

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.

(Code 1979, 19-101)

19-102

DEPARTMENT OF UTILITIES.

There is hereby created for the operation of the water and sewage system of the City a Department of Utilities. The Department of Utilities shall be administered by the City Manager, who shall appoint such officers and employees thereto as may be necessary for the proper operation of the water and sewage system of the City. The Department of Utilities shall be administered and the water and sewage system shall be operated in accordance with the applicable provisions of K.S.A. 12-856 et seq. and in accordance with the provisions of K.S.A. 12-1001 to 12-1038 inclusive and all amendments thereto, and all other applicable statutes. (Code 1979, 19-102)

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. 12-856 et seq., 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 Department of Utilities of the City. Such Department of Utilities shall be operated and financed as provided in K.S.A. 12-856 et seq., as amended. (Code 1979, 19-103)

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 Department of Utilities. (Code 1979, 19-106)
- 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 Department of Utilities 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)
- 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 Department of Utilities 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)

- 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 Department of Utilities 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)
- 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 Department of Utilities 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)

19-121 **WATER SERVICE EXTENSION POLICY.**
The City Commission has authorized the City Department of Utilities 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)

19-122 **FIRE SERVICE CONNECTIONS.**
All fire service connections shall be provided with properly located control valves which may be closed in case of broken inside piping. The maximum size of any fire service connection shall be at least two (2) inches less in diameter than the main from which such fire service connection is made, provided; that the City Commission may waive this requirement. The City Department of Utilities reserves the right at any time to require a meter to be installed on any such fire service connection(s) which expense shall be paid by the property owner. (Code 1926, 17-215; Ord. 1590; Ord. 6902)

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 Utilities shall have the authority to order the immediate termination of water service to a property where chemigation is practiced. (Ord. 6388, Sec. 2)

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)

- (C) A private sanitary sewer service line shall only serve one residential dwelling unit or a single commercial or industrial establishment. 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 City Engineer, provided that such additional connection shall be assessed an additional sewer tap fee and system development charge. (Ord. 7743)
- (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, if written approval is obtained from the City Engineer prior to application for a building permit. Additionally, multiple living units served by separate water meters can be served by a single private sanitary sewer service line if written approval is obtained from the City Engineer prior to application for a building permit. 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)
- (E) The provisions of this Section 19-214 may be waived by the City Commission upon a finding 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. (Ord. 7743)

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.

- (1) 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) Apartment Houses. Apartment houses having twelve (12) living units or less shall have a water meter for each living unit, unless the installation of a single meter for all of the units is applied for by the owner and approved by the City Commission.

Apartment houses having thirteen (13) living units or more may

have a single meter. The rates in all cases shall be based upon Sections 19-312 and 19-314. On approval of the City Commission, the owner of an apartment complex having several buildings served by a single domestic hot water distribution system, or a central hot water heating or cooling system, may install a single meter. The rates for such complexes shall be governed by 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.

- (2) Multiple Living Units 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 living units served by the single meter to determine the charge per living unit, with the charge per living unit multiplied by the total number of living units served by the single meter to determine total charge. (Ord. 5701)

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 repair and in proper working condition. There will be a fee of ten dollars (\$10) to the consumer on all meters that are inspected and tested unless the meter records an inaccurate registration of water consumed. (Ord. 5414)

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.

If any bill for water and sewage disposal system service, or sanitation service shall remain unpaid for forty (40) days following the rendition of the bill, water service to such customer may be disconnected as hereinafter provided. 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 any dispute, extenuating circumstances or other matters relating and relative 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 has been held, unless the customer fails to appear at the scheduled hearing. In order to compensate the City for costs incurred in processing a termination order, a trip charge of \$5.00 will be assessed to the customer if City personnel arrive at the service address to disconnect services, regardless of whether the service is actually disconnected. The trip charge is due and payable immediately. Once water services have been disconnected, it shall not be reconnected until all past due bills for water, sewage disposal system service, and sanitation service are paid in full, together with a reconnection charge of \$10.00 and the above trip charge of \$5.00, plus any deposits not collected. The amount of the trip charge will be increased in increments of \$5.00 for each trip within a twelve month period of time, up to a maximum trip charge of \$25.00 (Ord. 5282; Ord. 5921, Sec. 1; Ord. 6177, Sec. III; Section; Ord. 6629, Sec. IV , Ord. 6996)

19-312

WATER SERVICE CHARGES.

Monthly charges for water service to water service customers, including residential units, institutions, business or industry served by a single water meter, except rural water districts and other municipalities, shall be in accordance with the following schedule:

- (A) The following water volume charges shall be as follows effective on and after November 15, 2009 as shown below:

Customer Class	Inside City	Outside City
Residential	\$3.52/1,000 gal	\$5.22/1,000 gal
Multifamily	\$3.06/1,000 gal	\$5.12/1,000 gal
Commercial	\$2.79/1,000 gal	\$3.99/1,000 gal
Industrial	\$2.72/1,000 gal	\$3.61/1,000 gal

Monthly charges for water service to rural water districts and other municipalities shall be at \$3.83/1,000 gallon or at such rates as contracted by the City of Lawrence.

(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)

19-312.1

MONTHLY SERVICE CHARGE PER METER.

Meter Size - Inches	Inside City	Outside City
5/8	\$3.20	\$3.40
1	\$3.70	\$4.05
1 1/2	\$4.30	\$4.70
2	\$5.70	\$6.40
3	\$16.50	\$19.00
4	\$21.00	\$24.00
6	\$30.00	\$35.00
8	\$41.00	\$48.00
10	\$53.00	\$62.00
12	\$63.00	\$73.00

(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)

19-313

SEWAGE DISPOSAL SYSTEM CHARGE.

- (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. 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 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 Utilities 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 charges and basis of charges:

- (A) The following wastewater volume charges shall be as follows effective on and after November 15, 2009 as shown below:

Monthly Water Use	Inside City	Outside City
Volume Charge	\$4.94/1,000 gal	\$7.18/1,000 gal

- (B) Monthly Service Charge Per Meter

Meter Size - Inches	Inside City	Outside City
5/8 and 3/4	\$8.96	\$11.89
1	\$8.96	\$11.89
1 1/2	\$8.96	\$11.89
2	\$8.96	\$11.89
3	\$8.96	\$11.89
4	\$8.96	\$11.89
6	\$8.96	\$11.89
8	\$8.96	\$11.89
10	\$8.96	\$11.89
12	\$8.96	\$11.89

(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)

19-314.1

BASIS OF SEWER CHARGE.

