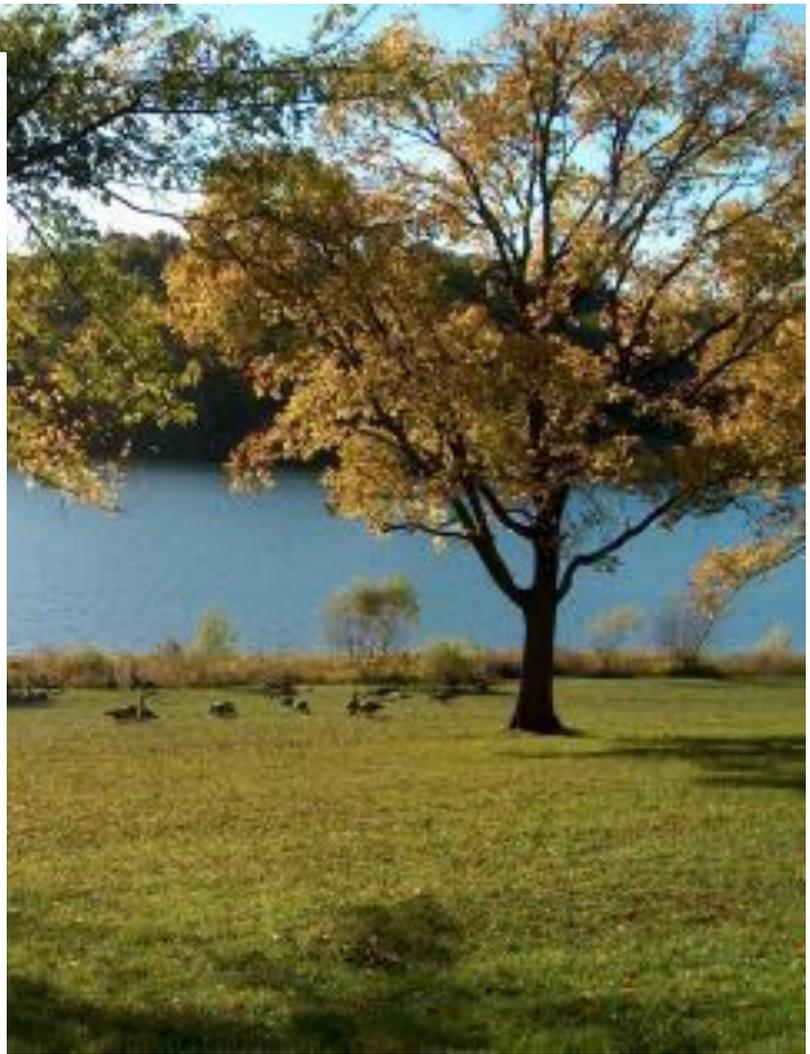


Stormwater Management Plan

Unified Government of Wyandotte County | Kansas City, KS

2012



Unified Government of Wyandotte County /
Kansas City, Kansas

Dennis Hays, County Administrator

Date

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INTRODUCTION

The Unified Government of Wyandotte County/Kansas City, Kansas' (UG) municipal separate storm water system (MS4) Stormwater Management Program (SWMP) has been developed in compliance with Kansas Water Pollution Control MS4 Permit and Authorization to Discharge under the National Pollutant Discharge Elimination System (Kansas Permit No. M-MO25-SO01/Federal Permit No. KS0095656).

The SWMP is intended to be detailed with respect to procedures and protocols for implementing the stormwater best management programs to ensure UG personnel in the various departments and divisions have ample guidance and instruction. The SWMP will also allow the UG to allocate financial resources in an efficient and effective manner, consistent with the objectives of the NPDES permit issued October 1, 2007.

The SWMP will be a comprehensive program to manage the quality of stormwater discharged from UG's storm sewer system. The content of the SWMP is based on the requirements of the KDHE permit for the MS4. In addition to addressing the following permit requirements, the SWMP also includes BMPs for Industrial Activity Stormwater Runoff Management:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management Program
- Pollution Prevention/Good Housekeeping
- Industrial Activity Stormwater Runoff Management
- Total Maximum Daily Load (TMDL) and Principal Pollutants of Concern BMPs
- Wet Weather Monitoring Program
- Stormwater Management Program Elements

To implement the SWMP, input will be needed from other UG departments and divisions, the business community, and citizen groups as part of a stakeholder involvement process. For purposes of implementing this updated SWMP, year 1 will begin on January 1, 2013.

To be successful, the SWMP must be easy to understand and implement. Keeping this in mind, it was developed to be clear, simple, and written in such a way that UG staff responsible for stormwater quality can implement program elements. The objective is to ensure that staff understands their responsibilities, and that measurable goals are established to document the effectiveness of the program. As part of the SWMP, several Standard Operating Procedures (SOPs), referenced in the document below, have been or will be developed and will be implemented in a manner that meets the requirements of the Unified Government's MS4 permit. SOPs are internal documents prepared by UG that provide guidance to UG staff as implementation of the permit moves forward. UG will review and update the SOPs as UG updates its programmatic efforts and on an as-needed basis. UG will note any significant updates in the annual reports.

Best management practices (BMPs) have been included in the SWMP to reduce pollutants to the maximum extent practicable. Such BMPs may be modified by the Unified Government where appropriate to achieve program objectives and to accommodate the Government's administration of the storm water management program.

Federal regulations (40 CFR 122.26(b)(8)) define a municipal separate storm sewer system (MS4) as: “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian Tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer system; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

EPA and the state are authorized to regulate discharges from the MS4 owned or operated by UG as a point source under the Clean Water Act. Although some programs may be undertaken for the entire area, the SWMP is meant to address the MS4 service area (hereinafter, “service area”). The service area is comprised of those properties that discharge stormwater into the UG stormwater system. It does not include properties that are served by UG’s combined sewer system (largely comprised of areas in the eastern part of the UG geographical area, including, the following watersheds: Fairfax Industrial District, Esplanade Creek, Jersey Creek, Splitlog Creek, Central Industrial District, Muncie Bluff Creek, Armourdale, parts of Argentine, parts of Turkey Creek, Brush Creek, and Matoon Creek). It does not include properties that discharge stormwater into stormwater conveyance systems pursuant to separately-issued NPDES permits, properties that discharge stormwater directly into local waterbodies (direct dischargers), or properties located within the City of Bonner Springs, the City of Edwardsville, within in Delaware Township (unincorporated, not within the urbanized area), and the City of Lake Quivira. UG notes that the service area will be further refined with future updates to the existing maps of the MS4. A map of the current MS4 service area is included in the appendices to this SWMP.

MINIMUM CONTROL AND PERFORMANCE MEASURES

1. Public Education and Outreach

As operator of a Phase 1 MS4, the Unified Government (hereinafter "UG") shall identify, schedule, implement, evaluate and modify, as necessary, best management practices that comply with the following overall Public Education and Outreach objectives:

- a. Increase citizen knowledge and awareness of steps that can be taken to reduce stormwater pollution.
- b. Enhance public employees, businesses, and the general public's knowledge of the 1) hazards associated with illegal discharges to local storm sewers which reach area streams, and 2) improper waste disposal implications, and 3) the legal ramifications.
- c. Develop a Public Education and Outreach program which provides a clear and consistent message regarding stormwater issues.
- d. Targeted strategies towards commercial, industrial, institutional entities likely to have significant stormwater impacts.

Best Management Practices (BMPs):

1.A BMP: Gather, prepare and distribute printed educational materials by insertion into BPU water bills and placement at several sites in the service area.

Objective: To educate the general public and new and existing UG employees regarding stormwater quality issues as well as the UG's Stormwater Management Plan through the preparation and distribution of flyers and educational materials.

Measurable Goals:

1.A.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall purchase 5,000 total copies selected from among the following flyers, or their equivalent, from MARC such as: "Build Your Own Rain Barrel", "Keep Sediment Out of Our Water", "Know Your Watershed", "Redirect or Disconnect Your Downspout", "Making and Using Compost", "Oil and Water Don't Mix", "Pick Up After your Pet", "Protect Our Streams", "Storm drain Stewardship", "Use Lawn Chemicals Wisely" and "Wash your Car the Right Way".

1.A.2 Within the first year and after purchasing the flyers listed in Element 1.A.1, the UG shall place the flyers near the elevators on the garage and lobby floor levels of City Hall and in open areas at the Kansas City Kansas Public Library, the Mr. and Mrs. F.L. Schlagle Library, and at nine other public venues which may include the Community Centers, and the Neighborhood Resource Center.

1.A.3 Within the first year after the effective date of the Stormwater Management Plan, the UG shall prepare an envelope insert designed to educate the general public on several of the key elements of the UG's Stormwater Management Plan (hereinafter "SWMP"). The insert shall be bi-lingual (English and Spanish).

1.A.4 Within the first year and after preparing the insert described in Element 1.A.3, the UG shall distribute them in water bills to the approximately 55,500 households in Kansas City, Kansas.

1.A.5 The UG shall provide additional flyers to the locations listed as part of Element 1.A.2 on an as needed basis during the permit term.

Responsible Department(s): Public Works, Public Relations, KCK Public Libraries, Neighborhood Resource Center, Community Centers, Board of Public Utilities (hereinafter "BPU")

Compliance Schedule: Years 1 - 5

Recurrence: One Time (1.A.1, 1.A.2, 1.A.3, 1.A.4), As Needed (1.A.5).

Report(s): Copy of the materials prepared or procured including a list of the distribution sites.

Evaluation Methodology: Review number and type of materials distributed to evaluate utility and effectiveness of the various distribution methods. Review existing public education materials available to target stormwater management, water quality, and stormwater pollution prevention messages to UG's public and private entities. Investigate future development of additional, targeted education materials specific to the UG's program.

1.B BMP: Deliver televised programs/announcements on stormwater management, surface water quality and how to reduce pollutants to the storm sewer system on the UG's cable access channel.

Objective: To reach as broad and diverse an audience as possible, by using the UG's current cable television access channel to enhance the general public's awareness regarding stormwater issues, to convey basic messages on proper household management for stormwater pollution prevention and to inform citizens of their impact on local water quality.

