ORDINANCE NO. 744

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, REPEALING ORDINANCE NO. 611 AND ALL OTHER AND FOREGOING ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

ARTICLE I.

SECTION 1: DEFINITIONS

The following words, terms and phrases, used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACT or the ACT: Means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

APPROVAL AUTHORITY: The Environmental Protection Agency (EPA).

AUTHORIZED REPRESENTATIVE: Shall mean that 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 in subsections (1) and (2) of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees centigrade (20°C). The laboratory determination of BOD shall be made in accordance with procedures set forth in standard methods.

BUILDING DRAIN: Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: Shall mean the extension from the building drain to the public sewer or other place of disposal.

BYPASS: The intentional diversion of wastestreams from any portion of a user's treatment facility.

CATEGORICAL PRETREATMENT STANDARDS: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317), which applies to a specific category of industrial users.

CHEMICAL OXYGEN DEMAND (COD): A measure of the oxygen consuming capacity, expressed in milligrams per liter, of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not necessarily correlate with biochemical oxygen demand. The laboratory determination of COD shall be made in accordance with procedures set forth in standard methods.

CITY: The City of Sedgwick, Kansas, or any authorized person acting in its behalf.

CITY ENGINEER: Means the City Engineer for the City.

COLLECTOR: A small diameter primary wastewater collector line for serving abutting properties.

COMBINED SEWER: Shall mean a sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE: A combination of individual samples in which the volume of each individual sample is proportional to the discharge of flow. The sample frequency is proportional to the flow rate over the sample period or the sample frequency is proportional to time.

COOLING WATER: Means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

CONTROL AUTHORITY: Means the "APPROVAL AUTHORITY" as defined in this section, or the City Superintendent, if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

CONTROL MANHOLE: A manhole giving access to a sewer line at some point before the sewer discharge mixes with other discharges in the public sewer.

DIRECT DISCHARGE: The discharge of sewage into waters of the state.

DOMESTIC WASTEWATER: Waterborne wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, free from storm, surface waters and industrial wastes.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. Environmental Protection Agency or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

GARBAGE: Solid wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage, and sale of food products and produce.

GOVERNING BODY: The City Council and Mayor of the City of Sedgwick, Kansas.

GRAB SAMPLE: An individual sample collected in less than fifteen (15) minutes.

HEALTH OFFICER: Means a duly authorized officer of the State or County Health Department.

HOLDING TANK WASTE: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL USER: Any nongovernmental, nonresidential user discharging industrial wastes and pollutants into the Publicly Owned Treatment Works (POTW) either directly or indirectly.

INDUSTRIAL USER PERMIT: The permit issued by the city to an industrial user not required to have a NPDES permit, for purposes of discharging industrial wastes into the sanitary sewer system.

INDUSTRIAL WASTES: Waterborne solids, liquids, or gaseous wastes resulting from and discharged, permitted to flow, or escaping from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of these with water or domestic wastewater, or distinct from normal domestic wastewater.

INTERCEPTOR: A medium diameter sewer line which carries wastewater from collectors to a main.

INTERFERENCE: Shall mean the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Clean Water Act, (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including plans prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

KDHE: Shall mean the Kansas Department of Health and Environment of the State of Kansas, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

LOCAL LIMITS: Specific prohibitions or limits on pollutants or pollutant parameters developed by the POTW in accordance with 40 C.F.R. section 403.5(c) for the purpose of implementing the prohibitions listed in 40 C.F.R. 403.5(a)(1) and (b).

MAIN: A medium to large diameter sewer line which carries wastewater from interceptors to the wastewater treatment plant.

MILLIGRAMS PER LITER (mg/L): A weight to volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

NPDES PERMIT: Shall mean a national pollutant discharge elimination system discharge permit issued by the approval authority pursuant to section 402 of the Act (33 USC 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD: Any (present or future) regulation developed under the authority of 307(b) of the act and 40 C.F.R. section 403.5.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

NEW SOURCE: Means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 USC 1317) categorical

pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source commenced after the date of promulgation of the standard.

NORMAL DOMESTIC WASTEWATER: Normal wastewater for the city in which the average concentration of suspended solids is established at two hundred milligrams per liter (200 mg/L); the average concentration of five (5) day BOD is established at two hundred milligrams per liter (200 mg/L), and the average concentration of oil and grease is established at ninety (100) milligrams per liter.

OPERATION AND MAINTENANCE (O&M): The expenditure incurred while following normal operating procedures for the treatment of wastewater, and including expenditures incurred for the purpose of maintenance and replacement over the useful life of the wastewater treatment plant.

OVERLOAD: The imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

PASS THROUGH: A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON: Shall mean any individual, firm, company, association, society, corporation, group, partnership, co-partnership, joint stock company, trust, estate, governmental entity of any other legal entity, or their legal representatives, agents or assigns. Either gender shall include the other. The singular and the plural shall include the plural and the singular respectively where indicated by context.

pH: The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION: The manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

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 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 process, process changes, or by other means, except where prohibited by 40 C.F.R. section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings 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 effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. section 403.6(e).

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement relating to pretreatment, other than a national pretreatment standard imposed on a user.