For the purpose of determining the sewer charge for residential customers, the following method shall be used: 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. This 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.

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

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

Outside City

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

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
	ICBOD	ICTSS	OCBOD	OCTSS
January 1, 2010	\$0.5285	\$0.3245	\$0.7495	\$0.3897

(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)

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)

<u>Tract: Owner/Developer</u>	<u>Cost for Additional Capacity</u>
Tract 1: K10/K40 Development, LC	\$116,431.00
Tract 2: Root LC	\$19,960.00
Tract 3: Oregon Trial Holdings, LC	\$93,810.00
Tract 4: Prairie Rose Holdings, LLC	\$53,891.00
Tract 5: Turner-Douglas, LLC	\$37,258.00

- (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 payment of thirty dollars (\$30) service charge, payable at the time service is rendered. This charge is in addition to any other charges due, with the exception of the reconnect charge. If a customer has been disconnected for nonpayment or for a returned check, the fifteen dollar (\$15) reconnect fee will be included in the thirty dollar (\$30) after hours fee. Examples of non-emergency service calls are requests for water service to be connected or disconnected; reconnection of service after it has been disconnected because of nonpayment of bill or receipt of an insufficient funds check; if service was not connected because the customer failed to be at the address during a scheduled appointment time period. (Ord. 5921, Sec. 11)

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)
 - (1) The individual shall have an income during the preceding calendar year from all sources of less than \$11,913, 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 \$16,027.

- (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. (Ord. 7137, Ord. 7387, Ord. 7559, Ord. 7683, Ord. 7808, Ord. 7904, Ord. 8029, Ord. 8133)

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. SEWER USE REGULATIONS

19-501

APPLICATION.

All provisions of this Article shall apply to domestic and nondomestic wastes except as stipulated herein. This Article shall apply within the city and outside the city to those who are users of the City of Lawrence publicly owned treatment works (POTW). Except as otherwise provided herein, the Director as defined in Section 19-503 shall administer, implement and enforce the provisions of this Article. (Code 1979, 19-501; Ord. 6958)

19-502

DEPOSITS IN SEWERS.

It shall be unlawful for any person to place, deposit or cause to be deposited or placed into POTW any sanitary wastewater, industrial waste or polluted wastewater or other pollutants except in accordance with the provisions of this Article. (Code 1979, 19-502; Ord. 6958)

19-503

DEFINITIONS.

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

- (A) Biochemical Oxygen Demand or BOD shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory procedure in five (5) days at twenty degrees centigrade, expressed in milligrams per liter (mg/L) as established in the 19th edition of "Standard Methods." (Ord. 6958)
- (B) Building Drain shall mean that part of the lowest piping of drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the foundation wall.
- (C) Building Sewer shall mean the extension from the building drain to the sanitary sewer collection system.
- (D) City shall mean the City of Lawrence, Kansas.
- (E) Director shall mean the Director of Utilities of the City, or his or her authorized deputy, agent or representative.
- (F) Domestic Waste shall mean waste from the noncommercial preparation, cooking and handling of food or toilet and sanitary waste from residential, institutional or commercial establishments. Domestic waste also includes non-process industrial wastewater that is solely of toilet origin. All other waste shall mean nondomestic.

- (G) Garbage shall mean solid waste from domestic, institutional and commercial preparation, cooking and dispensing of food or beverage, and from the handling, storage, and sale of produce.
- (H) Industrial Waste shall mean nondomestic waste from industrial manufacturing processes as distinct from domestic waste.
- (I) Infiltration shall mean the water entering a sewer pipe, including service connections, from the ground. Defective pipes, pipe joints, connections or manhole walls are a few of the common locations where infiltration may occur.
- (J) Inflow shall mean the water discharged into a sanitary sewer collection system and service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, around manhole covers or through holes in covers, cross connections from storm and combined sewer systems, catch basins, storm waters, surface runoff, street wash waters or drainage.
- (K) Person shall mean any individual, firm, company, association, society, corporation or group.
- (L) pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
- (M) Properly Shredded Garbage shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (2) inch (1.27 centimeters) in any dimension.
- (N) Publicly Owned Treatment Works or POTW shall mean a treatment works which is owned and operated by the City. It includes any sewers that convey wastewaters thereto from users located either within or outside the City, but not including pipes, sewers or other conveyances not connected to the facility providing treatment.
- (O) Sanitary Sewer Collection System shall include, but not be limited to all facilities for collecting, pumping, treating and transfer of wastewater.
- (P) Sewage shall mean a combination of the water-carried waste from residences, institutions, commercial and industrial facilities, whether treated or untreated, together with such ground, surface, and storm waters as may be present as a result of I and I.
- (Q) Sewer shall mean a pipe or conduit for carrying wastewater.
- (R) Shall is mandatory; May is permissive.
- (S) Slug shall mean any discharge of waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

- (T) Storm Drain or Storm Sewer shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater.
- (U) Surcharge shall mean a charge applicable to users of the POTW. Any user who is found to discharge waste having a biochemical oxygen demand (BOD) that exceeds three hundred mg/L and/or suspended solids that exceed three hundred mg/L will be subject to a surcharge. Surcharges shall be calculated according to the formula in Chapter 19, Article 3, Section 19-314.2.
- (V) Suspended Solids 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 19th edition of Standards Methods.
- (W) User shall mean any person and/or connection to the sanitary sewer collection system that contributes, causes, or allows the contribution of waste into the City's POTW.
- (X) Waste shall mean the liquid and water-carried domestic or nondomestic waste whether treated or untreated.
- (Y) Wastewater shall mean any liquid-containing substance discharged directly or indirectly to the sanitary sewer collection from any source, either domestic or nondomestic waste.
- (Z) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (AA) Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating wastewater. (Code 1979, 19-503)

19-504

PROHIBITED DISCHARGES.

No user shall discharge or cause to be discharged any of the following described waste to the sanitary sewer collection system. (Ord. 6958)

- (A) Any storm water, surface water, groundwater, roof runoff, subsurface drainage including interior and exterior foundations drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. The Director may require these discharges to be eliminated from the existing sanitary sewer collection system. (Code 1979, 19-504)
- (B) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (C) Any waste containing poisonous solids, liquids, or gases in toxic concentrations, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constituting a hazard to humans or animals, creating a public nuisance, or creating any hazard in the receiving waters of the POTW, including but not limited to cyanides in toxic amounts.
- (D) Any waste having corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the City's POTW.