Measurable Goals:

1.B.1 Within the first two years after the effective date of the Stormwater Management Plan, if the UG decides to produce the public service announcement (PSA) referenced in 1.B.2 below in-house, the UG shall contact community partners to assist in preparing the public service announcements to be aired on the UG's cable access channel. These partners may include the local high schools and the Kansas City Kansas Community College. If the UG decides, in its discretion, to obtain the PSA from a third-party, instead of producing it in-house, the UG will, within the first two years after the effective

date of the SWMP, contact the appropriate organization or organizations to discuss licensing options for use of their materials.

1.B.2 Within the first two years after the effective date of the Stormwater Management Plan, the UG will either produce or license, consistent with 1.B.1 above, a PSA for use on the UG's cable access channel. The PSA may discuss any of the following topics: general stormwater concepts, the proper use and disposal of household hazardous waste, lawn care, proper disposal of animal waste, system to report illicit discharges, and the proper maintenance of septic tanks.

1.B.3 Within the third year after the effective date of the Stormwater Management Plan, the UG shall air the public service announcement at least four times a year, with consideration given to the most effective timing for the message (i.e., airing a message on lawn care twice each spring and fall). The subject matter of the announcement may change at UG's discretion.

1.B.4 The public service announcement shall be reviewed after each year it is run and modified as appropriate to present new storm water related educational information for the following year.

Responsible Department(s): Public Works, Public Relations

Compliance Schedule: Year 2 - 5

Recurrence: (1.B.1 and 1.B.2) One Time, (1.B.3) Four Times Annually, (1.B.4) Annually

Report(s): Number of televised programs/announcements run each year.

Evaluation Methodology: Review of viewership numbers for broadcast programming. A survey will be developed via online or mailed questionnaires or surveys to assess the knowledge of local residents on storm water issues and to note any change in residential behavior.

1.C BMP: Enhance the UG's existing website to improve communication and educational materials provided to the public on the SWMP, surface water quality issues and how to reduce pollutants to the storm sewer system.

Objective: To improve communication with and provide information and downloadable documents to the public and to UG employees on stormwater management and pollution prevention.

Measurable Goals:

1.C.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall update their existing "Stormwater Runoff Management" website to include a copy the approved SWMP.

1.C.2 Each year after submitting the UG's Annual Compliance Report to the Kansas Department of Health and Environment (hereinafter "KDHE"), a copy will be made available on the UG's website within 30 days.

1.C.3 Within the first year after preparing the public service announcement for UGTV as described in Element 1.B.2, the PSA will be placed on the "Stormwater Runoff Management" website.

Responsible Department(s): Public Works, Public Relations, Technology

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Report(s): Describe and identify the number of items that were added and available for download from the website during each permit year.

Evaluation Methodology: Review number of website hits and downloads of materials to evaluate utility of this media for distribution of materials and education of the public.

1.D BMP: Continue to financially contribute to local agencies and organizations within Wyandotte County who promote improvements in stormwater management and provide educational opportunities to county residents.

Objective: To continue the UG's existing policy of making financial contributions to entities who work towards educating the public on the practice of reducing pollutants that will be delivered to the MS4 system.

Measurable Goals:

1.D.1 The UG shall continue to be a major financial contributor to the Wyandotte County Conservation District (WCCD) on an annual basis over the 5-year permit cycle. This organization offers a number of services focused on conservation through financial assistance for conservation projects and education programs to area schools and organizations. The annual contribution will range from \$40,000 to \$50,000, but is contingent upon approval of the UG's annual budget.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): Documentation of annual contributions. List of projects and activities undertaken by the WCCD each permit year.

Evaluation Methodology: Review effectiveness of projects and activities undertaken by the WCCD to reduce the discharge of pollutants to local storm sewers which reach area streams.

1.E BMP: Continue to financially contribute to regional agencies to promote improvements in stormwater management and provide educational opportunities.

Objective: To continue the UG's existing policy of making financial contributions to entities that work locally towards a better environment, subject to approval in UG's annual budget and a determination by UG that suitable candidates exist for this funding.

Measurable Goals:

1.E.1 The UG shall continue to renew its membership annually in the Stormwater Quality Education Committee of the Mid-America Regional Council (MARC), subject to approval of UG's annual budget. Membership dues are based on the UG's annual population. Previous annual contributions have been approximately \$12,000.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): Documentation of annual membership. List of water quality and storm water related projects and activities undertaken by MARC each permit year.

Evaluation Methodology: Review effectiveness of projects and activities undertaken by MARC to reduce the discharge of pollutants to local storm sewers which reach area streams.

1.F BMP: Use of local newsletters for education of stormwater related issues.

Objective: To use UG's existing newsletters and other media outlets to educate the general public about stormwater related issues.

Measurable Goals:

1.F.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall annually submit one article for publication with the Livable Neighborhoods Inc. "Neighborhood" Newsletter. The approximate circulation of this newsletter is 5,000 and includes various neighborhood groups within the community. Articles will contain announcements on community public education and outreach activities, public participation opportunities, and information on best management practices and behavioral changes which can have a positive impact on water quality.

1.F.2 Within the first year after the effective date of the Stormwater Management Plan, the UG shall annually submit at least three articles for publication with the UG's Weekly E-News. The approximate circulation of this newsletter is 3,300 and includes various neighborhood groups within the community. Articles will contain similar announcements and information listed in 1.F.1 above.

Responsible Department(s): Public Relations

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): The UG shall provide a summary of all articles written, the subject of the each article, and a sampling of the submittals.

Evaluation Methodology: Determine the extent of storm water related knowledge and changes in public behavior via on-line or mailed questionnaires or surveys.

1.G BMP: Annually review the media utilized through public outreach activities.

Objective: To have an annual review of the media through which the public outreach activities take place to identify emerging new media outlets (e.g. Facebook, Twitter, etc.).

Measurable Goals:

1.G.1 The UG shall annually review each of the outlets utilized in public outreach efforts to determine if other outlets or methods should be used.

Responsible Department(s): Public Relations

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): List of the media outlets used as part of the Public Information program.

Evaluation Methodology: Determine whether materials and media are effective through on-line or mailed questionnaires or surveys.

2. Public Involvement and Participation

As operator of a Phase 1 MS4, the UG shall identify, schedule, implement, evaluate and modify, as necessary, best management practices that comply with the following overall Public Involvement and Participation objectives:

- a. Increase citizen knowledge and awareness of steps that can be taken to reduce pollutants into the storm sewer system.
- b. Participate, through promotion, sponsorship, or other public involvement, in local activities intended to increase public participation to reduce pollutants into the storm sewer system.
- c. To develop a Public Involvement and Participation program which provides for opportunities for the public to become involved in local stormwater issues.

Best Management Practices (BMPs):

2.A BMP: Create a Stormwater Quality Education Grant Program.

Objective: Promote education and public involvement in stormwater quality issues through the development of a stormwater quality education grant program.

Measurable Goals:

2.A.1 Within two years after the effective date of the Stormwater Management Plan, the UG shall prepare a set of criteria for the development of a stormwater quality education grant program with an annual budget of \$30,000 subject to the availability of qualified applicants and contingent upon approval of UG's annual budget. The criteria will include the types of project to be funded, a grant application, selection criteria, a mechanism for delivering the funds, etc.

2.A.2 Within the third year after the effective date of the Stormwater Management Plan, the UG shall annually promote the grant program to local teachers, schools, districts and local non-profits through its website, e-mail newsletter and direct contacts.

2.A.3 A copy of the grant criteria and applications for the selected projects will be provided in the Annual Compliance Report to KDHE. The report will summarize each project's goals, how the projects were selected, whether the goals were achieved, and what impact each project may have had on water quality improvements.

Responsible Department(s): Public Relations, Public Works and Procurement and Contract Compliance.

Compliance Schedule: Year 2 - 5

Recurrence: Annual

Report(s): A copy of the grant process and applications for the selected projects will be provided in the Annual Compliance Report to KDHE.

Evaluation Methodology: Review the number grant applications and the amount of funding which is provided by the UG on an annual basis. Review whether funding for selected projects is providing environment and social benefits to the community and if the funding is well spent.

2.B BMP: Promote and Implement Community Cleanup Programming.

Objective: To promote and assist in the implementation of community cleanup programming on an annual basis.

Measurable Goals:

2.B.1 Beginning in the first year after the effective date of the Stormwater Management Plan, the UG shall partner with Operation Brightside Inc. and potentially other neighborhood and civic organizations to facilitate cleanups on an annual basis. The UG shall assist these neighborhood organizations through the proper disposal of debris and trash.

Responsible Department(s): Public Relations

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): The UG shall report an estimate of the number groups involved in each cleanup as well as the type and estimated quantity of trash collected during each event.

Evaluation Methodology: Review the number of annual events and the number of groups involved. Review the types and quantities of trash collected.

2.C BMP: Provide assistance and materials to community groups which volunteer to stencil storm drain inlets with “Drains to Stream”.

Objective: Provide civic groups with an opportunity to participate in the marking of storm drainage inlets with “Drains to Stream” and to distribute MARC “Storm Drain Stewardship” brochures.

Measurable Goals:

2.C.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall advertise the availability of a free MARC “Storm Drain Stewardship” brochure through the UG’s website and newsletter.

2.C.2 The UG shall provide the materials to community groups to voluntarily stencil up to 500 stormwater inlets and to distribute 2,000 “Storm Drain Stewardship” brochures on an annual basis. The UG shall work with the community groups to select the area to be canvassed.

2.C.3 The UG will continue its practice of having all new storm drainage inlet castings be manufactured with the phrase “*Exits to River, Do Not Dump Waste*”. A copy of the Curb Inlet Detail Sheet is included in the Appendix.

2.C.4 The UG shall document the number of groups, the name of the group, the approximate number of inlets that were stenciled and the approximate number of brochures that were distributed on an annual basis.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): The UG shall report on the number and name of each group and the approximate number of inlets stenciled and brochures distributed in the Annual Compliance Report to KDHE.

Evaluation Methodology: Review progress towards completing the stenciling of inlets within the service area.