PRIVATE SEWER: A sewer not owned or maintained by the City of Sedgwick.

PRIVATE WASTEWATER DISPOSAL FACILITY: A wastewater treatment facility owned, operated, and maintained by a person other than the city.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2") inch (1.27 centimeters) in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting property shall have equal rights and the use of which is controlled by the City of Sedgwick.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by section 212 of the act, which is owned by a state or municipality (as defined by section 502(4) of the act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the sanitary sewer system for which system was designed and constructed. The term "operation and maintenance" includes "replacement".

SANITARY SEWER: A sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm, surface, and ground waters or unpolluted wastes are not intentionally admitted.

SANITARY SEWER SYSTEM: Shall include all devices, units and systems used in the collection, transportation, storage, treatment, recycling and reclamation of municipal wastewater or industrial wastes of liquid nature, including all land and appurtenances thereto owned by the city and as further defined for a publicly owned treatment works (POTW) under section 211 of the Federal Water Pollution Control Act (33 USC 1292).

SEWAGE: Shall mean a combination of the water-carried wastes from residences, business building, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

SEWER: A pipe or conduit that carries wastewater.

SEWER PERMIT: A permit issued by the city to a user of the sanitary sewer system for purposes of connecting to and using the city sanitary sewer system.

SEWER USER CHARGE: The charge made on all users of the sanitary sewer system for the cost of operation and maintenance of such system.

SHALL: "Shall" is mandatory. "May" is permissive.

SIGNIFICANT INDUSTRIAL USER: Shall mean all categorical industrial users and any noncategorical industrial user that:

a. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD,TSS,etc.) capacity of the treatment plant; or

b. Has a reasonable potential, in the opinion of the control or approval authority, to adversely affect the Wastewater Treatment Plant (POTW), cause inhibition, pass-through of pollutants, sludge contamination, or endangerment of city employees.

SLUG: Any discharge of water, wastewater, or industrial waste which, in concentration of any given constituent or in quantity of flow that will cause a violation of the specific discharge prohibition in 40 C.F.R. section 403.

STATE: Shall mean State of Kansas.

STORM SEWER OR STORM DRAIN: A sewer which carries storm and surface waters and drainage but excludes domestic wastewater and polluted industrial wastes.

STORM WATER: Rainfall or any other form of precipitation.

SUPERINTENDENT: Shall mean the Superintendent of the City's Wastewater Treatment Plant or his/her authorized deputy, agent, or representative.

SURCHARGE: The charge in addition to the sewer user charge which is made on industrial users whose wastes are greater in strength than the concentration values established as normal domestic wastewater.

SUSPENDED SOLIDS (SS or TSS): Solids that either float on the surface of, or in suspension, in water, wastewater or other liquids, and that are largely removable by a laboratory filtration device.

TOTAL TOXIC ORGANICS: As defined in the applicable pretreatment standards as found in 40 C.F.R. Chapter 1, subchapter N, parts 405-471.

TOXIC SUBSTANCE OR POLLUTANT: Any substance, gaseous, liquid or solid, which when discharged to a sewer or drain may tend to interfere with any waste treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or to create a hazard to recreation in the receiving water of the effluent from the Wastewater Treatment Plant or from the storm sewer into which wastes may be discharged.

UNPOLLUTED WATER OR WASTE: Water or waste containing none of the following: free or emulsified grease or oil; acids or alkalis, phenols or other substances imparting taste or odor to receiving water; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than ten (10) milligrams per liter each of suspended solids and BOD. The color shall not exceed twenty (20) color units as measured by the platinum-cobalt method of determination as specified in standard analysis methods.

USER OF SANITARY SEWER SYSTEM: The person having a contract for water service at a particular location, if the location has a sanitary sewer connection to the city's system, or if there is no water contract on file, then the person who is charged with water bills for the location or who pays same, or if a private water supply is used, then the proprietor of the location having the sewer connection.

WASTEWATER: A combination of the water carried waste from residences, business buildings, institutions, and industrial establishments together with such ground, surface and storm waters, as may be present.

WASTEWATER COLLECTION SYSTEM: Each and all of the common lateral sewers, within a publicly owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures or from private property to the public lateral sewer or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are owned and maintained by the City of Sedgwick, Kansas.

WASTEWATER TREATMENT PLANT: Any unit processes, facilities, land and appurtenances thereto, providing primary treatment, secondary treatment and/or advanced treatment of wastewaters, both domestic and industrial, and for handling the resulting sludges from such treatment.

WATERCOURSE: A natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, well, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, pubic or private, which are contained within, flow through or border upon the state or any portion thereof.

SECTION 2: AUTHORITY AND ENFORCEMENT

The City Administrator, City Superintendent, or other duly authorized employee of the city, shall have full authority to enforce the provisions of this ordinance.

SECTION 3: CONNECTION TO PUBLIC SEWER REQUIRED

A. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City of Sedgwick or in any area under the jurisdiction of said city, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

C. Except as hereinafter provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, building, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at the owners expense to install suitable toilet facilities therein, and to connect such facilities

directly with the proper public wastewater collection system in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so, provided that the public wastewater collection system is within three hundred (300) feet of the property line.