- (E) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW; such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (F) Any heavy metals from industrial or commercial processes in toxic concentrations.
- (G) Any waste having a pH less than 5.5. (Code 1979, 19-506)
(Further information on pretreatment regulations can be found in Chapter XIX, Article 6.)

19-505

POTENTIALLY HARMFUL DEPOSITS.

No user shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm the POTW or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of this wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the treatment process, capacity of the treatment plant, degrees of treatability of wastes in the POTW and other pertinent factors. The substances prohibited are: (Ord. 6958)

- (A) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (F), sixty-five (65) degrees Centigrade (C).
- (B) Any waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees F, zero (0) and sixty-five (65) degrees C.
- (C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Director.
- (D) Any waste containing strong acid iron pickling waste or concentrated plating solution whether neutralized or not.
- (E) Any waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or waste exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Director for such materials.
- (F) Any waste containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite wastewater, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (G) Any introduction of radioactive waste into the sanitary sewer collection system shall be in accordance with the provisions of Kansas Department of Health and Environment, Bureau of Air and Radiation, or of any special conditions of the licensee's Kansas Radioactive Materials License.
- (H) Any waste having a pH in excess of 10.5.
- (I) Any materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
 - (4) Unusual volume of flow or concentration of waste constituting a slug as defined herein.
- (J) Any waste containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Code 1979, 19-507)

19-506

STORM DRAINS.

Storm water and all other unpolluted drainage shall be discharged to such conduits as are specifically designated as storm drains, or to a natural outlet approved by the Director. Uncontaminated industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm drain or natural outlet. (Code 1979, 19-505)

19-507

DIRECTOR'S RESPONSIBILITIES.

The admission to the sanitary sewer collection system of any wastes having any of the following shall be subject to the review and approval of the Director: (Ord. 6958)

- (A) A BOD demand of greater than three hundred (300) mg/L, or
- (B) A suspended solid greater than three hundred (300) mg/L, or
- (C) Containing any quantity of substances having the characteristics described in Section 19-504 and 19-505 of this Article, or
- (D) Having an average flow greater than two percent (2%) of the average sewage flow of the City.

19-508

USER'S RESPONSIBILITIES.

The owner shall provide at his or her own expense and shall maintain in satisfactory and effective operation such preliminary treatment as may be necessary to:

- (A) Reduce the BOD to three hundred (300) mg/L, or

- (B) Reduce or remove objectionable characteristics or constituents to acceptable levels, or
- (C) Control the quantities and rates of discharge of such waste. Plans, specifications and any other pertinent information shall be reviewed by the Director and the state regulatory agency. Any user's treatment facility shall conform with all local and state requirements and regulations. If the waste discharge is not amenable to treatment or may have a deleterious effect on the POTW or receiving waters or which otherwise creates a hazard to life or constitutes a public nuisance, the Director may refuse to allow the waste into the sanitary sewer collection system. (Code 1979, 19-508)

19-508.1

GREASE, OIL TRAPS.

Properly maintained and operated grease, oil and sand traps shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes and/or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and a capacity approved by the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection. (Code 1979, 19-509; Ord. 6958)

19-508.2

MONITORING FACILITIES.

(Ord. 6958)

- (A) The City may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such 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.
- (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 facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition by the user at his or her expense.
- (C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City. (Ord. 5543, Sec. 4.4; Ord. 6410, Sec. 4.4)

19-509

WASTEWATER ANALYSIS.

Measurements, tests and analyses of the characteristics of wastes and wastewater to which reference is made in this Article shall be taken at the monitoring facility or sampling manhole by the City, as required by the Director. In the event that no special monitoring facility has been required, the sampling manhole shall be considered to be the nearest downstream manhole or the point in which the City chooses to enter the sanitary sewer collection system. Sample collection shall be conducted by City staff and carried out by customarily accepted methods to reflect the effect of constituents upon the POTW (The particular analyses involved will dictate whether a composite or grab sample (s) is appropriate as established in the 19th edition of Standard Methods The strength and composition of the discharge by

the user will be determined in accordance with CFR 40, Part 136 and also with the 19th edition of Standard Methods. (Ord. 6958)

19-510

AGREEMENT, ARRANGEMENT.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any user whereby a discharge of unusual volume, composition, extra strength or character may be accepted for treatment by the City, subject to proper payment therefor by the user, whenever the concentration of the waste is in accordance with Federal and State regulations. (Code 1979, 19-513, Ord. 6958)

19-511

SERVICE DISCONNECTED.

Provisions relating to disconnecting service in the City shall be as follows:

19-511.1

AUTHORITY TO DISCONNECT SERVICE.

The City may terminate water and wastewater disposal service and disconnect a user from the system when: (Ord. 6958)

- (A) Acids or chemicals damaging to sewer lines or treatment process as are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater,
- (B) An appropriate state or federal agency informs the City that the effluent from the POTW is no longer of a quality permitted for discharge to a watercourse and it is found that the user is delivering waste to the City's POTW that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment; or
- C) The user:
 - (1) Discharges waste that is in violation of the Code;
 - (2) Discharges waste at an uncontrolled, variable rate in sufficient quantity to cause harm in the POTW or POTW operations, as determined by the Director;
 - (3) Fails to pay monthly bills for water and sanitary sewer services, including surcharges, when due; or
 - (4) Repeats a discharge of prohibited wastes to public sewers.

19-511.2

If service is disconnected pursuant to Section 19-511.1(B) the City shall:

- (A) Disconnect the user;
- (B) Supply the user with the governmental agency's report and provide the user with all pertinent information; and
- (C) Continue disconnection until such time as the user provides additional pretreatment or other facilities designed to remove the objectionable characteristics from the user's discharge. (Code 1979, 19-514; Ord. 6958)

19-512

VIOLATORS; WRITTEN NOTICE.

The City shall serve users discharging in violation of this Article with written notice stating the nature of the violation and providing a reasonable time limit for

satisfactory compliance. (Code 1979, 19-515; Ord. 6958)

19-513

CONTINUING PROHIBITED DISCHARGES.