3. Illicit Discharge Detection and Elimination

As operator of a Phase 1 MS4, the UG shall identify, schedule, implement, evaluate and modify, as necessary, best management practices that comply with the following overall Illicit Discharge Detection and Elimination (hereinafter "IDDE") Program objectives:

- a. Develop, implement and enforce a program to detect and require the elimination of illicit discharges.
- b. Effectively prohibit, to the extent allowable through ordinance or other regulatory methods, illicit non-stormwater discharges into the storm sewer system and implement appropriate enforcement measures.
- c. Develop and implement standard procedures to inspect, detect and require the elimination of non-stormwater discharges, including illegal dumping to the storm system.
- d. Enhance and maintain an updated storm sewer system map, showing locations of major outfalls in the service area, and associated surface waters, including the name and locations of water bodies receiving discharges from these outfalls.

Best Management Practices (BMPs):

3.A BMP: Evaluate, and update as necessary, the UG ordinances that pertain to illicit discharges.

Objective: To provide legal authority to conduct inspections and enforcement activities for the reduction of illicit discharges by reviewing and updating the UG's existing ordinances.

Measurable Goals:

3.A.1 The UG is conducting a review of its existing ordinances that apply to illicit discharges. Based upon this review, within the first year after the effective date of the Stormwater Management Plan the UG shall prepare a Memorandum detailing the existing ordinances that apply to illicit discharges, and highlighting any changes that may be needed to establish adequate authority to perform inspections, assess penalties, and issue enforceable orders with regard to illicit discharges into the MS4 system. The UG shall by June 14, 2014 adopt any additional authority necessary to meet the requirements of the SWMP and the UG's National Pollutant Discharge Elimination System (hereinafter "NPDES") permit with regard to illicit discharges.

3.A.2 Certain articles in Chapter 30 of UG's current Municipal Code of Ordinances contain the specific regulations and legal authority to effectively prohibit and require the elimination of illicit discharges into the UG's storm sewer system, in particular Article I, Section 30-11: Unlawful Discharges to Natural Outlets, Article V, Section 30-123: Discharge to Storm Sewers, and Article V, Section 30-124: Prohibited Discharges. A copy of Chapter 30 of the UG's Municipal Code of Ordinances is included in the Appendix.

Responsible Department(s): Legal, Public Works

Compliance Schedule: Year 1

Recurrence: One Time

Report(s): A copy of the memorandum will be provided as well as a summary of any activities to adopt any additional ordinances or legal authority.

Evaluation Methodology: N/A

3.B BMP: Implement and Revise, Where Appropriate, Standard Operating Procedures (hereinafter “SOP”) for illicit discharge detection, sampling, tracking and enforcement requirements.

Objective: To implement a set of SOPs for outfall inspection, water sampling, detection and tracking of illicit discharge eliminations, and for requiring the elimination of illicit discharges and cross-connections and enforcing UG’s illicit discharge ordinances consistent with the terms of this SWMP, which will result in reducing the discharges of pollutants, to the maximum extent practicable.

Measurable Goals:

3.B.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOPs referenced below.

3.B.2 Within the second year after the effective date of the Stormwater Management Plan, the UG shall review and update, if appropriate, the SOPs for outfall inspection, water sampling, detection and tracking of illicit discharge eliminations, and enforcement to incorporate changes to these procedures made as a result of the legal review referenced in BMP 3.A.

3.B.3 A copy of any updated standard procedures referenced below will be included in the Annual Compliance Report submitted to KDHE for the year in which they are updated.

Responsible Department(s): Public Works, Water Pollution Control, Legal

Compliance Schedule: Year 1 and 2

Recurrence: One Time (SOPs), Continuous (Implementation)

Report(s): Copy of SOP.

Applicable Existing SOPs: SWMP-11 (Illicit Discharge Detection and Elimination –Outfall Inspection); SWMP-12 (Illicit Discharge Detection and Elimination – Dry Weather Sampling); SWMP-13 (Illicit Discharge Detection and Elimination – Investigation and Tracking); SWMP-14 (Illicit Discharge Detection and Elimination – Illicit Discharge Enforcement)

Evaluation Methodology: As the program moves forward, annually review and refine, if UG deems it necessary, the procedures and techniques employed in the discovery and elimination of illicit discharges and in the enforcement of UG illicit discharge ordinances.

3.C BMP: Design, implement and maintain suitable and inclusive IDDE-related tracking and reporting system.

Objective: To map, document and report stormwater outfalls, inspections, sampling, tracking and enforcement actions by refining, utilizing and maintaining an appropriate IDDE-related tracking and reporting system which can assist in reducing discharges of pollutants to local storm sewers which reach area streams.

Measurable Goals:

3.C.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall review the quarter-section maps within the service area for outfalls 36-inches in diameter or larger in residential zones and 12-inches in diameter or larger in commercial or industrial zones, excluding cross-road culverts. The UG shall prepare a list of node numbers of major outfalls, meeting those parameters.

3.C.2 During the first two years after the effective date of the Stormwater Management Plan, the UG shall begin tracking stormwater outfall inspections and dry weather sampling based on the Center for Watershed Protection's "Outfall Reconnaissance Inventory Field Sheet" or other published checklists. The system shall be reviewed and adjusted to meet local needs and field conditions.

3.C.3 During the first two years after the effective date of the Stormwater Management Plan, the UG shall begin illicit discharge detection, tracking, and enforcement activities. The system will be reviewed and adjusted to meet local needs and field conditions.

3.C.4 During the first two years after the effective date of the Stormwater Management Plan, the UG shall begin amending the existing stormwater maps to distinguish the outfalls identified as part of BMP 3.C.1 from other nodes and outfalls.

Responsible Department(s): Public Works, Water Pollution Control, Technology

Compliance Schedule: Year 1-5

Recurrence: Continuous (Implementation)

Report(s): Copies of related forms and a summary of the tracking system results.

Evaluation Methodology: Evaluate tracking and reporting system to determine if it captures pertinent and valuable information and provide sufficient reporting results.

3.D BMP: Provide training of illicit discharge detection and elimination program inspection staff.

Objective: Provide training to UG employees whose duties and responsibilities will place them frequently in the field. The training will cover how to recognize an illicit discharge and the correct reporting and follow-up procedures.

Measurable Goals:

3.D.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall hold a training session on how to identify and report suspected illicit discharges in the field for key UG employees with the applicable job responsibilities and classifications. In addition to Erosion & Sediment Control and post-construction BMP inspection staff, these classifications would include Building Inspectors, Street Superintendents, and Sewer Maintenance staff. These training sessions will be conducted every third year and shall be repeated periodically for the benefit of new staff who are placed in these specific positions.

3.D.2 Within the first year after the effective date of the Stormwater Management Plan, the UG shall provide either in-house or arrange commercial training for personnel assigned to conduct the dry weather outfall inspection, sampling and illicit discharge tracking. These training sessions will be conducted annually.

3.D.3 A copy of the training materials and a dated sign-in sheet containing the names of the attendees will be included in the UG's Annual Compliance Report to KDHE for the year in which the training occurs.

Responsible Department(s): Public Works, Water Pollution Control, Building Inspection

Compliance Schedule: Year 1 - 5

Recurrence: (3.D.2 and 3.D.3) Annually, (3.D.1) Every Third Year

Report(s): Copy of training materials and a list of the required and actual attendees per session.

Evaluation Methodology: Analysis of data collected and feedback from field personnel to determine if improvements are necessary in the SOPs and training topics.

3.E BMP: Perform dry weather screening of stormwater outfalls.

Objective: To conduct a system screening program for illicit discharge detection and perform dry weather inspection of stormwater outfalls, as a means to reduce the discharge of pollutants to the maximum extent practicable.

Measurable Goals:

3.E.1 Beginning in the second year after the effective date of the Stormwater Management Plan, of the estimated 2700 outfalls with the UG's jurisdiction, the UG shall conduct at least 250 non-exclusive dry weather inspections per year of stormwater outfall pipes 36-inches in diameter or larger in residential zones and 12-inches in diameter or larger in commercial and industrial zones. The 12-inch and larger storm sewers are currently shown on UG's mapping system. The initial strategy will be to review land use mapping and concentrate on those industrial areas with the greatest potential for illicit discharges. Outfall pipes 36-inches in diameter or larger are typically found in large residential areas and will

allow the UG to investigate potential illicit discharges from these locations. It will also allow the UG to identify the magnitude of illicit discharges in residential areas to assist the UG in producing better results and targeting their resources more effectively.

3.E.2 Within the fifth year after the effective date of the Stormwater Management Plan, the UG shall re-evaluate the overall focus and effectiveness of the dry weather outfall inspection program. The evaluation will be conducted every 5-year permit cycle, will involve setting inspection priorities based on the previous 5-year permit cycle results, and be submitted for review by the permitting authority.

3.E.3 The UG shall provide a list of the inspected outfalls, the number of illicit discharges that were detected, the types of illicit discharges discovered and how discovered, any discharges that were eliminated, and resulting enforcement actions in its Annual Compliance Report to KDHE.

Responsible Department(s): Public Works, Water Pollution Control

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Report(s): Summary of activities undertaken to detect illicit discharges, the number of illicit discharges that were detected, and the number eliminated.

Evaluation Methodology: Review of SOP techniques (3.B) and protocols and their success in detecting illicit discharges throughout the UG service area.

3.F BMP: Implement a program to televise and inspect illicit discharges and cross connections between the storm sewer and the sanitary sewer systems.

Objective: To develop a program that uses Close Circuit Television (hereinafter "CCTV") to assist in the inspection for illicit discharges or to discover any cross-connections between the storm and separate sanitary sewers outside of the CSO area.

Measurable Goals:

3.F.1 Beginning in the second year after the effective date of the Stormwater Management Plan, during the time when storm sewer lines are being televised for routine maintenance purposes or for capital project needs, the CCTV information will be reviewed for illicit discharges or cross-connection. The UG typically televises approximately 15 miles of storm sewer pipe per year, which is approximately 6% of the 250+ miles of storm sewers currently installed in the UG service area. Any illicit discharges or cross-connections discovered in the storm sewer system will be documented, tracked and disconnected, using the UG's IDDE SOPs and be consistent with any related recommendations contained in the Integrated Overflow Control Plan (hereinafter "IOCP") as guidance.