E. If any such person shall fail, neglect or refuse to so connect any building or buildings with the sewer system as required by and provided for in this ordinance for more than thirty (30) days after being notified in writing by the city, then the city may advertise for bids for the construction and making of such premises to be connected with the sewer system and the costs and expenses thereof shall be assessed against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made; provided, that all such sewer connections as ordered by the city in accordance with the provision of this ordinance shall be in full compliance with the requirements of the provisions of the plumbing code of the city.

SECTION 4: PRIVATE SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions of Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within the hours of the receipt of notice by the Superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kansas. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article 111, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

H. When a public sewer becomes available the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

SECTION 5: DISCHARGES TO STORM SEWERS OR NATURAL OUTLETS

It shall be unlawful to deposit or discharge any wastewater, industrial waste, other polluted waters, or liquids on public or private property, in or adjacent to any natural outlet or watercourse, or in any storm sewer within the city, or in any area under jurisdiction of the city, without the approval of the Kansas Department of Health & Environment (KDHE) and the EPA.

No person shall make connection of roof down spouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 6: SEWER COSTS FOR PRIVATE DEVELOPMENTS

Sanitary sewer mains or interceptors, either serving or within new subdivisions, shall be constructed of sufficient size and capacity to accommodate the anticipated conditions resulting from gravity flow from or to any mains or interceptors intended to serve the subdivision and any property that may be connected into the mains or interceptors at any future date.

SECTION 7: INSTALLATION AND CONNECTION OF SEWERS (PERMIT AND INSPECTION REQUIRED)

A. No person shall uncover, make or attempt to make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the City Superintendent and having such connection inspected.

B. If a sewer connection is made without a sewer permit and without inspection, then such connection shall be closed and disconnected from the sewer by the order of the city.

C. There shall be two (2) classes of building sewer permits:

   (a) For residential and commercial service, and
   (b) For service to establishments producing industrial wastes.

   In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as established from time to time by resolution shall be paid to the city at the time the application is filed.

   Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to another owner, another user, or different premises, nor shall it be transferred to a new or significantly changed operation. Permits for establishments producing industrial wastes shall be issued for a specified time period, not to exceed two (2) years. If the user is not notified by the city thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his 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.

D. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

E. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

F. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

G. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Superintendent before installation.

I. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

J. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

SECTION 8: CONNECTIONS TO COLLECTORS ONLY

No private sewer connection, whether within or beyond the city limits, shall be made to any sewer line directly or indirectly connected with the city sanitary sewer system other than to a collector constructed to serve the private premises in question, except by special contract approved by the city.

SECTION 9: CONNECTIONS TO MAINS OR INTERCEPTORS

Whenever mains or interceptors have been constructed, and the city has paid charges in whole or in part out of city funds, other than those charges provided for in this ordinance, and when any owner or occupant of any property abutting the sanitary sewer main or interceptor makes

application for connecting a private line with the sewer, no permit shall be issued until the owner or occupant has paid the city an amount equal to that which he would have been requested to pay for a collector so constructed. The amounts to be charged for such connections to mains or interceptors shall be ascertained by the city.

SECTION 10: REIMBURSEMENT OF ASSESSMENT PAID TO CITY

A. Reimbursement Of City Required For Permit To Tap Sewers: Whenever the construction cost of sanitary sewers has been or may be levied and assessed against the property abutting thereon, as provided by the laws of the state, and the city has paid or may be liable to pay such assessments in whole or in part from city funds, then any owner or occupant of any property abutting such sewers who makes application for permission to tap such sewers shall not be issued a permit unless he shall:

1. Have paid to the city the amount of the assessments that have been paid by the city prior to issuance of the permit.

2. Agree in writing with the city that:

   a. Any unpaid or unmatured assessments levied against the property shall be or remain a lien against the property so long as the assessments remain unpaid; and
   b. From the date of issuance of the permit the unpaid assessments shall become and remain a lien in the same manner and form as is provided for in levying assessment against property abutting upon sewer collector lines under the laws of the state, as if the same had been originally levied, under the laws of the state. Such lien shall remain in force and effect until the assessments shall be fully paid and satisfied as provided by the statutes relating to the construction of lateral sewers.

B. Payment Of Actual Cost Plus Interest: The property owner or occupant shall be required:

1. To pay the actual cost of the sewer properly chargeable to the abutting property, as provided under the laws of the state, and any interest that the city has been required to pay;

2. To assume the payment of interest on outstanding and unpaid assessments.

C. Issuance Of Permit: Upon payment to the city of the assessment, a permit shall be issued to the owner or occupant to tap and use the sanitary sewer in the manner provided herein relating to such connections.

SECTION 11: FALSIFYING OF INFORMATION

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the city or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance is hereby declared to be in violation of this ordinance and in addition to all penalties, shall be subject to civil liability for any damage or loss caused.

SECTION 12: TAMPERING WITH PROPERTY OR EQUIPMENT

No person shall willfully, maliciously or negligently break, destroy, uncover, deface or tamper with any structure, appurtenance, line or equipment that is part of the sanitary sewer system.