No user may continue discharging in violation of this Article beyond the time limit provided in the notice. (Code 1979, 19-516; Ord. 6958)

19-514

PENALTY.

Provisions relating to the penalty for violations of this Article shall be as follows:

- (A) The user violating any provisions of this Article beyond the time limit provided in Section 19-516 of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50) nor more than five thousand dollars (\$5,000) for each offense, at the discretion of the court, and every such person, or persons, firm or corporation, shall be deemed guilty of a separate offense for every day on which such violation shall continue. (Ord. 6958)
- (B) In addition to proceeding under authority of Subsection (A) of this Section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges. (Code 1979, 19-517)

19-515

RIGHT OF ENTRY.

Provisions relating to authorized representative entering properties for inspection, observations, measurement and sampling shall be as follows:

- (A) Entrance and Inspection. Duly authorized representatives of the City bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The City and its authorized representatives shall have no authority to inquire into any process beyond that point having a direct bearing on the kind or source of discharge to the POTW. (Ord. 6958)
- (B) Safety. While performing the necessary work on private properties referred to in Section 19-513 of this Article, the City, and its duly authorized representatives, shall observe safety rules applicable to the premises established by the user; the user shall be held harmless for injury or death to the authorized representative. The City shall indemnify the user against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the user to maintain safe conditions. (Code 1979, 19-518, Ord. 6958)

ARTICLE 6. PRETREATMENT REGULATIONS

19-601

APPLICABILITY AND ENFORCEMENT.

This Article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to users who discharge nondomestic waste, or have the potential to do so, and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Article shall apply to the City of Lawrence and to persons outside the City who

are, by contract or agreement with the City, users of the publicly owned treatment works. This Article is a supplement to Article 5. Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Article. (Ord. 5543, Sec. 1.1; Ord. 6410, Sec. 1.1, Ord. 7327))

19-602

DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) Approval Authority. The Environmental Protection Agency (EPA) or Director of the Division of Environment of the Kansas Department of Health and Environment (KDHE), if the pretreatment program has been formally delegated to the Kansas Department of Health and Environment.
- (3) Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand or (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory procedure in five (5) days at twenty degrees centigrade, expressed in milligrams per liter (mg/L) as established in the 19th edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association and the Water Environment Federation.
- (5) Building Sewer. The extension from the building drain to the sanitary sewer collection system.
- (6) Chemical Oxygen Demand or (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed by a chemical oxidant in a specified test as mg/L.
- (7) City. The City of Lawrence, Kansas.
- (8) Code of Federal Regulations or (CFR). Regulations as issued by the United States Government. References to sections of the CFR shall be in accordance with the latest revisions unless specifically stated otherwise.
- (9) Composite Sample. A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (10) Cooling Water.
 - (a) Uncontaminated. Water used for cooling purposes only, which has no direct contact with any raw material, intermediate or final product and which does not contain a detectable level of contaminants

higher than that of the intake water.

- (b) Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- (11) Director. The Director of Utilities of the City of Lawrence, or his or her authorized agent or representative.
- (12) Domestic Waste. Waste from the noncommercial preparation, cooking and handling of food or containing solely human excrement and similar matter from sanitary conveniences of dwelling, institution, commercial and industrial facilities. All other waste shall mean nondomestic.
- (13) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency.
- (14) Governing Body. The City Commission of Lawrence, Kansas.
- (15) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (16) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (17) Indirect Discharge or Discharge. The introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (18) Interference. Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) Therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including 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 and the Marine Protection, Research and Sanctuaries Act
- (19) National Categorical Pretreatment Standard or Pretreatment Standard. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to users. This term includes prohibitive discharge limits established pursuant to 40 CFR, Section 403.5.

- (20) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (21) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317). Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated. Where the standard is already promulgated, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (22) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342).
- (23) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or duration of a violation).
- (24) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (25) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (26) Pollutant. Anything discharged into the POTW or sanitary sewer collection system which causes any alteration of chemical, physical, biological and 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 discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (27) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes, but is not limited to control equipment, such as equalization tanks or facilities, for protection against surge or slug discharge that might interfere with 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, the wastewater discharge from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 403.6 (e).
- (28) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on user.

- (29) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits.
- (30) Publicly Owned Treatment Works or (POTW). A treatment works that is owned and operated by the City. It includes any sewers that convey wastewater thereto from users located either within or outside the City, but not including pipes, sewers or other conveyances not connected to the facility providing treatment.
- (31) Sanitary Sewer Collection System shall include, but not be limited to all facilities for collecting, pumping, treating and transfer of wastewater.
- (32) Shall is mandatory whereas May is permissive.
- (33) Significant Industrial User.
- (1) Except as provided in paragraph (2) of this sub-section, the term Significant Industrial User means:
 - (i) A user subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and
 - (ii) A user that:
 - (1) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (2) contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) is designated by the City as defined in 40 CFR 403.12 (a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement {in accordance with 40 CFR 403.8 (f) (6)}
 - (2) Upon finding that a user meeting the criteria in paragraph (1) (ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City (as defined in 40 CFR 403.12 (a)) may at any time, on its own initiative or in response to a petition received from a user or POTW, and in accordance with 40 CFR 403.8 (f) (6), determine that such user is not considered a Significant Industrial User.
- (34) Significant Noncompliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC) TRC = 1.4 for BOD, TSS, fats, oils, and grease and 1.2 for all other pollutants except pH.
 - (c) Any other violation of a pretreatment wastewater discharge limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (vi) (B) of Section 40 CFR 403.8 to halt or prevent such a discharge;
 - (e) Failure to meet within ninety (90) days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
 - (f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring report, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance;
 - (h) Any other violation or group of violations, which the City determines, will adversely affect the operation or implementation of the local pretreatment program.
- (35) Slug Discharge. Any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- (36) State. State of Kansas.
- (37) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the President, Office of Management and Budget, 1987.
- (38) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (39) Suspended Solids. Any 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 19th edition 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. Suspended solids shall also-mean total suspended solids (TSS).

