing stating the nature of the violation and providing a reasonable time for corrections to be made. In the absence of unusual circumstances, fifteen (15) days shall be considered a reasonable time. The person receiving the notice shall report to the Director within fifteen (15) days, in writing, stating what action has been taken and is being taken to correct the conditions constituting the violation. If the user, occupant or owner of the premises does not correct the violation within the time limit, or within any extension of time granted by the Director, the Director shall do one or all of the following:

- (1) Disconnect water service and sewer service to the premises.
- (2) Bring appropriate court action to enforce compliance.
- (3) Start court action for the levy of a fine for violation of this Chapter.

(Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.12.030 Request for Hearing. Any person aggrieved by any notice by the Director under this Ordinance may obtain a hearing upon a written request being filed with the Director. The written request must be filed within the time for correcting the violation, or within any extension of time granted by the Director. Any such written report will postpone the date that the work is required to be completed until after the hearing. At the hearing, the petitioner may present any facts or arguments he desires to present, may be represented by counsel and may present such expert testimony or technical evidence as is necessary to establish the contentions of the owner or occupant. After the hearing, the Director may continue the original order in effect, modify the order or withdraw the order, depending on the facts shown at the hearing. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.12.040 Appeals to City Council. Any person aggrieved by any Decision of the Director pursuant to the hearing under the provisions of this Section may appeal to the City Council. The appeal shall be by notice in writing stating the nature of the decision of the Director, and stating briefly the reasons for the appeal, that is the reason why the owner or user believes that the decision of the Director should be overturned or modified. The appeal must be filed within fifteen (15) days after the person's hearing with the Director is completed and notified by the Director of his decision. The appeal will delay the effective date of the Director's order until after the appeal. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.12.050 Procedures for Violations. Upon any violation of any provision of this Ordinance, the Director may take any or all of the following actions:

(1) Conduct an administrative hearing, requiring the noncompliant person to show cause as to why the Director should not take any other action listed below;

(2) Discontinue sewer service and water service to the offending premises;

(3) Apply for appropriate court action, with the assistance of the City Attorney;

(4) Require pretreatment facilities or other action to end the violation forthwith;

(5) Require the user to pay a surcharge equal to the cost to the City of dealing with the offending matter;

(6) Apply to the court for the levy of a fine for violation of this Ordinance. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.12.060 Penalty. Except as otherwise provided herein, any person, firm or corporation violating any provision of this Title may be assessed a civil or criminal penalty of not less than Five Dollars (\$5.00) nor more than One Thousand Dollars (\$1,000.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Civil fines shall be imposed on a strict liability basis. (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)

14.12.070 Cost of Damage. Any person violating any of the provisions of this Ordinance or who causes a deposit, obstruction, accidental discharge, damage, or any other impairment to the City's facilities shall be notified that he is liable to the City for all expense, enforcement costs, loss or damage occasioned the City by reason of each violation or discharge." (Ord. 92-22 § 2, 1992; Ord. 84-105 § 1, 1984)