SECTION 13: PENALTY; NOTICE OF VIOLATION

A. Penalty: Any person, firm or corporation that violates any provision of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed one hundred dollars ($100.00) for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

B. Notice Of Violation; Abatement: When it appears to the city that the violation was not committed with malice or by gross negligence, prosecution may be deferred temporarily by the city to allow the offender to conform to and/or comply with the requirements of this chapter, including articles A, B and C. In such event, the city shall give the offender written notice describing the nature of the violation and fixing a reasonable time limit for the correction of the violation. Such notice shall inform the violator that failure to heed the notice within the time named will result in prosecution in accordance with this section.

C. Each Day Separate Offense; Civil Liability: Each day upon which a violation occurs constitutes a separate offense. In addition thereto, such person, firm or corporation may be enjoined from continuing such violation, and shall be subject to civil liability for any damage or loss caused the city.

ARTICLE II.

SECTION 1: COMPLIANCE WITH CITY STANDARDS

No sanitary sewer constructed outside the city boundaries, the flow of which is discharged or is to be discharged into the sanitary sewer system of the city, shall be connected with the sanitary sewer system of the city unless such sanitary sewer shall have been constructed in compliance with all the terms of this article.

SECTION 2: PLANS SUBMITTED TO CITY

A. General Requirements: Whenever it is proposed to construct any sanitary sewer outside city boundaries and connect with the sanitary sewer system of the city, the complete plans, specifications, and estimate of costs of such sewer shall be submitted to the city.

B. Authorization Of Construction: If the city finds from an examination of such plans and specifications that the proposed sanitary sewer complies with the laws of the state and that the design of the sewer is such that it will be practical to connect the same with the sanitary sewage system of the city, then the construction of such sewage system shall be authorized.

SECTION 3: ENGINEERING AND INSPECTION FEES

A. Inspection And Engineering Fee Paid To City: For any sanitary sewer to be hereafter constructed outside the city boundaries, if such sewer is to be connected directly or indirectly with the sanitary sewer system of the city, then an inspection and engineering fee shall be paid to the city clerk at the time of the submission of the plans and specifications of such sewer to the city.

B. Amount Of Fee: Such fee shall be an amount based on the estimated cost of such construction and inspection and shall be computed as provided for in the general schedule of fees approved by the city council.

SECTION 4: INSPECTION REQUIREMENTS

A. Commencing Sewer Construction; Inspector Required: Whenever the owner of a proposed sanitary sewer shall commence the construction of such sewer, he shall notify the city, and the city shall thereupon place a qualified inspector on such construction job, the inspector shall remain on duty at all times during the construction of such sanitary sewer.

B. Duties Of Inspector: Such inspector shall see that such sewer is constructed in compliance with the laws of the state, and in accordance with the plans and specifications as approved by the city.

C. Authorization Of Connection: When such sewer is completed, if the city finds that such sewer has been in all respects constructed as provided for in this article, and that all fees as provided for in this article have been paid, then the city, upon the request of the owner of such sewer, shall authorize the connection of such sewer with the sanitary sewer system of the city.

SECTION 5: FILING ORIGINAL TRACINGS OF SEWER PLANS

Upon completion, final acceptance by the city and the connection of such sewer with the sanitary sewer system of the city, the original tracings of all plans and profiles for the construction of such sanitary sewer shall be corrected by the engineer who prepared the same to show such sewer as it is actually built, and all of such original tracings of the plans and profiles shall be filed with the city.

SECTION 6: MAINTENANCE OF SEWERS

A. Contract For Maintenance Of Sewer: Prior to the authorization provided in this article, the person desiring to construct such sewer shall enter into a contract with the city to provide for the operation and maintenance (O&M) of such sewer for such period as it remains beyond the city boundaries.

B. Nonliability Of City: The city shall assume no liability or obligation for the operation and maintenance of the sanitary sewer system as long as the district served by such sewer remains outside the city boundaries.

SECTION 7: SEWER SUBJECT TO REGULATIONS

After the sewer has been connected with the sanitary sewer system of the city, all the terms of this article shall be in full force and effect and shall apply to all persons in the district served by such sanitary sewer.

SECTION 8: SPECIAL SEWER CONNECTION PERMIT

A. Permit Required: No person shall connect, or authorize to be connected, any premises that are located outside the city limits to, or with, any sanitary sewer that shall connect directly or indirectly with the sanitary sewer system of the city, without first obtaining a special sewer connection permit.

B. Application and Plan: Any person desiring to obtain a special sewer connection permit shall make application to the city and furnish a detailed plan of the desired connection. After inspection of the plan and existing sewer facilities, the application will be presented to the city council. Special sewer connection permits shall be issued only with the approval of the city council.

C. Payment Of Fee: Upon approval by the city council of the issuance of the permit, the applicant therefore shall first pay to the city clerk the fee as prescribed in the general schedule of fees approved by the city council.

ARTICLE III

SECTION 1: PROHIBITED DISCHARGES

A. **Prohibited Waters:** No person shall discharge, or cause to be discharged, any storm water, ground water, roof runoff, subsurface drainage, or any water from downspouts, yard drains, yard fountains and ponds, sump pumps, septic tanks, or lawn sprays, into any sanitary sewer. Water from swimming pools, boiler drains, blow off pipes, or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection so the discharge can be precooled, if required, and flows into the sanitary sewer at a rate not to exceed the capacity of the sanitary sewer, provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this article; and provided, that the water from an air conditioning or cooling unit shall in no event exceed one-tenth (1/10) gallon per minute per ton capacity of the unit. Dilution of any waste discharged to the sanitary sewer system is prohibited, whether accomplished by the combination of two (2) or more waste streams or by the addition of other liquids solely for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations.