- (40) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under the provisions of Sections 307 (33 U.S.C. 1317 of the Act).
- (41) User. Any person and/or connection to the sanitary sewer collection system that contributes, causes or allows the contribution of waste into the City's POTW.
- (42) Waste. The liquid and water-carried domestic or nondomestic waste from residences, institutions, commercial and industrial facilities whether treated or untreated.
- (43) Wastewater. Any substance that contains any of the waste products or other discharges from the bodies of human beings or animals, or other waste from domestic, nondomestic or any other forms of industry.
- (44) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (45) Wastewater Discharge Permit. As set forth in Section 19-615 of this Article.
- (46) Wastewater Treatment Plant. Any arrangement of devices and structures used for treating wastewater. (Ord. 5543, Sec. 1.2; Ord. 6410, Sec. 1.2)

19-603

ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.
- (2) CERCLA - Comprehensive Environmental Response, Compensation and Liability Act
- (3) CFR - Code of Federal Regulations.
- (4) COD - Chemical Oxygen Demand.
- (5) EPA - Environmental Protection Agency.
- (6) KDHE - Kansas Department of Health and Environment
- (7) L - Liter.
- (8) lbs/day - Pounds per day
- (9) mg - Milligrams.
- (10) mg/L - Milligrams per liter.
- (11) NPDES - National Pollutant Discharge Elimination System.
- (11) POTW - Publicly Owned Treatment Works.
- (12) O&M - Operation and Maintenance
- (13) SIC - Standard Industrial Classification.
- (14) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (15) USC - United States Code.
- (16) TSS - Total Suspended Solids.

(Ord. 5543, Sec. 1.3; Ord. 6410, Sec. 1.3)

19-604

GENERAL DISCHARGE PROHIBITIONS.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national,

state, or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW: (Ord. 8315)

- (A) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system. Additionally, wastestreams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods specified in 40 CFR 261.21.
- (B) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but 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, 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, or glass grinding or polishing wastes. (Ord. 5543, Sec. 2.1; Ord. 5586)
- (C) Any wastewater having a pH less than 5.5 or greater than 10.5 or wastewater having corrosive properties or capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (E) Any noxious or malodorous liquids, gases, or solids which are either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance or repair.
- (F) Any substance which may cause the POTW's wastewater discharge or any other product of the POTW such as residue, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge

management method being used.

- (G) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- (H) Any wastewater that contains pigment which creates a visual contrast with the material appearance of any pollutant at the POTW and/or is not removed by ordinary wastewater treatment plant processes. Such wastewater includes, but is not limited to brew waste, dye wastes, ink, food, pet food coloring and vegetable tanning.
- (I) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the POTW Treatment Plant which exceeds forty (40) degrees Celsius, or one hundred four (104) degrees Fahrenheit.
- (J) Any pollutants, including oxygen-demanding pollutants (BOD, COD etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (K) Any wastewater containing radioactive wastes with radioisotopes of such half life or excessive activity which may exceed limits established by the director in compliance with applicable state or federal regulations.
- (L) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (M) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- (N) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (O) Any trucked or hauled pollutants, except septage at discharge points designated by the POTW.

When the Director determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall: (1) Advise the user of the impact of the contribution on the POTW; and (2) Develop wastewater discharge limitation(s) for such user to correct the interference with the POTW; and (3) initiate appropriate additional enforcement actions stated in 19-627:637. (Ord. 5543, Sec. 2.1)

When the Director determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall: (1) Advise the user of the impact of the contribution on the POTW; and (2) Develop wastewater discharge limitation(s) for such user to correct the interference with the POTW; and (3) initiate appropriate additional enforcement actions stated in 19-627:637. (Ord. 8315)

If any provision, clause, sentence or paragraph 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. 8315)

19-605

FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the Federal categorical pretreatment standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. 5543, Sec. 2.2; Ord. 6410, Sec. 2.2)

19-606

MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the Federal pretreatment standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the wastewater discharge which is achieved by the system ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained. (Ord. 5543, Sec. 2.3; Ord. 6410, Sec. 2.2)

19-607

SPECIFIC POLLUTANT LIMITATIONS.

The Director shall use the following limitations as the basis for the Wastewater Discharge Permits of Section 19-615. The aggregate permitted discharge from all Significant Industrial Users shall not exceed:

arsenic, total	1.64 lbs/day
cadmium, total	0.81 lbs/day
chromium, total	6.90 lbs/day
copper, total	20.99 lbs/day
cyanide, total	1.49 lbs/day
lead, total	6.40 lbs/day
mercury, total	0.06 lbs/day
nickel, total	10.91 lbs/day
silver, total	8.17 lbs/day
zinc, total	25.11 lbs/day

The local limits apply at the point where the wastewater is discharged to the POTW or end-of-pipe unlike the categorical standards that apply at the end-of-process. The local limits derived using EPA protocol were approved by the Approval Authority.

19-608

STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Article. (Ord. 5543, Sec. 2.5; Ord. 6410, Sec. 2.5)

19-609

CITY'S RIGHT OF REVISION.

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater system if deemed necessary to comply with the objectives presented in Section 19-601. (Ord. 5543, Sec. 2.6; Ord.

6410, Sec. 2.6)

19-610

EXCESSIVE DISCHARGE.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or State. (Ord. 5543, Sec. 2.7; Ord. 6410, Sec. 2.7)

19-611

ACCIDENTAL DISCHARGE.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. No user who commences contribution to the POTW shall be permitted to introduce pollutants into the system until the City has approved accidental discharge procedures. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice: 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 notification shall not relieve the user of expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

Notice to Employees: 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 a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 5543, Sec. 2.8; Ord. 6410, Sec. 2.8)

19-612

FEES; PURPOSE.

It is the purpose of 19-612:613 to provide for the recovery of costs from users of the City's wastewater system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees. (Ord. 5543, Sec. 3.1; Ord. 6410, Sec. 3.1)

19-613

SAME; CHARGES AND FEES.

The City may adopt charges and fees that may include:

- (A) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
- (B) Fees for monitoring, inspections and surveillance procedures;
- (C) Fees for reviewing accidental discharge procedures and construction;

- (D) Fees for permit applications;
- (E) Fees for filing appeals;
- (F) Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City. (Ord. 5543, Sec. 3.2; Ord. 6410, Sec. 3.2)

19-614

WASTEWATER DISCHARGERS.

It shall be unlawful to discharge wastewater without a City permit to any area within the City and/or to the wastewater system except as authorized by the Director in accordance with the provisions of this Article. (Ord. 5543, Sec. 4.1; Ord. 6410, Sec. 4.1)

19-615

WASTEWATER DISCHARGE PERMITS; GENERAL PERMITS.