3.F.2 Beginning in the second year after the effective date of the Stormwater Management Plan, and continuing annually thereafter, the UG shall televise

approximately 20,000 linear feet of sanitary sewer pipe per year in the MS4 service area. Any illicit discharges or cross-connections discovered in the sanitary sewer system will be documented, tracked and disconnected, using the UG's IDDE SOPs and be consistent with any related activities and recommendations contained in the IOCP as guidance. This measure will be coordinated with the UG's IOCP development, the results of which will be provided as part of the reporting requirements under this BMP.

3.F.3 During the second year after the effective date of the Stormwater Management Plan, the UG shall begin reviewing previously collected storm and sanitary sewer CCTV inspection videos for those areas within the MS4 service area (excluding the combined sewer system (CSS) area) at a rate of approximately 20,000 linear feet a year. The video shall be reviewed to determine if there are: 1) illicit discharges in either the storm or sanitary sewers or 2) cross-connections. Any illicit discharges or cross-connections discovered in the separate sanitary sewer system will be documented, tracked and disconnected using the UG's IDDE SOPs and be consistent with any related activities and recommendations contained in the IOCP as guidance.

3.F.4 The UG shall provide a summary report including the number of linear feet of storm and sanitary sewer lines that were televised and the number of illicit discharges or cross-connections that were detected and eliminated in its Annual Compliance Report to KDHE.

Responsible Department(s): Public Works, Water Pollution Control

Compliance Schedule: Year 2 - 5

Recurrence: Continuous

Report(s): Total footage of storm and sanitary sewer lines televised. A list of illicit discharges detected, cross connections discovered, and all that were eliminated will be provided.

Evaluation Methodology: Improvements in efficiency in reviewing CCTV data.

3.G BMP: Maintain a current UG storm sewer mapping system.

Objective: To continually update and maintain a current storm sewer mapping system and the inventory of stormwater outfalls.

Measurable Goals:

3.G.1 By the end of the third year after the effective date of the Stormwater Management Plan, the UG shall convert its existing AutoCAD MS4 maps to GIS.

3.G.2 Beginning in the fourth year after the effective date of the Stormwater Management Plan, the UG shall annually update the GIS maps with Record Drawings detailing modifications to the MS4 system.

Responsible Department(s): Water Pollution Control

Compliance Schedule: Year 3 - 5

Recurrence: Continuous

Report(s): Printout of GIS stormwater map.

Evaluation Methodology: N/A

3.H BMP: Continue participation of the UG's existing Household Hazardous Waste Collection Program.

Objective: To assist UG residents in the proper disposal of household hazardous waste materials through advertisement and participation in the UG's existing Household Hazardous Waste Collection Program (HHW).

Measurable Goals:

3.H.1 The UG shall continue to coordinate seven HHW collection days every calendar year. The UG shall collect the following items at 2443 South 88th Street, or an equivalent location: motor oil, batteries, antifreeze, degreasers, paints, varnishes, solvents, lawn and garden insecticides/pesticides, and household cleaning products.

3.H.2 The UG shall estimate the amount of material that is collected during each event and provide a list in their Annual Compliance Report to KDHE.

3.H.3 The UG shall continue its existing program of collection and disposal of abandoned tires.

Responsible Department(s): Public Works, Technology

Compliance Schedule: Year 1 - 5

Recurrence: 7 days annually

Report(s): Summary of HHW material collected annually (3.H.2).

Evaluation Methodology: Review the amount of HHW collected each year.

4. Construction Site Stormwater Runoff Control

As operator of a Phase 1 MS4, the UG shall develop, implement, and enforce procedures to reduce pollutants in any stormwater runoff to the UG's storm sewers from construction activities that result in a land disturbance of greater than or equal to one (1) acre, and a land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale. These best management practices concern the following overall objectives:

- a. Develop an ordinance, or other legal means, to require erosion and sediment controls, as well as sanctions to ensure compliance with UG and KDHE regulations.
- b. Requirements for construction site owners and operators to implement erosion and sediment control best managements practices.
- c. Requirements for construction site owners and operators to secure authorization to discharge stormwater from construction activities under a UG permit for construction activities that result in a land disturbance of greater than or equal to one (1) acre.
- d. Requirements for construction site owners and operators to secure authorization to discharge stormwater from construction activities under a UG permit for construction activities that result in a land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre.
- e. Procedures for site inspection and enforcement of control measures.

Best Management Practices (BMPs):

4.A BMP: Implement and revise, where appropriate, SOPs for stormwater plan review/approval, construction site inspections and subsequent enforcement activities.

Objective: To implement a set of SOPs for detailed plan reviews and approvals, site inspections, and any necessary enforcement actions, consistent with the terms of this SWMP, which will assist in reducing the discharge of pollutants.

Measurable Goals:

4.A.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOPs referenced below.

4.A.2 Within the second year after the effective date of the Stormwater Management Plan, the UG shall review and update, if appropriate, the SOPs for stormwater plan review, site inspections, and enforcement to incorporate changes to these procedures made during the first year of implementation of these programs.

4.A.3 A copy of any updated standard procedures referenced below will be included in the Annual Compliance Report submitted to KDHE for the year in which they are updated.

Responsible Department(s): Public Works, Urban Planning and Land Use

Compliance Schedule: Year 1, 2

Recurrence: One Time (SOPs), Continuous (Implementation)

Applicable Existing SOPs: SWMP-01 (Construction Site Stormwater Runoff Plan Review); SWMP-04 (Construction Site Stormwater Runoff Erosion and Sediment Control Inspection); SWMP-05 (Construction Site Stormwater Runoff Control Erosion Control Enforcement Actions)

Report(s): Copies of the procedures.

Evaluation Methodology: As the program moves forward, annually review and refine the developed SOPs to evaluate its capability to ensure consistency in UG's plan review and approval, construction site inspection services, and enforcement activities.

4.B BMP: Continue use of a tracking system for stormwater plan review/approval, construction site inspections and subsequent enforcement activities.

Objective: To continue the use of a system to track the stormwater plan review and approval process, construction site inspections and any related enforcement actions.

Measurable Goals:

4.B.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall continue its existing tracking system to track plan review and approvals, site inspections and enforcement actions.

4.B.2 A report on stormwater plan review/approval, site inspection, and enforcement activities shall be provided in the Annual Compliance Report submitted to KDHE.

Responsible Department(s): Public Works, Urban Planning and Land Use, Technology

Compliance Schedule: Year 1 - 4

Recurrence: Continuous (Implementation)

Report(s): Documentation of the tracking system activities.

Evaluation Methodology: Evaluate existing tracking system to determine if it captures pertinent and valuable information, allows query ability and provides clear reporting results.

4.C BMP: Provide training to the UG's Erosion and Sediment Control (hereinafter "E&S") Inspection staff.

Objective: To provide training to UG inspection personnel on the requirements of the UG's Erosion and Sediment Control program (E&S).

Measurable Goals:

4.C.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall provide training regarding the UG's new erosion and sediment control standards to key employees. In addition to Erosion & Sediment Control and post-construction BMP inspection staff, this would include the following classifications: Building Inspection, Street Superintendents and Sewer Maintenance. The purpose of the training is to allow employees that are frequently in the field the ability to recognize and report on erosion control problems. Training sessions shall be held every two years and shall be repeated periodically for the benefit of new staff who are placed in these specific positions.

4.C.2 A copy of the Table of Contents for the training materials and the sign-in sheets containing the names of the attendees for the training sessions described in BMP 4.C.1, will be included in the UG's Annual Compliance Report to KDHE. The detailed training materials will be provided upon request.

Responsible Department(s): Public Works

Compliance Schedule: Year 1

Recurrence: (4.C.1) Every Two Years, (4.C.2) As Appropriate

Report(s): Total number of UG staff required to have training and the actual numbers of staff trained. Copy of the Table of Contents for the training materials and a sign-in sheet containing the names of the attendees for the training sessions will be provided.

Evaluation Methodology: Review procedures and outcomes to ensure the E&S inspection staff are adequately and consistently evaluating and inspecting project sites that meet the regulations.

4.D BMP: Develop a training program for local contractors and owners.

Objective: To develop and implement a training program for local construction site owners, contractors, and site operators.

Measurable Goals:

4.D.1 Within the second year after the effective date of the Stormwater Management Plan, the UG shall sponsor a training session for local construction site owners, contractors, site operators, and installers regarding the proper use of best management measures for construction sites covered by UG's E&S program as well as the rules and requirements of the program. These training sessions will be held every two years.

4.D.2 A copy of the training materials and a sign-in sheet containing the names of the attendees for the training sessions described in BMP 4.D.1 will be included in the UG's Annual Compliance Report to KDHE. The detailed training materials will be available upon request.

Responsible Department(s): Public Works

Compliance Schedule: Year 1-5

Recurrence: (4.D.1) Every Two Years, (4.D.2) As Appropriate

Report(s): Copy of the training materials and a sign-in sheet containing the names of the attendees for the training sessions.

Evaluation Methodology: Review evaluations and comments regarding the quality of training. Assess whether changes to training should be made for the benefit of future attendees.

4.E BMP: Conduct routine construction site inspections.

Objective: To inspect each construction site during construction, or as is necessary based on complaints, to ensure compliance with the UG's Erosion and Sediment Control regulations.

Measurable Goals:

4.E.1 Conduct erosion control inspections based on development activity, number of active construction sites, location and other factors, such as construction season and topography. Emphasis will be for those projects that are actively grading or are in the immediate post-grading stage, sites upstream from Wyandotte County Lake as well as other area ponds and lakes, and sites with the largest disturbed areas.

4.E.2 Whenever practicable, the UG shall conduct an erosion control inspection within 5 working days of receiving a complaint.

4.E.3 The UG shall include a summary of the inspection records in its Annual Compliance Report to KDHE. The records will include information on the number of active sites, the inspection frequencies, the number of complaints received, and a list of any non-compliant sites. Enforcement activities are reported under BMP 4.B.2.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Report(s): Summary of inspection records.

Evaluation Methodology: Evaluate compliance of construction site owners and response to complaints.