B. **Harmful Substances Or Materials**: No person shall discharge, or cause to be discharged, any of the following described waters, wastes, liquids, substances, or materials into any public sanitary sewer:

1. Any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Solid or viscous substances in quantities or sizes (that will not pass through a 1/2 inch screen) which may cause obstruction, interference, or pass through to the POTW such as, but not limited to, bulk solids, petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, grease or garbage, ashes, cinders, sand, mud, straw, grass clippings, shavings, metal, glass, rags, feathers, tar, plastics, wood, rubber, animal grease or oil, whole blood, paunch manure, hair, meat fleshings, entrails, bones, hooves, toenails, bristles, horns, chicken feet or heads (or of other fowl), yeast, spent grains, spent hops, whey, whole or separated milk, waste paper, dishes or cups, milk containers, etc., either whole or ground by garbage grinders, or lime slurry, lime residue, slops, asphalt residues, residues from refining, manufacturing or processing of fuels of any kind, or lubricating oils, chemical residues, paint residues, or fiberglass.

3. Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of causing objectionable odors or hazard to life and property, or which forms solids in concentrations exceeding limits established herein or creates any other condition deleterious to structures or treatment processes, or requires unusual facilities, attention, or expense to handle such materials.

4. Any waters or wastes having a pH lower than six (6) or higher than ten (10), or containing any chemical or corrosive property that is hazardous or capable of causing damage to structures, equipment, or personnel of the sanitary sewer system.

SECTION 2: INDUSTRIAL AND HARMFUL WASTES

A. **Prohibited Wastes:** No person shall discharge, or cause to be discharged, the following substances, materials, waters, or wastes if it appears likely in the opinion of the city that such substances or wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the natural outlet, or can otherwise endanger life, limb, public property; or constitute a nuisance. In forming an opinion as to the acceptability of the wastes, the city will give consideration to factors including the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The prohibited substances are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) or sixty five degrees centigrade (65°C).

2. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not in excess of 100 mg/L, or other substances that may solidify or become viscous at temperatures above thirty two degrees Fahrenheit (32°F), or zero degree centigrade (0°C).

3. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

4. Any waters or wastes containing iron, chromium, copper, zinc, and similar obnoxious, toxic, or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create any hazard in the receiving waters of the wastewater treatment plant, or interfere with the beneficial use of the sludge, in concentrations exceeding the limits that may be established by the city as necessary.

    a. All other heavy metals and toxic substances, including, but not limited to, the following, shall be excluded from the wastewater system unless a permit specifying the conditions of pretreatment, concentrations, volumes, etc., is obtained from the city: pesticides, rhenium, strontium, tellurium, herbicides, fungicides, or any other fluoride other than that in the public water supply.

    b. Any substance with a chemical oxygen demand (COD) over 430 mg/L.

6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the city as necessary, after treatment of composite wastewater, to meet the requirements of the state, federal, or other public agencies for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.

8. Materials that exert or cause:

   a. Excessive discoloration (including dye wastes and vegetable tanning solutions).

   b. Unusual biochemical oxygen demand (BOD), suspended solids, or soils and grease greater than the amounts established in #11 listed below.

   c. Unusual volume of flow or concentration of wastes constituting slugs shall be regulated to equalize the flow and/or concentration to levels acceptable to the city if such waste can damage the collection facilities, impair the treatment process, incur treatment costs exceeding those for normal domestic wastewater, or render the waste unfit for stream disposal and industrial use.

9. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment process 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.

10. Except in quantities or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person or corporation to discharge waters or wastes to the sanitary sewer that:

    a. Can deposit grease or oil in the sewer lines in such a manner as to clog the sewers.

    b. Can overload skimming or grease handling equipment.

    c. Are not amenable to bacterial action, and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes.

    d. Can have a deleterious effect on the treatment process due to excessive quantities.

11. Any waters or wastes having concentrations as follows:

    a. Five (5) day BOD concentration in excess of four hundred milligrams per liter (400 mg/L).

    b. Suspended solids concentration in excess of two hundred milligrams per liter (200 mg/L).

    c. Oil and grease concentration in excess of ninety milligrams per liter (100 mg/L).

B. Hazardous or Nuisance Materials: No person shall discharge or cause to be discharged substances, materials, water or wastes which create a public nuisance. No materials shall be discharged, other than aqueous mixtures generated during normal process operations, that are considered hazardous as defined by 40 C.F.R.

section 261.21 (ignitable), section 261.22 (corrosive), section 261.23 (reactive), section 261.24 (EP toxicity), section 261.31 (hazardous waste from nonspecific sources), and section 261.32 (hazardous waste from specific sources). Under no circumstances shall concentrated hazardous wastes be discharged to the sewer system.