All users proposing to connect to or to contribute to the POTW shall complete a wastewater survey from the Department of Utilities before connecting to or contributing to the POTW. All significant industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit. (Ord. 5543, Sec. 4.2.1; Ord. 6410, Sec. 4.2.1)

19-616

SAME; PERMIT APPLICATION.

Users required to obtain a wastewater discharge permit shall submit an application for a wastewater discharge permit to the Department of Utilities and include a fee of seventy-five dollars (\$75).

If the permittee wishes to continue to discharge after the expiration date of the assigned permit, the permittee must submit in writing an application for a new permit at least ninety (90) days before the expiration date. Proposed new users shall apply at least ninety (90) days prior to connecting to or discharging to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (A) Name, address, and location, (if different from the address);
- (B) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended;
- (C) Wastewater constituents and characteristics including but not limited to those mentioned in Sections 19-604:611 as determined by an analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (D) Time and duration of contribution;
- (E) Average daily and three minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (G) Description of activities, facilities and plant processes on the premises

including all materials that are or could be discharged;

- (H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, State, or Federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (I) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this 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 (e.g., hiring an engineer, completing the preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in paragraph (1) above shall exceed nine (9) months.
 - (3) Not later than fourteen (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 it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Director.
- (J) Each product produced by type, amount, process or processes and rate of production;
- (K) Type and amount of raw materials processed (average and maximum per day);
- (L) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (M) Any other information as may be deemed by the City to be necessary to evaluate the permit application such as but not limited to quantities of raw materials used and/or products manufactured;
- (N) A list of environmental control permits held by the User;
- (O) Flow measurement data or the best estimate of flow for each wastestream.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided

herein.

In the event additional categorical determinations are made, the information submitted in the initial application must be updated as appropriate and resubmitted. (Ord. 5543, Sec. 4.2.2; Ord. 6410, Sec. 4.2.2)

19-617

PERMIT MODIFICATIONS.

Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 19-616, the user shall apply for a wastewater discharge permit within ninety (90) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the Director within ninety (90) days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraph (H) and (I) of Section 19-616. (Ord. 5543, Sec. 4.2.3; Ord. 6410, Sec. 4.2.3)

19-618

PERMIT CONDITIONS.

Wastewater discharge permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the City. Permits may contain the following.

- (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater system.
- (B) Limits on the average and maximum wastewater constituents and characteristics;
- (C) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (D) Requirements for installation and maintenance of inspection and sampling facilities;
- (E) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (F) Compliance schedules;
- (G) Requirements for submission of technical reports or discharge reports (see Section 19-621);
- (H) Requirements for maintaining and retaining for a minimum of three (3) years the plant records relating to wastewater discharge and affording City access thereto; This period of retention shall be extended during the course of any unresolved litigation;
- (I) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

- (J) Requirements for notification of slug discharges as per Section 19-628;
- (K) Other conditions as deemed appropriate by the City to ensure compliance with this Article such as but not limited to process modifications or addition of new processes.
- (L) Civil and criminal penalties for noncompliance with the permit conditions.

(Ord. 5543, Sec. 4.2.4; Ord. 6410, Sec. 4.2.4)

19-619

PERMITS DURATION.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 19-604:611 are modified or other just cause exists. The user shall be informed of any proposed changes in his or her 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. 5543, Sec. 4.2.5; Ord. 6410, Sec. 4.2.5)

19-620

PERMIT TRANSFER.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. 5543, Sec. 4.2.6; Ord. 6410, Sec. 4.2.6)

19-621

REPORTING REQUIREMENTS FOR PERMITTEE; COMPLIANCE DATE REPORT.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, and user subject to pretreatment standards and 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 requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. An authorized representative of the industrial user shall sign this statement. (Ord. 5543, Sec. 4.3.1; Ord. 6410, Sec. 4.3.1)

19-622

PERIODIC COMPLIANCE REPORT.

- (A) Any user subject to a pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director during the months of December and June, unless required more frequently by the Director, a report indicating the nature and concentration, of pollutants in the wastewater discharge which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that during the reporting period exceeded the average daily flow reported in the permit application. 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 19-622(A) shall indicate the mass of pollutants regulated by pretreatment standards in the wastewater discharge of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.
- (C) Baseline Monitoring Reports, 90 day Compliance Report and Reports on Continued Compliance require proper signatory and certification requirements in accordance with 40 CFR 403.12(l).

(Ord. 5543, Sec. 4.3; Ord. 6410, Sec. 4.3.2)

19-623

MONITORING FACILITIES.

- (A) The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such 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.
- (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 at his or her expense shall maintain at the facility, sampling, and measuring equipment all times in a safe and proper operating condition.
- (C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City. (Ord. 5543, Sec. 4.4; Ord. 6410, Sec. 4.4)

19-624

INSPECTION, SAMPLING, REPORTING AND NOTIFICATION.

- (A) The City shall inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, Kansas Department of Health and Environment and the

Environmental Protection Agency shall have the right to set inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Kansas Department of Health and Environment and Environmental Protection Agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (B) The POTW will randomly sample and analyze the wastewater discharge from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The POTW will inspect and sample the wastewater discharge from each Significant industrial user at least once a year. Evaluate, at least once each two- (2) years, whether each such Significant Industrial User needs a plan to control slug discharges. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
- (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days.
 - (4) If necessary, procedures to prevent adverse impact from accident spills, including 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), and/or measures and equipment for emergency response.
- (C) Significant Industrial Users shall submit to the City at least once every six (6) months (on dates specified by the City) a description of the nature, concentration, and flow of the pollutants required to be reported by the City. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and applicable analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by EPA.
- (D) The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise

disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the information required under 40 CFR, 403.12(p).

- (E) If sampling performed by the Industrial User indicates a violation, the User shall notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results to the City within thirty (30) days after becoming aware of the violation. (Ord. 6410, Sec. 4.5)

19-625

PRETREATMENT.

- (A) Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal categorical pretreatment standards within the time limitations as specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City 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 a wastewater discharge acceptable to the City under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation or changes in the nature and characteristics of discharge shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- (B) All reports relating to compliance with pretreatment standards shall be made available to officials of the EPA or the Kansas Department of Health and Environment. (Ord. 5543, Sec. 4.6; Ord. 6410, Sec. 4.6)

19-626

CONFIDENTIAL INFORMATION.