5. Post-Construction Stormwater Management Program

As operator of a Phase 1 MS4, the UG shall develop, implement, and enforce procedures and best management practices to address post-construction runoff. These best management practices concern the following overall objectives:

- a. Develop and implement strategies of structural and non-structural BMPs appropriate to the local community, and where appropriate, encourages the use of these BMPs and designs with the goal of maintaining or replicating pre-development runoff characteristics and site hydrology.
- b. Requirement for adequate long-term operation and maintenance of structural stormwater management facilities, including inspection, tracking and enforcement methods.
- c. The ordinance to require long-term operation and maintenance of post-construction controls.

Best Management Practices (BMPs):

5.A BMP: Maintain a set of local standards for post-construction stormwater management and make the standards available to developers, local contractors and the public.

Objective: To maintain and make available a set of local standards for post-construction stormwater BMPs for local contractors and the general public.

Measurable Goals:

5.A.1 Prior to the effective date of the Stormwater Management Plan the UG adopted a set of local standards for post-construction stormwater management BMPs. During the effective period for the SWMP, the UG will maintain and enforce these local standards and will post on their website a copy of, or a link to, the adopted standards and best management practices outlined in the standards.

Responsible Department(s): Public Works

Compliance Schedule: Year 1-5

Recurrence: Continuous

Report(s): Copy of the most recent version of the standards shall be included with the SWMP.

Evaluation Methodology: Review standards and BMP information annually and update as necessary as a result of compliance or non-compliance by developers, contractors, and the public.

5.B BMP: Implement and revise, where appropriate, SOPs for stormwater plan review/approval, post-construction site inspections and subsequent enforcement activities.

Objective: To implement a set of SOPs for detailed plan reviews and approvals, site inspections, and any necessary enforcement actions, consistent with the terms of this SWMP, which will assist in reducing the discharge of pollutants.

Measurable Goals:

5.B.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOPs referenced below.

5.B.2

Within the second year after the effective date of the Stormwater Management Plan, the UG shall review and update, if appropriate, the SOPs for plan reviews and inspections, and enforcement to incorporate changes to these procedures made during the first year of implementation of these programs.

5.B.3 A copy of any updated standard procedures referenced below will be included in the Annual Compliance Report submitted to KDHE for the year in which they are updated.

Responsible Department(s): Public Works, Urban Planning and Land Use

Compliance Schedule: Year 1, 2

Recurrence: One Time (SOPs), Continuous (Implementation)

Applicable Existing SOPs: SWMP-02 (Post-Construction Stormwater Management Program Plan Review); SWMP-06 (Post-Construction Site Stormwater Management Program BMP Inspection); SWMP-07 (Post-Construction Site Stormwater Management Program Enforcement Procedure)

Report(s): Copies of procedures and checklists.

Evaluation Methodology: As the program moves forward, annually review and refine the procedures to evaluate its capability to ensure consistency in UG's plan review and approval, site inspection services and enforcement activities.

5.C BMP: Develop a tracking system for post-construction sites and implement BMP inspections.

Objective: To develop and maintain an inventory of post-construction stormwater BMPs (both privately and publicly owned) within the MS4 area and to develop a system to track the BMP inspections to reduce the discharge of pollutants to local storm sewers which reach area streams to the maximum extent practicable.

Measurable Goals:

5.C.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall create an inventory of existing publicly and privately owned BMPs. The BMP inventory list will be maintained and updated annually.

5.C.2 Within the first year after the effective date of the Stormwater Management Plan, the UG shall update its system to track the inspection, compliance, or non-compliance of public and privately owned BMPs.

5.C.3 Beginning in the first year after the effective date of the Stormwater Management Plan, the UG shall conduct annual inspections of publically owned post-construction BMPs as required by the ordinance. The frequency of the inspection shall be established and identified in the standard operating procedures (SOP) developed under BMP 5.B. Follow-up inspections of these BMPs will be performed in accordance with the SOP.

5.C.4 Beginning in the first year after the effective date of the Stormwater Management Plan, the UG shall enforce annual operation & maintenance requirements for privately owned BMPs within the MS4 service area, as required by the UG's Code of Ordinances, Article XV of Chapter 8. The enforcement activities will be established and identified in the standard operating procedures developed under BMP 5.B.

5.C.5 Within the third year after the effective date of the Stormwater Management Plan, the UG shall develop and implement a system to store information regarding these BMPs and track the inspection, follow-up activities, and any enforcement action of post-construction BMPs.

5.C.6 The UG shall provide a copy of the post-construction BMP inventory, a summary of the most recent inspection reports, and a list of any enforcement action in its Annual Compliance Report submitted to KDHE.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 3

Recurrence: One Time

Report(s): Summary report of inventory, inspections and enforcement actions.

Evaluation Methodology: Evaluate existing tracking system to determine if it captures pertinent and valuable information, allows for query ability and provides complete reporting results.

5.D BMP: Provide training to UG Inspection staff.

Objective: Provide training to UG inspection personnel on the requirements of the UG's Post-Construction SWMP and to instruct the assigned inspection staff on the proper mechanics and functionality of structural BMPs as well as safety and field awareness issues.

Measurable Goals:

5.D.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall train key employees regarding the new post-construction BMP standards. In addition to Erosion & Sediment Control and post-construction BMP inspection staff, key employees would include the

following job classifications: Building Inspection, Street Maintenance, Public Works Development Coordinator and the Public Works Stormwater Coordinator. These training sessions shall be repeated for the benefit of new staff.

5.D.2 A copy of the training materials and a sign-in sheet containing the names of the attendees for the training session described in BMPs 5.D.1 will be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: (5.D.1 and 5.D.2) As Necessary

Report(s): Copy of the training materials and a sign-in sheet containing the names of the attendees for the training sessions.

Evaluation Methodology: Review procedures and outcomes to ensure the inspection staff are adequately and consistently evaluating and inspecting BMP sites that meet the regulations.

5.E BMP: Develop a training program for local property owners, designers and developers.

Objective: To develop and implement a training program for local BMP project site owners, designers and developers.

Measurable Goals:

5.E.1 Within the second year after the effective date of the Stormwater Management Plan, the UG shall sponsor a training session for architects / engineers / developers / contractors and owners of stormwater structural BMPs regarding the maintenance, inspection and enforcement program. These training sessions will be held every two years.

5.E.2 A copy of the training materials and a sign-in sheet containing the names of the attendees for the training sessions described in BMP 5.E.1 will be included in the UG's Annual Compliance Report to KDHE, appropriate.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: (5.E.1, 5.E.2) Every Two Years

Report(s): Copy of the training materials and a sign-in sheet containing the names of the attendees for the training sessions.

Evaluation Methodology: Review evaluations and comments regarding the quality of training. Assess whether changes to training should be made for the benefit of future attendees.

6. Pollution Prevention/Good Housekeeping

As operator of a Phase 1 MS4, the UG shall develop, implement, evaluate and modify, as necessary, an operation, maintenance, and training program for municipal operations and municipally owned/operated facilities consistent with the following overall goals:

- a. Operation and maintenance programs, including activities, schedules, SOPs and inspection procedures which include provisions and controls to reduce pollutant discharges to the MS4.
- b. Materials, including fertilizers, herbicides and pesticides shall be applied according to manufacturer's recommendations.
- c. Proper disposal of waste materials.

Best Management Practices (BMPs):

6.A BMP: Implement and revise, where appropriate, the UG's SOP for application of pesticides, herbicides and fertilizers (hereinafter "PHF") on UG property.

Objective: To implement the UG's SOP which describes the application of PHFs used on UG property and its existing PHF tracking system. To require integrated pest management by all contractors performing lawn care maintenance work on UG property.

Measurable Goals:

6.A.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOPs referenced below.

6.A.2 Within the second year after the effective date of the Stormwater Management Plan, the UG will review, and update if appropriate, its SOP for application of PHGs to incorporate changes to those procedures made during the first year of implementation of this program.

6.A.3 Within the second year after the effective date of the Stormwater Management Plan, the UG shall review and modify their specifications and contracts for lawn care maintenance at public buildings and incorporate integrated pest management into the contract specifications.

6.A.4 A copy of any updated version of the SOP referenced below shall be included in the Annual Compliance Report to KDHE for the year in which it was updated. The UG shall provide a copy of the most recent PHF application procedures (SOP) and lawn maintenance contract specifications, a list of the amounts of PHFs applied to UG property, and a list of the certified contractors who applied PHF to UG property in each Annual Compliance Report to KDHE.

Responsible Department(s): Parks & Recreation, Procurement

Compliance Schedule: Year 1,2

Recurrence: One Time (6.A.3), Continuous (6.A.1, 6.A.4)

Applicable Existing SOP: SWMP-08 (Pesticide, Herbicide, and Fertilizer Application)

Report(s): Copy of SOP, PHFs applied on UG property, and list of certified applicators/contractors.

Evaluation Methodology: As the program moves forward, annually review and refine the developed SOP to evaluate its capability to ensure consistency in application of PHFs.

6.B BMP: Continue to operate the UG's existing vehicle washing facility.

Objective: Continue to operate a vehicle washing facility which collects and disposes of wash water in the sanitary sewer system.

Measurable Goals:

6.B.1 Beginning on the effective date of the Stormwater Management Plan, the UG continue its existing program of washing of UG vehicles at its existing vehicle wash facility, currently located at 50th Street and State Avenue. The current procedures will be reviewed and updated as necessary to reflect industry best practices.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Applicable Existing SOP: SWMP-03 (Vehicle Washing)

Report(s): A copy of any updated standard operating procedure and an inventory of all vehicle washing facilities.

Evaluation Methodology: Review the effectiveness of collecting and disposing of wash water consistent with the goal of maintaining water quality.

6.C BMP: Review and refine, if UG deems it necessary, the UG's tracking system for street sweeping. Implement SOP for street sweeping.

Objective: To implement the UG's existing street sweeping SOP and to review and refine the UG's tracking program which describes route information, prioritization method, cleaning frequencies and disposal of material collected.

Measurable Goals:

6.C.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOP referenced below. Within the first year after the effective date of the Stormwater Management Plan, the UG will review and refine its current system to track street sweeping activities. The UG shall track the route classification and the amount of material collected on a monthly basis.