C. Pretreatment By Owner: When necessary, in the opinion of the city, the owner shall provide and operate at his own expense, such pretreatment as may be required to reduce the BOD, suspended solids, oil and grease, heavy metals, chemicals, or other toxic and harmful substances to meet any of the requirements of this ordinance.

D. Use Of City Sewer System; Exception: The sanitary sewer system shall be used, whenever such system is available, by all persons discharging any wastewater, industrial waste, or other polluted liquids, unless an exception is granted by the city.

E. Industrial Users; Permit:

1. Copy of NPDES Permit To City; Compliance With Standards:

a. Industrial users with their own Kansas Department of Health and Environment (KDHE) NPDES permit for industrial wastewater systems shall furnish a copy of said permit to the city and shall comply with said permit and all other KDHE quality standards, rules and regulations currently existing or as hereinafter amended.

2. Failure To Comply; Penalty:

a. The procedure and penalties for failure to comply with subsection D1 of this section shall be identical to those adopted by KDHE, now existing or hereinafter amended. Further, notice from KDHE shall constitute notice from the city.

b. If industrial user shall not comply with above stated limitations, any and all fees, penalties, assessments, or costs assessed against the city shall be reimbursed to the city by the industrial user; provided further, if industrial user shall fail to reimburse the city for fees, penalties, assessments, or costs within ninety (90) days of final determination by the field officer of the Kansas Department of Health and Environment, said fee, penalty, assessment, or costs shall double and the city shall immediately terminate services to said industrial user.

SECTION 3: SPECIAL HANDLING OF INDUSTRIAL OR HARMFUL WASTES

A. **City Options:** If any waters or wastes are discharged, or are proposed to be discharged to the wastewater collection system, that contain the substances or possess the characteristics enumerated in Sections 1 & 2 of this article, and that, in the judgment of the city, may have a deleterious effect upon the POTW, processes, equipment, or that otherwise create a hazard to life or constitute a health hazard or public nuisance, the city may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharges; and/or

4. Require an agreement to treat such wastes. The agreement shall remain in effect for a period of one year and shall be renewable at the discretion of the city. Payment to cover the cost of handling and treating the wastes shall be under the provisions of this article.

B. **Review And Approval:** If the city permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances, and laws.

SECTION 4: PERMIT REQUIRED FOR INDUSTRIAL CONNECTIONS

Any person applying to the city for a permit to make any connection for industrial wastes shall furnish the following information:

A. A plot of the property showing accurately all existing sanitary sewers and storm drains.

B. Plans and specifications, approved by a professional engineer, licensed to practice in the state, covering any work proposed to be performed under the permit.

C. A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses.

D. The name and address of the firm who will perform the work covered by the permit.

E. A completed application for a permit to discharge industrial waste submitted to the city accompanied by any and all applicable fees as set by resolution.

SECTION 5: INFORMATION AND COOPERATION OF INDUSTRIAL USERS

Industrial users shall cooperate at all times with the city in the inspecting, sampling, and study of the industrial wastes and any facilities provided for pretreatment. The industrial user shall also furnish any additional information relating to the installation or use of the industrial sewer as may be requested by the city and shall operate and maintain any waste pretreatment facilities as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times and at no expense to the city. Industrial users shall be required to develop a Spill Prevention Plan and submit a copy of said plan to the city. The user shall notify the city immediately in the event of any accident or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by agreement and permit.

SECTION 6: GREASE, OIL AND SAND INTERCEPTORS

A. Interceptors Required: Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients.

B. Interceptors Not Required: Interceptors shall not be required for private living quarters or dwelling units.

C. Type, Capacity, Construction and Maintenance: All interceptors shall be of a type and capacity approved by the city and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be constructed under the supervision of the city and shall be maintained by the owner, at his expense, in a continuously efficient operation at all times.

SECTION 7: CONTROL MANHOLE; METERS

Where required by the city, an industrial user shall install a suitable control manhole together with such necessary meters and other appurtenances in its sewer line at some point before the sewer discharge mixes with other discharges in the public sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 8: CONDITIONS FOR INDUSTRIAL USER PERMITS

A. Application For Permit: No industrial user, now so doing, shall deposit or discharge any industrial waste into any sanitary sewer that leads to any of the city treatment plants, or deposit or discharge any waste stipulated in sections 1 and 2 of Article III, without first completing an application for an industrial user permit.

B. Existing Users; Conditions: Existing industrial users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this ordinance and must meet the following conditions:

1. Formal application is submitted on a form issued by the city within sixty (60) days after the effective date of this ordinance.

2. Where applicable, plans and specifications for pretreatment facilities have been approved by the city.

3. The applicant has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:

   a. Payment of sewer user charges, surcharges, and industrial cost recovery charges as required.

   b. Installation and operation of pretreatment facilities where applicable.

c. Sampling and analysis to determine quantity and strength of wastes, following procedures as stipulated herein.

d. Provision of a control manhole subject to the provisions of this article, and subject to the approval of the city.

C. New Users; Conditions: New industrial users shall apply at least ninety (90) days prior to connecting to the sanitary sewer system and must meet the following conditions:

1. Normal application is submitted on a form issued by the city.

2. Where applicable, pretreatment facilities and/or flow regulating devices approved by the city have been installed.

3. The applicant has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:

a. Payment of sewer user charges, surcharges, and industrial cost recovery charges as required.

b. Sampling and analysis to determine quantity and strength of wastes, following procedures as stipulated herein.

c. Provision of a control manhole subject to the provisions of this article, and subject to approval of the city.