- (A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Article, the National Pollutant Discharge Elimination System (NPDES) permits, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (C) Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten- (10) day notification is given to the user. EPA and the Kansas Department of Health and Environment shall have immediate and unlimited

access to all information collected by the City under the pretreatment program. (Ord. 5543, Sec. 4.7; Ord. 6410, Sec. 4.7)

19-627

ENFORCEMENT; HARMFUL CONTRIBUTIONS.

- (A) The Director may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare 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 the wastewater treatment service and/or the wastewater discharge permit 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 including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Director shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. 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 fifteen (15) days of the date of occurrence. (Ord. 5543, Sec. 5.1; Ord. 6410, Sec. 5.1)

19-628

REVOCAION OF PERMIT.

Any user who violates the following conditions of this Article, or applicable State and federal regulations, is subject to having his or her permit revoked in accordance with the procedures of Sections 19-627:634:

- (A) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;
- (B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (D) Violation of conditions of the permit.

(Ord. 5543, Sec. 5.2; Ord. 6410, Sec. 5.2)

19-629

NOTIFICATION OF VIOLATION.

The City shall annually publish in the largest local daily newspaper a list of the users that were in significant noncompliance (as defined in 19-602) of any pretreatment requirements or standards during the twelve- (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve- (12) months. (Ord. 5543, Sec. 5.3; Ord. 6410, Sec. 5.3)

19-630

SHOW CAUSE HEARING; NOTICE.

The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Governing Body why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Governing Body

regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Governing Body why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of the corporation. (Ord. 5543, Sec. 5.4.1; Ord. 6410, Sec. 5.4.1)

19-631

SAME; HEARING.

The Governing Body may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

- (A) Issue in the name of the Governing Body notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (B) Take the evidence;
- (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Governing Body for action thereon. (Ord. 5543, Sec. 5.4.2; Ord. 6410, Sec. 5.4.2)

19-632

SAME; TRANSCRIPT OF HEARINGS.

At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. (Ord. 5543, Sec. 5.4.3; Ord. 6410, Sec. 5.4.3)

19-633

SAME; ORDER FOR COMPLIANCE.

After the Governing Body has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. 5543, Sec. 5.4.4; Ord. 6410, Sec. 5.4.4)

19-634

ADMINISTRATIVE FINES.

The Director of Utilities or his or her designee may impose administrative fines for violations of pretreatment standards and noncompliance with pretreatment requirements, in accordance with the Enforcement Response Plan developed by the POTW, as required in 19-636. (Ord. 6410, Sec. 5.4.5)

19-635

LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater system contrary to the provisions of this Article, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Court. Injunctive relief may be sought by the City, also for nondischarging violations such as but not limited to, failure to submit reports or failure to allow onsite inspections. (Ord. 5543, Sec. 5.5; Ord. 6410, Sec. 5.5)

19-636

ENFORCEMENT RESPONSE PLAN.

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (A) Describe how the POTW will investigate instances of noncompliance;
- (B) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of Industrial User violations and the time periods within which responses will take place;
- (C) Identify (by title) the official(s) responsible for each type of response;
- (D) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards as detailed in 40 CFR 403.8(f)(1) and (f)(2).

(Ord. 6410, Sec. 5.6)

19-637

DETERMINATION OF SIGNIFICANT INDUSTRIAL USER STATUS.

The POTW shall prepare a list of its Industrial Users meeting the criteria in 40 CFR 403.3(t)(1). The list shall identify the criteria in 40 CFR 403.3(t)(1) applicable to each Industrial User, and, for Industrial Users meeting the criteria in 40 CFR 403.3(t)(2), shall also indicate whether the POTW has made a determination pursuant to 40 CFR 403.3(t)(2) that such Industrial User should not be considered a Significant Industrial User. This list and any subsequent modifications thereto, shall be submitted to the Approval Authority as a nonsubstantial program modification pursuant to 40 CFR 403.18(b)(2). Discretionary designation or designations by the City shall be deemed to be approved by the Approval Authority ninety (90) days after submission of the list or modifications thereto, unless the Approval Authority determines that a modification is in fact a substantial modification. (Ord. 6410, Sec. 5.7)

19-638

CIVIL PENALTIES.

Any user who is found to have violated an Order of the Governing Body or who failed to comply with any provision of this Article, or the orders, rules regulations, and permits issued hereunder shall be fined up to and including one thousand dollars (\$1,000) for each offense. The penalty shall accrue on a "per violation per day" basis. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Article or the orders, rules, regulations, and permits issued hereunder. (Ord. 5543, Sec. 6.1; Ord. 6410, Sec. 6.1)

19-639

FALSIFYING INFORMATION.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall upon conviction, be punished by a fine not less than \$1,000 or by imprisonment for not more than six (6) months, or by both. (Ord. 5543, Sec. 6.2; Ord. 6410, Sec. 6.2)

19-640

SEVERABILITY.

If any provision, paragraph, word, or section of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect. (Ord. 5543, Sec. 7; Ord. 6410, Sec. 7)

ARTICLE 7. CROSS CONNECTION CONTROL

19-701

CROSS CONNECTION CONTROL - GENERAL INFORMATION.

- (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 Regulation (K.A.R.) 28-15-18(h).
- (B) Scope. All potable water distributed by the City of Lawrence Utilities 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 Kansas Department of Health and Environment criteria.
 - (2) Provisions of this Article are intended to supplement, not supersede or replace, provisions of the Uniform Plumbing Code, as adopted by the City of Lawrence, Kansas. (Ord. 6293, Sec. 1)

19-702

SAME; RESPONSIBILITIES.

- (A) The Director of the City of Lawrence Utilities Department will maintain primary responsibility for the development, implementation and enforcement of the Cross-Connection Control Program. The Utilities Department will work in cooperation with other departments, 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 the City of Lawrence Utilities Department or its authorized representative, and shall maintain accurate records for

all such devices, as required by this Article. (Ord. 6293, Sec. 2)

19-703

SAME; DEFINITIONS.

- (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 Utilities Department.
- (C) APPROVED TECHNICIAN (TESTER/REPAIR PERSONNEL): An approved technician is one who has completed a KDHE approved training course in cross-connection control and backflow prevention and has passed a written examination. 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 back siphonage. An AVB may not be used under continuous line pressure.
- (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 Utilities 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 DEVICE OR REDUCED PRESSURE ZONE BACKFLOW PREVENTER: 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.