6.C.2 Within the second year after the effective date of the Stormwater Management Plan, the UG shall perform a review of its street sweeping SOP, referenced below. This evaluation will include such items as reviewing cleaning frequencies, route optimization strategies, quantity and type of collected material, and a cost/benefit analysis. The UG will prepare a memorandum detailing the results of the review. If UG deems it necessary, UG will make modifications to the SOP following the evaluation process.

6.C.3 The UG may continue the use of the transfer station located at its central garage, 50th Street and State Avenue, for street sweeping materials. Storage of street sweepings at the transfer station shall be in appropriately designed containers.

6.C.4 The UG shall include a list of dates, route classifications and material collected on a monthly basis in its Annual Compliance Report to KDHE.

6.C.5 A copy of any updated version of the SOP referenced below shall be included in the Annual Compliance Report to KDHE for the year in which it was updated.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: (6.C.1, 6.C.2) One Time, (6.C.3) Continuous, (6.C.4) Annually

Applicable Existing SOP: SWMP-09 (Street Sweeping)

Report(s): Total amount of material collected monthly and a copy of latest street sweeping procedures.

Evaluation Methodology: Annually review the efficiency of street sweeping plan and total amount of waste material collected. As the program moves forward, annually review and refine the developed SOP to evaluate its effectiveness.

6.D BMP: Provide training to UG employees on good housekeeping activities related to stormwater management and how to reduce pollutants to the MS4.

Objective: To provide training to UG employees that will educate them on stormwater management, water quality, and how to reduce pollutants to the MS4.

Measurable Goals:

6.D.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall prepare and distribute Stormwater Pollution Prevention training materials available to UG employees through e-mails and the UG's Intranet site.

6.D.2 A copy of the training materials will be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works, Human Resources

Compliance Schedule: Year 1 - 5

Recurrence: Annually

Report(s): Copy of training materials.

Evaluation Methodology: Evaluate the effectiveness of the training materials based on employee feedback and observed behavior changes.

6.E BMP: Continue the existing curb inlet inspection and cleaning program.

Objective: To reduce the discharge of pollutants to area streams from the MS4 to the maximum extent practicable by developing a wide-ranging inlet inspection and cleaning program.

Measurable Goals:

6.E.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall continue its existing inlet inspection program by performing approximately 5,000 inspections per year.

6.E.2 Beginning on the effective date of the Stormwater Management Plan, the UG shall continue its existing inlet cleaning program by cleaning approximately 3,000 inlets per year. The number on inlets cleaned is dependent upon observations and the results of the inspection process conducted under BMP 6.E.1.

6.E.3 Within the third year after the effective date of the Stormwater Management Plan, the UG shall re-evaluate the overall focus and effectiveness of the existing curb inlet inspection and cleaning program. This information shall be used to assist the UG in prioritizing its program to reduce pollutant discharges to the maximum extent practicable for the remaining years in the permit with the information available.

6.E.4 The UG shall provide a summary report of the curb inlets that are inspected and cleaned in its Annual Compliance Report to KDHE.

Responsible Department(s): Public Works, Water Pollution Control

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Report(s): Total number of curb inlets inspected/cleaned each year.

Evaluation Methodology: Review the cleaning reports and the techniques employed in the inspection and cleaning of inlets as well as the process used to prioritize inspection and cleaning activities.

6.F BMP: Review and update, if needed, the UG's tracking system for inlet inspections and cleaning. Implement SOP for inlet inspections and cleaning.

Objective: To review and update the UG's existing inlet inspection and cleaning tracking program which describes route information, prioritization method, cleaning frequencies and disposal of material collected. To implement the SOP for inlet inspections and cleaning.

Measurable Goals:

6.F.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOP referenced below.

6.F.2 During the first two years after the effective date of the Stormwater Management Plan, the UG shall review and refine its current system to track inlet inspections and cleaning, and will update, if appropriate, the SOP referenced below. During the third year, the UG shall incorporate inlet inspections and cleaning into the existing maintenance work order system.

6.F.3 The UG shall perform a review of its inlet inspection and cleaning procedures and prepare a memorandum detailing the results during the third year.

6.F.4 The UG shall provide a copy of its procedures review memorandum in its Annual Compliance Report to KDHE. A copy of any updated version of the SOP referenced below shall be included in the Annual Compliance Report to KDHE for the year in which it was updated.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: (6.F.1, 6.F.2, 6.F.3) One Time, (6.F.4) Annually

Applicable Existing SOP: SWMP-10 (Stormwater Inlet Inspection and Cleaning)

Report(s): A copy of latest inspection/cleaning procedures.

Evaluation Methodology: As the program moves forward, annually review and refine the SOP and the efficiency of inlet inspection and cleaning plan.

6.G BMP: Create an inventory of UG-owned/operated or UG-operated buildings and facilities. Review permit coverage and SWPPPs for regulated sites.

Objective: To create an inventory of all UG-owned/operated or UG-operated buildings and facilities. Based upon this inventory, to determine which sites should have permit coverage from KDHE and a SWPPP in place, and which sites should not. For the regulated sites, to confirm permit coverage and collect SWPPPs for review and comment.

Measurable Goals:

6.G.1 Within the first year after the effective date of the Stormwater Management Plan, the UG will update its inventory of UG-owned/operated and/or

UG-operated buildings and facilities. The list will be categorized into: (i) those sites that are included within the definition at 40 CFR 122.26 paragraphs (b)(14)(i) through (xi) (hereinafter, “industrial sites”) and (ii) non-regulated sites.

6.G.2 Within the second year after the effective date of the Stormwater Management Plan, for those sites categorized as industrial sites, the UG will alert the appropriate department that the site may require coverage under KDHE’s General Permit for Stormwater Runoff from Industrial Activity and will request information on the site’s status in this regard. If the site is covered at the time of notification, the UG will request a copy of the site’s SWPPP and will provide suggestions for improvements, as appropriate.

6.G.3 Within the third year after the effective date of the Stormwater Management Plan, for those sites that state that they do not have coverage during the initial notification in BMP 6.G.2, the UG will follow-up with the appropriate department to ascertain whether the site is covered by the General Permit, and, if not, the reason it is not. If the site is not covered, the UG will provide assistance to the department in obtaining the proper permit and developing the required site SWPPP, as appropriate.

6.G.4 The UG shall provide a copy of the updated inventory as well as a list of departments notified and any follow-up conducted in its Annual Compliance Report to KDHE.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: (6.G.1, 6.G.2, 6.G.3) One Time, (6.G.4) Annually

Report(s): A copy of the latest inventory, departments notified, and follow-up performed.

Evaluation Methodology: As the program moves forward, annually review whether all regulated sites have permit coverage and have SWPPPs in place.

6.H BMP: Monitor good housekeeping at non-regulated sites.

Objective: Based upon the inventory developed in BMP 6.G, to visit each UG-owned/operated or UG-operated building or facility that is not categorized as an industrial sites in order to recommend stormwater-related good housekeeping improvements.

Measurable Goals:

6.H.1 Within the second year after the effective date of the Stormwater Management Plan, for those sites that are not categorized as industrial sites pursuant to BMP 6.G.1 (hereinafter “non-regulated sites”), the UG will develop a schedule whereby each site will be visited once during each five year permit cycle.

6.H.2 Within the third year after the effective date of the Stormwater Management Plan, the UG shall begin visiting these non-regulated sites. During these visits, the UG will provide educational materials regarding good housekeeping practices meant to reduce the risk of non-stormwater discharges to the MS4 system, will discuss proper management practices with the manager of the site, and will recommend improvements that could be made on-site with regard to stormwater management. The UG will continue these site visits until all are reached.

6.H.3 The UG shall provide a copy of its schedule and copies of its educational materials in its Annual Compliance Report to KDHE. The UG shall provide a copy of any written recommendations made for a particular site upon request.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: (6.H.1) One Time, (6.H.2) Ongoing (Implementation) and (6.H.3) Annually

Report(s): A copy of UG's schedule and educational materials.

Evaluation Methodology: After all sites are visited once, review the educational materials and make needed improvements in information provided.

7. Industrial Activity Stormwater Runoff Management

As operator of a Phase 1 MS4, the UG shall develop, implement, evaluate and modify, as UG deems necessary, a program for addressing discharges from industrial facilities, included in 40 CFR § 122.26(d)(2)(iv)(C) to the MS4 consistent with the following overall objectives:

- a. Develop and implement a program to identify and inspect these facilities and sites to review whether there are effective stormwater control measures in place at the site.
- b. Where appropriate, take enforcement action to address illicit discharges from those identified sites consistent with UG's IDDE program (discussed above).

Existing Program Activities

The UG does not have an established industrial runoff management program as it is not a current permit requirement to-date. The UG however, does monitor those sites which are part of the sanitary sewerage pre-treatment program. Since the UG's jurisdiction includes industrial areas that are within the combined sewer system area (outside of the regulated MS4 service area), compliance with these pre-treatment requirements have had a positive effect in stormwater quality during rainfall events that trigger combined sewer overflows.

Best Management Practices (BMPs):

7.A BMP: Develop a Standard Operating Procedure (SOP) for stormwater plan review/approval, industrial site inspections, review of stormwater control measures during those inspections, and subsequent enforcement activities.

Objective: To develop a set of Standard Operating Procedures (SOP) for detailed plan reviews and approvals, site inspections, review of stormwater control measures, and any subsequent enforcement actions deemed necessary by UG.

Measurable Goals:

7.A.1 By no later than March 31, 2013, the UG shall create an SOP for stormwater plan review and approval of industrial sites, including a visual review of the site and interviews with management at the facility.

7.A.2 By no later than March 31, 2013, the UG shall create an SOP for the inspection of industrial sites.

7.A.3 By no later than March 31, 2013, the UG shall create an SOP for carrying out enforcement actions against any industrial site which has been found in violation of UG ordinances. The SOP will also identify the steps necessary to inform KDHE of facilities that may require state action.

7.A.4 A copy of the standard operating procedures described in BMPs 7.A.1 thru 7.A.3 will be included in the Annual Compliance Report submitted to KDHE.

Responsible Department(s): Public Works, Legal

Compliance Schedule: Year 1

Recurrence: One time

Report(s): Copies of all SOPs.