D. Permittee Report To City: Upon receipt of an industrial user permit granted under this section, each industrial user shall submit to the city, and each three (3) months thereafter for one year, a report on the contents of the wastewater being discharged into the public sewer system. Thereafter each industrial user shall report biennially, or more often if directed to do so by the city. These reports shall be in such form and contain such information as the city may require. The industrial user shall grant the city access to the facilities for the purpose of verifying the user's reports.

E. Term Of Permit: Payment Of Charges: Industrial user permits granted under this section shall be issued for a period of twenty four (24) months and shall be renewable, provided the user complies with all requirements of this article including the payment of all applicable sewer user charges, industrial user surcharges, and industrial cost recovery charges.

SECTION 9: ISSUANCE AND RENEWAL OF INDUSTRIAL USER PERMITS

A. Permit Issuance: The city shall issue and renew industrial user permits for any person, firm or establishment discharging any industrial waste into any sanitary sewer which leads to any of the city wastewater treatment plants.

B. Reports To City:

1. A certified biennial report prepared by a KDHE certified laboratory, shall be submitted to the city certifying that there have been no changes in operational procedures, flow rates, BOD, suspended solids, or oil and grease values, or if

there have been such changes, furnishing the information thereof in such detail as may be required by the city.

2. Failure to submit such report shall constitute cause for the suspension or revocation of the industrial user permit.

3. Any significant changes in the flow rate, BOD, and suspended solids values or other characteristics of the industrial waste being discharged shall be reported to the city by the industrial user within fifteen (15) days of such changes.

SECTION 10: MEASUREMENTS, TESTS AND ANALYSES OF WASTES

A. Standards: All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the procedures set forth in standard analysis methods, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole.

B. Determination By Independent Firm: For purposes of reporting wastewater characteristics required under this section, the determination of flow, BOD, and suspended solids shall be made by a KDHE certified laboratory. The time of selection of the sample shall be at the sole discretion of the city, but at least on a biennial basis for the purpose of determining the industrial wastewater contribution to the sanitary sewer system of the city.

ARTICLE IV

SECTION 1: SEWER USER CHARGE

A. Payment Of Charges: For the purpose of providing funds for the operation and maintenance (O&M) of the sanitary sewer system of the city, each respective user who does not discharge wastes prohibited by Article III, sections 1 and 2 of this ordinance shall pay a sewer service charge and a sewer user charge in the amount established by resolution.

B. Monthly Rates Established By Council: The residential user's monthly wastewater contribution shall be established by the average winter useage (November thru March) and set by city council as needed.

C. Term Of Estimated Contribution: The estimated monthly wastewater contribution from a user shall prevail for a twelve (12) month period or until a new estimated monthly wastewater contribution is obtained.

D. Industrial Users; Volume Of Use: For industrial users, the monthly wastewater contribution shall be determined by the amount of water used unless wastewater volume is measured with an approved volume measuring device in the control manhole.

E. Nonresident Users: For nonresident users of the city sewer system, the following conditions apply:

1. Sewer User Charge: All users of the city sanitary sewer system having connections serving property beyond the city boundaries shall be charged according to the same rates on water used per month, as set forth in the city resolution.

2. City Not Obligated To Provide Services: The city does not obligate itself to furnish sanitary sewer services to any person whomsoever, but will furnish such service as is reasonable within its financial ability to do so.

SECTION 2: CHARGES FOR EXTRANEOUS FLOWS

Operation and maintenance (O&M) costs for extraneous flows not directly attributable to users (i.e., infiltration/inflow) shall be proportionately distributed among all users of the sanitary sewer system based on wastewater volume of the users. The city shall adjust the sewer user charge rate and the minimum sewer user charge as necessary to recover these costs.

SECTION 3: INITIAL BASIS FOR SEWER USER CHARGE

For the first year of operation of the user charge system, the monthly wastewater contribution from a nonindustrial user of the sanitary sewer system shall be set at the minimum sewer rate as set by resolution until such time as a winter water average can be set. For industrial users, the monthly wastewater contribution shall always be directly correlated to the monthly water consumption for the immediate preceding month. If the wastewater contribution from a user is measured by a flow measuring device approved by the city, such measurement shall take precedence in determining charges for use of the sanitary sewer system.

SECTION 4: BIENNIAL REVIEW OF USER CHARGE RATES

The basis for determining the sewer user charge rates shall be reviewed at least biennially and shall be adjusted as necessary to reflect any increase or decrease in wastewater treatment costs based on the immediately preceding year's experience.

SECTION 5: ANNUAL NOTIFICATION OF USER CHARGES

Each residential user of the sanitary sewer system shall be notified by the city, at least annually, and in conjunction with a regular bill, of the rate and that portion of the sewer user charge which is attributable to wastewater treatment services.