(Ord. 6293, Sec. 3)

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.

- (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 Utilities 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) 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 the Kansas Department of Health and Environment standards and this Article. (Ord. 6293, Sec. 5)

19-705.5

SAME; LAWN IRRIGATION SYSTEMS; BACKFLOW PREVENTION DEVICES REQUIRED.

- (A) Lawn irrigation systems are deemed to be low hazard systems for purposes of the Department of Utilities cross connection control program and the Uniform Plumbing Code. All water customers with lawn irrigation systems are hereby required to have one (1) of the following types of backflow prevention devices:
- (1) Double check valve assembly
 - (2) Air Gap Separation
 - (3) Reduced Pressure Principle Device or Reduced Pressure Zone Backflow Preventer
 - (4) Pressure Vacuum Breaker (for connections not subject to back pressure)
 - (5) Atmospheric Vacuum Breaker
- (B) All backflow prevention devices must be tested by, or on the behalf of, the water customer, pursuant to the provisions of this Article, a minimum of one (1) time during a consecutive twelve (12) month period, and must be tested when the device is installed, repaired or relocated (Ord. 6411; Ord. 6563)

19-706

SAME; INSTALLATION.

- (A) All approved backflow prevention devices must be installed according to the manufacturer's instruction or as required by the City of Lawrence Utilities 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 Utilities 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 Utilities 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)

19-708

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

- (A) It shall be the responsibility of the water customer to maintain all backflow prevention devices within the building or on the premise and to make no piping or other arrangement for the purpose of bypassing backflow devices.
- (B) Acceptable testing intervals shall be established by the City of Lawrence

Utilities Department for all backflow prevention devices. All backflow prevention devices shall be tested by a state approved tester a minimum of once a year and documentation of this testing shall be filed with the Utilities Department.

- (C) 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. (Ord. 6293, Sec. 8)

19-709

SAME; UNLAWFUL ACTS.

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.
- (D) To remove any cross-connection control device except when necessary for repair or replacement. (Ord. 6239, Sec. 9)

19-710

SAME; PENALTIES.

- (A) Any person or persons violating any of the provisions for this Article shall be subject to a fine not to exceed five hundred dollars (\$500) or to imprisonment not to exceed ninety (90) days, or both, at the discretion of the court. Each day that any violation continues shall constitute a separate offense.
- (B) Under the authority of K.S.A. 65-163(a), the City of Lawrence Utilities Department or its authorized representative shall deny or discontinue the water service to any premises or customer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the City Utilities Department or its authorized representative, or it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists.
- (C) Water service to such premises shall not be restored until the customer is in compliance with this Article and as determined by the City of Lawrence Utilities Department or its authorized representative. (Ord. 6293, Sec. 10)

19-711

ESTABLISHING AND ADMINISTERING THE CROSS-CONNECTION CONTROL PROGRAM.

The Director of Utilities 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)

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 Utilities or his or her authorized agent. (Ord. 5890)

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.

- A. Before any person shall be issued a permit as herein provided, such person shall file, with the Department of Utilities, 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 Utilities 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 Department of Utilities, 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)

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 Department of Utilities 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 Department of Public Utilities 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 Department of Utilities, State, Federal or local rules and regulations. A permit may be suspended or revoked by the Department of Utilities, 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)

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.

(A) As required in Section 19-901, the water system development charge shall be as follows effective on and after January 1, 2009: (Ord. 8308)

Size of Water Meter (in inches)	System Development Charge
RESIDENTIAL	

5/8	\$1,560
1	\$3,900
1½	\$7,800
2	\$12,480
ALL OTHER	
5/8	\$1,560
1	\$3,900
1½	\$7,800
2	\$12,480
3	\$23,400
4	\$39,000
6	\$78,000
8	\$156,000
10	\$234,000
12	\$343,200
16	\$858,000

19-903

WASTEWATER SYSTEM DEVELOPMENT CHARGE; METER TYPE, SIZE AND CHARGE.

- (A) As required in Section 19-901, the wastewater system development charge shall be as follows on and after January 1, 2009: (Ord. 8308)

Size of Water Meter (in inches)	System Development Charge
RESIDENTIAL	
All Meters	\$1,470
ALL OTHER	
5/8	\$2,970
1	\$7,430
1½	\$14,850
2	\$23,760
3	\$44,550
4	\$74,250
6	\$148,500
8	\$297,000
10	\$445,500
12	\$653,400
16	\$1,633,500

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 Utilities shall have the authority to promulgate rules and regulations to implement the provisions of this Article. (Ord. 6791)

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 Utilities, 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)

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 Utilities. 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 Utilities 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 Utilities 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)
- 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 Utilities by submitting a written appeal request to the Director of Utilities within ten (10) days of the date of the decision. The Director of Utilities 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 Utilities shall be in writing and the decision rendered shall be a final administrative decision. The Director of Utilities may delegate responsibilities of this Section to other City personnel as the Director determines appropriate. (Ord. 6791)
- 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. 7130)

19-1002

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. 7130)

- (A) Water 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 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 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 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 employees 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 EMERGENCY.

- (A) Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water needed for essential uses, it shall be empowered to declare by resolution that a water emergency exists and that it will encourage voluntary conservation or impose mandatory restrictions on water use during the period of the emergency. 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 emergency shall be effective upon their publication in the official city

newspaper and may be publicized additionally through the general news media or other appropriate method for making such resolutions public. (Ord. 7094)

- (B) As an alternative to the provisions of subsection (A), the City Manager or the Director of Utilities, or the designees of such persons, may exercise emergency termination powers pursuant to Section 19-1009. (Ord. 7094)

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. 7094)

- (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. 7094)

- (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. 7094)

19-1007

REGULATIONS.

During the effective period of any water 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. 7094)

19-1008

VIOLATIONS. DISCONNECTIONS AND PENALTIES.

- (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: (Ord. 7094)
 - (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. (Ord. 7094)
- (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. (Ord. 7094)

19-1009

EMERGENCY TERMINATION.

Nothing in this Article shall limit the authority of the City Manager or the Director of Utilities, 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. 7094)

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)

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 Department of Public Works. (Ord. 7094)