Evaluation Methodology: Annually review and refine, if the UG deems it necessary, the developed SOPs to evaluate their capability to ensure consistency in UG's plan review and approval, site inspections, and enforcement activities.

7.B BMP: Create and maintain an inventory of Industrial facilities.

Objective: To create an inventory of Industrial facilities as defined by 40 CFR 122.26(b)(14), which is to be maintained and updated on an annual basis.

Measurable Goals:

7.B.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall update its industrial facilities list to include municipal landfills, hazardous waste treatment, storage and disposal facilities (TSDs), industries subject to reporting requirements pursuant to SARA Title III Section 313, facilities as defined by 40 CFR 122.26(b)(14), and those sites that the UG determines are contributing a substantial loading of pollutants to the MS4. The list shall be updated on an annual basis.

7.B.2 A copy of the list of industrial facilities, including their classification per 40 CFR 122.26(b)(14) shall be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works, Geospatial

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Report(s): List of all industrial facilities noted above within UG's MS4 service area.

Evaluation Methodology: Completion of list.

7.C BMP: Implement an Industrial facility inspection program.

Objective: To inspect each industrial site to ensure compliance with the UG's ordinances.

Measurable Goals:

7.C.1 Within two years of after the effective date of the Stormwater Management Plan, of the industrial sites described in 7 above, the UG shall begin inspecting 25 percent (%) of these sites per year. A priority list of facilities based upon industrial classification shall be established as a predictor of potential pollutant loadings. The list may be modified as a result of subsequent inspections.

7.C.2 Prior to commencing with inspections, all inspectors and UG personnel assigned to conduct inspections under this program shall be trained in accordance with the measurable goals identified under the IDDE Program, BMP Number 3.D.

7.C.3 A copy of the annual inspection reports will be retained for three years. A summary of the annual inspection reports will be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works

Compliance Schedule: Year 2 - 5

Recurrence: Continuous

Report(s): Summary of inspection records.

Evaluation Methodology: Evaluate compliance of facility owners.

7.D BMP: Adopt legal authority for inspection of industrial facilities, review of on-site stormwater control measures, and subsequent enforcement.

Objective: To review and revise, if the UG deems it necessary, UG's ordinances to allow for UG inspection of industrial facilities, review of their stormwater control measures, and the institution of enforcement actions in appropriate cases.

Measurable Goals:

7.D.1 Within the second year after the effective date of the Stormwater Management Plan, the UG shall review its current Code of Ordinance, and adopt, if UG deems it necessary, a new ordinance that authorizes the UG to require the industries described in 7 above to address any discharges to the MS4, to install or undertake stormwater control measures on their properties, and, if otherwise required by federal or state law, to conduct monitoring, with a copy of any results submitted to the UG.

7.D.2 A copy of the review results, and any ordinance activities, will be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works

Compliance Schedule: Year 2 - 5

Recurrence: One Time

Report(s): Summary of review and ordinance activities.

Evaluation Methodology: Evaluate adequacy of ordinance to allow for facility inspections.

8. TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATED POLLUTANTS AND PRINCIPAL POLLUTANTS OF CONCERN

As operator of a Phase 1 MS4, the UG shall develop, implement, evaluate and modify, as necessary, a stormwater management plan, which includes practical and feasible BMPs and a monitoring program, to assess the effectiveness of the stormwater management activities and BMPs that have been implemented to attenuate the discharge of the Total Maximum Daily Loads (TMDL) regulated pollutants and Principal Pollutants of Concern (PPOC) indentified in the UG's NPDES permit. Actions shall be taken to insure that the UG is in compliance with the following overall objectives:

- a. Develop and implement a stormwater management program, including specific BMPs, which will reduce the loading from the regulated TMDL pollutants.
- b. Develop and implement a program to monitor and collect stormwater samples at various intervals and frequencies identified in the NPDES permit.
- c. Develop and implement procedures to collect and analyze stormwater samples.
- d. Review data and determine water quality trends.

The UG continues to implement its Wet Weather Control Plan to reduce the number overflow events and the quantity of sanitary sewerage which enters the Kansas River during combined sewer overflow (CSO) and sanitary sewer overflow (SSO) events within the service area. The ongoing and future activities include studies to identify areas of overflows and their causes, and the construction of capital improvement projects to address overflows as a means to reduce the discharge of pollutants to the maximum extent practicable.

Best Management Practices (BMPs):

8.A BMP: To develop and implement Best Management Practices which will reduce TMDL regulated pollutants (Bacteria), to the maximum extent practicable, from entering the Kansas River.

Objective: To develop and implement BMP programs to reduce the amount of TMDL regulated parameters and Principal Pollutants of Concern that enter the Kansas River.

Measurable Goals:

8.A.1 Within the first after the effective date of the Stormwater Management Plan, the UG shall implement the following BMPs:

- A pet waste brochure will be developed for public education and dissemination. The brochure will encourage pet owners to pick up the waste as well as provide other pollution prevention tips for pet owners. The brochure will be posted on the UG website and also be printed to be placed in City Hall, the public libraries, and other public venues, such as Community Centers and the Neighborhood Resource Center.

- Within the Kansas River drainage basin, priority attention will be given to regulating septic tank systems maintenance, installation, and usage. Response to complaints received regarding improper discharges or surfacing sewage related to septic system failures will be given top priority for investigation and response. Continue regulating septic systems in accordance with the UG's Code of Ordinances, Chapter 30, Article VII and maintain records of investigation and final disposition of non-compliant systems.
- Beginning in the second year after the effective date of the Stormwater Management Plan, the UG will implement the IDDE dry- weather inspection program required by BMP 3.E above to prioritize those drainage areas and streams within the Kansas River drainage basin. The UG will document and report all illicit discharges found and eliminated.

8.A.2 All activities, documents and reports for the BMPs identified above will be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works, Public Relations

Compliance Schedule: Years 1 - 5

Recurrence: Continuous

Report(s): Copies of all brochures created and distributed, list of septic system complaints and disposition activities, and a summary of all illicit discharges inspected and eliminated.

Evaluation Methodology: Reduction in bacteria concentrations.

Affected Parameters: Bacteria (E. Coli)

8.B BMP: Undertake activities to reduce stormwater impacts on Wyandotte County Lake.

Objective: To implement and enforce best management practices within the lake's watershed, by reducing the discharge of pollutants, to the maximum extent practicable, in order to protect the integrity of Wyandotte County Lake. To assess the condition of the lake over the 5-year permit period.

8.B.1 During the first year after the effective date of the Stormwater Management Plan, the UG shall assess the land use in the watershed of the lake to develop a baseline for existing build-out conditions, using available data, sampling information, and any existing surveys of the lake. This initial assessment will include the original bathymetric survey conducted in 2010 by the Kansas Biological Survey.

8.B.2 Beginning in the first year after the effective date of the Stormwater Management Plan, the UG shall commence gathering and analyzing samples of the water in the southern and eastern tributaries entering the lake during four (4) wet weather events per year. Parameters tested shall include Total Phosphorus,

total suspended solids (TSS), Total Nitrogen (calculated), TKN, nitrates + nitrites, ammonia, biochemical oxygen demand (BOD), and pH. Daily rainfall amounts from nearby rain gauges for the preceding two week period will be reported.

8.B.3 Beginning in the first year after the effective date of the Stormwater Management Plan, the UG shall give high priority to sites located within the Wyandotte County Lake watershed when it comes to enforcing program elements and best management practices identified under the Construction Site Stormwater Run-off Control and Post-Construction Stormwater Management Program minimum control elements.

8.B.4 Within the fifth (5th) year after the effective date of the Stormwater Management Plan, the UG shall conduct a follow-up bathymetric survey of the lake. The UG will also undertake a land use and build-out assessment in the lake watershed to provide a comparison to the baseline data developed in the first year.

8.B.5 Beginning the first year after the effective date of the Stormwater Management Plan, the UG shall take Secchi disk depth readings at up to three (3) locations in the main body of the lake approximately one week before Memorial Day, Independence Day and Labor Day.

Responsible Department(s): Public Works, Water Pollution Control

Compliance Schedule: Years 1-5

Recurrence: One Time (8.B.1, and 8.B.4), Continuously (8.B.2, 8.B.3 and 8.B.5)

Report(s): Provide a copy of the sampling results from the wet weather sampling program and lake Secchi disk depths. The UG will keep records on enforcement action and make these records available upon request. Provide a summary of the results of the bathymetric survey and land use assessment conducted during the fifth year.

Evaluation Methodology: Evaluate parameter, Secchi disk, and sediment data to determine the effect of BMPs on pollutants levels entering the lake. Modify program or develop additional best management practices in the area to continue protecting the lake quality.

Affected Parameters: Phosphorus, Sediment

9. WET WEATHER MONITORING PROGRAM

As operator of a Phase 1 MS4, the UG shall develop, implement, evaluate and modify, as necessary, a wet weather monitoring program for the Principal Pollutants of Concern (PPOCs) and other parameters listed in the current NPDES Permit to assess the effectiveness of the stormwater management activities and BMPs that have been implemented that comply with the following overall objectives:

- a. Develop and implement a program to monitor and collect storm water samples during wet weather at several outfall and stream locations.
- b. Develop and implement procedures to collect and analyze stormwater samples during wet weather.
- c. Review data and determine water quality trends.

Best Management Practices (BMPs):

9.A BMP: Implement SOPs to address monitoring of Principal Pollutants of Concern and other water quality parameters.

Objective: To implement SOPs which detail the implementation of a wet weather monitoring program and analysis of certain Principal Pollutants of Concern and specific parameters identified in the current NPDES permit.

Measurable Goals:

9.A.1 Beginning on the effective date of the Stormwater Management Plan, the UG shall implement the Applicable Existing SOPs referenced below.

9.A.2 Within the second year after the effective date of the Stormwater Management Plan, the UG shall review and update, if appropriate, the SOPs referenced below to incorporate changes to these procedures made during the first year of implementation of this program.

9.A.3 The UG shall provide a copy of the Monitoring Plan and data analysis procedures in its Annual Compliance Report to KDHE in the year in which the procedure was updated.