SECTION 6: RESALE OF WATER; BILLINGS:

If water is sold by the city and metered to a person for resale to water consumers who are users of the city sewer system, such first purchaser shall be responsible to the city for the billing and collecting of all sewer user charges of said consumers and shall account to the city for all such sewer user charges at the time such first purchaser pays his water bill. If requested by the city, a purchaser of water for resale to consumers shall furnish and certify the number and addresses of all of his water customers who are users of the city sanitary sewer system.

SECTION 7: SURCHARGE FOR INDUSTRIAL USERS

A. Authority To Assess Surcharge: If the city determines that an industrial waste is acceptable for admission to the sanitary sewer system, under the discretionary powers given in this article, the industrial user shall be charged and assessed a surcharge, in addition to any sewer user charges, if these wastes have concentrations greater than normal domestic wastewater.

B. Calculation: The industrial user's surcharge shall be calculated by the following formula:

$$CS = [BC (B) + SC (S) + PC (P)] Vu$$

Where:

CS = Industrial user's monthly surcharge for wastewaters of excessive strength

BC = O&M cost for treatment of a pound of biochemical oxygen demand (BOD)

B = Concentration of BOD from an industrial user above 200 mg/L in pounds per million gallons

SC = O&M cost for treatment of a pound of suspended solids

S = Concentration of suspended solids from an industrial user above 200 mg/L in pounds per million gallons

PC = O&M cost for treatment of a pound of oil and grease

P = Concentration of oil and grease from an industrial user above 40 mg/L in pounds per million gallons

Vu = Industrial user's wastewater contribution, in millions of gallons per month

Unit costs shall be calculated as follows:

$$Bc = \frac{0.35\ Ct}{Bt}$$

$$Sc = \frac{0.15\ Ct}{St}$$

$$Pc = \frac{0.03\ Ct}{Pt}$$

Where:

0.35 Ct = Portion of annual O&M cost of wastewater treatment plant attributable to BOD

0.15 Ct = Portion of annual O&M cost of wastewater treatment plant attributable to suspended solids

0.03 Ct = Portion of annual O&M cost of wastewater treatment plant attributable to oil and grease

Bt = Annual total BOD loading to the wastewater treatment plant in pounds

St = Annual total suspended solids loading to the wastewater treatment plant in pounds

Pt = Annual oil and grease loading to the wastewater treatment plant in pounds

C. Additional Payment: When total suspended solids, BOD, oil and grease, and/or any other pollutant of water or waste accepted for admission to the city sanitary sewer system exceeds the values of these constituents for normal domestic wastewater, the industrial user shall pay the industrial user surcharge in addition to any sewer user charges.

D. Use Of Recording Meter Or Doing Estimate: If an industrial user's wastewater flow is measured by a recording meter of a type approved by the city, and if such industrial user maintains such device in a proper condition to accurately measure such flow, then the industrial user's monthly wastewater contribution (Vu), in thousands of gallons, shall be that volume measured by the recording device. Otherwise, a percentage of water consumption shall be the basis for estimating wastewater flow, such percentage of water returned as wastewater being determined by the city.

E. Installation Of Device At User's Cost: An industrial user may, at his own cost, install an approved wastewater flow measuring device in a control manhole, as provided for, to accurately measure wastewater flow for purposes of determining his monthly contribution of wastewater volume to the sanitary sewer system.

F. Analyses Or Tests To Determine Surcharge: The surcharge for BOD, suspended solids, oil and grease, and any other pollutant, shall be based upon the analyses as required in Article III, section 8 of this title. The applicable surcharge determined by such tests shall be assessed and shall continue for twelve (12) months unless subsequent tests determine that the surcharge should be changed.

G. Periodic Review And Adjustment: The industrial user's surcharge shall be reviewed at least biennially, at the same time that the user charge is being reviewed, and shall be adjusted to reflect any changes in wastewater treatment costs. Any excess funds collected shall be applied to payment of industrial user surcharges for the following year, and unit costs shall be adjusted accordingly.

H. Billing: Billing shall be by the month and shall be shown as a separate item on the regular bill for water and sewer charges, and shall be paid monthly in accordance with existing practices.

ARTICLE V

SECTION 1: PERMITTEE REQUEST FOR RECONSIDERATION

A. Filing Of Request: Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the city, interpreting or implementing the provisions of this ordinance, or in any permit issued herein, may file with the city a written request for reconsideration within fifteen (15) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

B. City Representative To Meet With Petitioner: Upon receipt of such request for reconsideration, a designated representative of the city shall set a time and place to meet with the person and shall give the petitioner written notice thereof.

C. Hearing: The hearing shall be commenced within not more than fifteen (15) days after the day on which the petition is filed; provided, that, upon the application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such fifteen (15) day period, and in the judgment of the city the petitioner has submitted a good and sufficient reason for such postponement. At such hearing, the city may sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this chapter, including articles A, B and C, and the rules and regulations adopted pursuant hereto have been complied with. If the city sustains or modifies such notice, it shall be deemed to be a final order.

ARTICLE VI

SECTION 1: REPEAL OF ALL ORDINANCES, INVALIDITY, AND EFFECTIVE DATE.

A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

B. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

C. This ordinance shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS, THIS __2nd__ DAY OF __July__, 2007.

Donald K. DeHaven, Mayor

ATTEST:

Janise R. Enterkin, City Clerk

(SEAL)