Responsible Department(s): Public Works, Water Pollution Control

Compliance Schedule: Year 1, 2

Recurrence: One Time

Applicable Existing SOP: SWMP-15 (Wet Weather Monitoring Program – Wet Weather Monitoring); SWMP-16 (Wet Weather Monitoring Program – Data Analysis)

Report(s): Copies of procedures and the results of the review of the current Wet Weather Monitoring Plan.

Evaluation Methodology: As the overall program moves forward, annually review and refine if the UG deems it necessary, the developed SOPs to evaluate their capability to ensure consistency and accuracy in UG's sampling and analysis procedures.

9.B BMP: Develop a tracking system for wet weather monitoring activities.

Objective: To develop a system to track the results of the wet weather monitoring program.

Measurable Goals:

9.B.1 Within six months after the effective date of the Stormwater Management Plan, the UG shall develop a spreadsheet to track the water quality results and each sample location.

Responsible Department(s): Public Works, Water Pollution Control

Compliance Schedule: Year 1

Recurrence: One Time

Report(s): N/A

Evaluation Methodology: Review tracking system to ensure that the water quality results are clear, useful, and reliable. Make modifications to the system if appropriate.

9.C BMP: Conduct water quality analyses of stormwater discharges to assess the effectiveness of implemented BMPs and stormwater pollution prevention actions.

Objective: To review monitoring data for water quality trends and to analyze the information to determine the effectiveness of BMPs and the overall health of the watershed.

Measurable Goals:

9.C.1 Beginning in the first year after the effective date of the Stormwater Management Plan, the UG shall annually prepare a memorandum which includes an analysis of the monitoring results. The UG will provide an analysis and interpretation of the results of the effectiveness of the various BMPs and make adjustments if necessary.

9.C.2 The UG shall provide a copy of the data analysis in its Annual Compliance Report to KDHE.

Responsible Department(s): Public Works

Compliance Schedule: Year 1 - 5

Recurrence: Annual

Report(s): Summary of water quality trend analysis memorandum.

Evaluation Methodology: Evaluate trends to assess water quality impacts and review possible changes to BMPs and stormwater management activities to reduce PPOCs, and make modifications, if required.

10. STORMWATER MANAGEMENT PROGRAM

As operator of a Phase 1 MS4, the UG shall develop, implement, evaluate, and modify if necessary, a Stormwater Management Program to manage the activities and requirements, to the maximum extent practical, that reduce the discharge of pollutants to area streams, protect water quality and complies with the Clean Water Act, consistent with the following overall goals:

- a. Develop and implement a stormwater management program, including specific BMPs which will reduce the loading from the regulated and principal pollutants of concern.
- b. Establish a Stormwater Management Team that will oversee stormwater related activities and financial issues, provides guidance, and evaluates and recommends improvements to the program.
- c. Conduct watershed studies and a stormwater master plan to identify future capital improvement needs.

Best Management Practices (BMPs):

10.A BMP: Hire a Stormwater Coordinator.

Objective: Create and fill a new position whose primary responsibility will be to oversee the day to day operation of the Stormwater Management Program.

Measurable Goals:

10.A.1 Within the first year after the effective date of the Stormwater Management Plan, the UG shall create the position of Stormwater Coordinator. This individual will primarily be responsible for overseeing the implementation of the Stormwater Management Plan. This position will be overseen by the Deputy County Engineer in charge of the Stormwater Runoff Management Program.

10.A.2 After the position is established, and contingent upon the availability and interest of qualified applicants, the UG shall fill the position of Stormwater Coordinator. It is expected that this position will occasionally be vacant due to staff turnover at the UG. During those periods, the UG will endeavor to name an individual to temporarily assume the responsibilities of this position until such time that an individual can be named to the position.

Responsible Department(s): Public Works, HR Dept.

Compliance Schedule: Year 1

Recurrence: N/A

Report(s): Information on the staffing of this position will be included in the annual report.

Evaluation Methodology: N/A

10.B BMP: Create committees which will provide administrative oversight, coordination and direction for the UG's Stormwater Management Program.

Objective: To establish Committees to provide oversight and guidance during the implementation of the UG's Stormwater Management Program. The purpose of these committees shall be to develop a clear and consistent message regarding MS4 as it relates to overall program management, to help direct public education activities, to coordinate information tracking and mapping, and to oversee the good housekeeping measures implemented as part of this plan.

Measurable Goals:

10.B.1 Within the first year after the effective date of the Storm Water Management Plan, a Stormwater Executive Committee will be formed, which will be comprised of the UG's Public Works Director, the County Engineer, the Water Pollution Control Division Director, and, to the extent the position has been filled, the Stormwater Coordinator. The committee will be involved in funding and planning decisions, will ensure communications between departments, will oversee the implementation of the various measures and the tracking of all activities, and will provide direction and guidance to staff during the program process.

10.B.2 Within the first year after the effective date of the Storm Water Management Plan, the Stormwater Executive Committee will consider the formation of additional committees to address public education, information tracking, mapping and good housekeeping measures.

10.B.3 For all committees, minutes will be prepared. Minutes will be retained for a minimum of three years, and will be provided to the public upon request.

Responsible Department(s): Public Works, Public Relations

Compliance Schedule: Year 1 - 5

Recurrence: Continuous

Report(s): N/A

Evaluation Methodology: The Public Works Director, or his designee, shall conduct an annual evaluation of the various Stormwater Committees to determine their effectiveness in implementing the UG's SWMP.

10.C BMP: Conduct an annual financial analysis of the stormwater program.

Objective: To conduct an annual financial analysis which will assess the implementation costs of the UG's Stormwater Management Program and will consider the potential means for obtaining adequate funding.

Measurable Goals:

10.C.1 Beginning in the second year, the UG shall conduct an analysis of the future program funding needs and expenses as well assessing the availability of funds and revenue for the program as part of the annual budget development process. If future expenditures exceed revenue, recommendations will be identified to address the gap in funding to the maximum extent practicable.

10.C.2 A copy of the financial analysis will be included in the UG's Annual Compliance Report to KDHE.

Responsible Department(s): Public Works

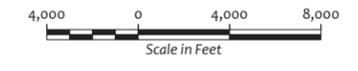
Compliance Schedule: Year 1 - 5

Recurrence: Annually

Report: Copy of the financial analysis.

Evaluation Methodology: N/A

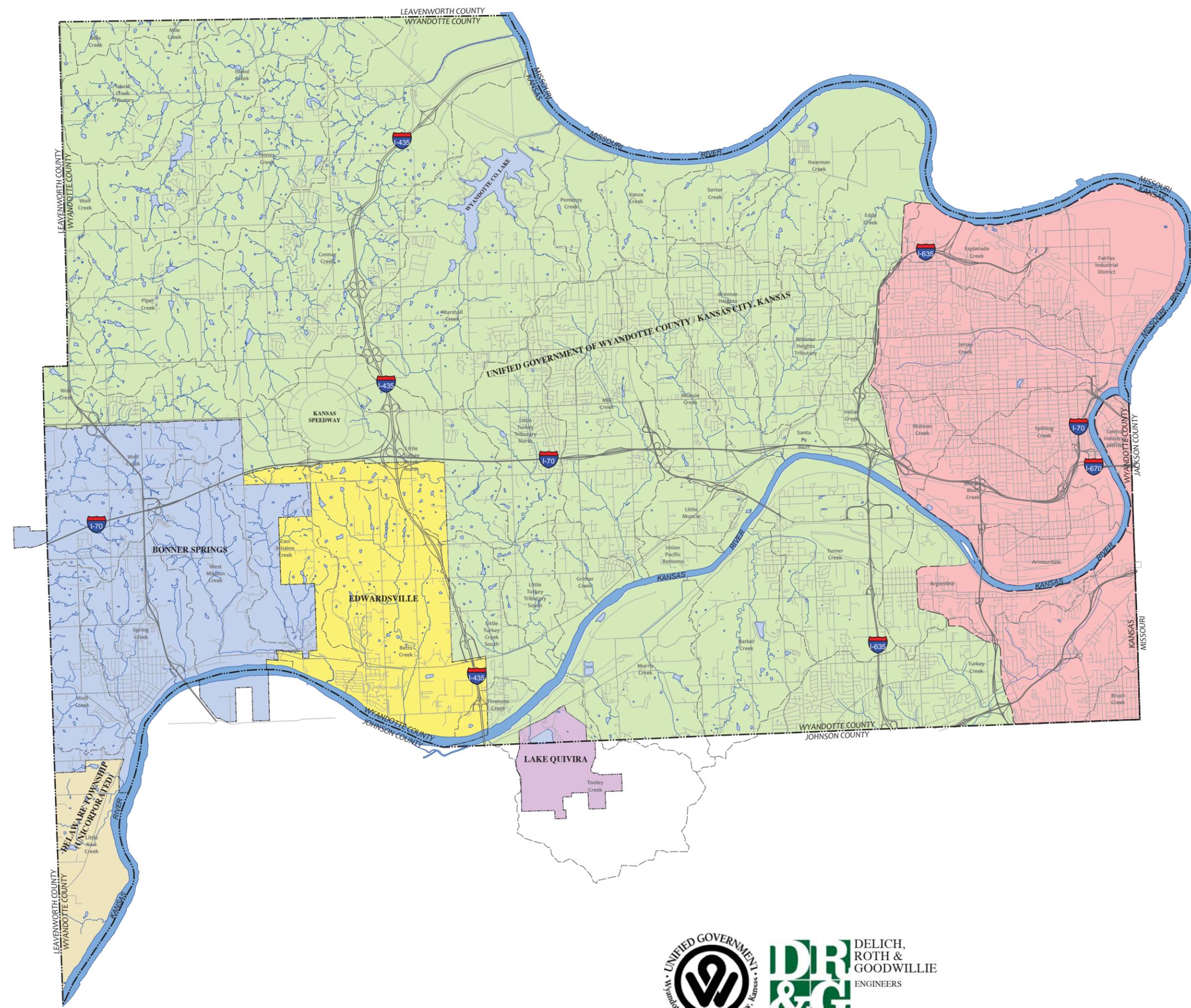
**APPENDIX A - Unified Government or Wyandotte County/Kansas City, Kansas MS4
Service Area Map**



LEGEND

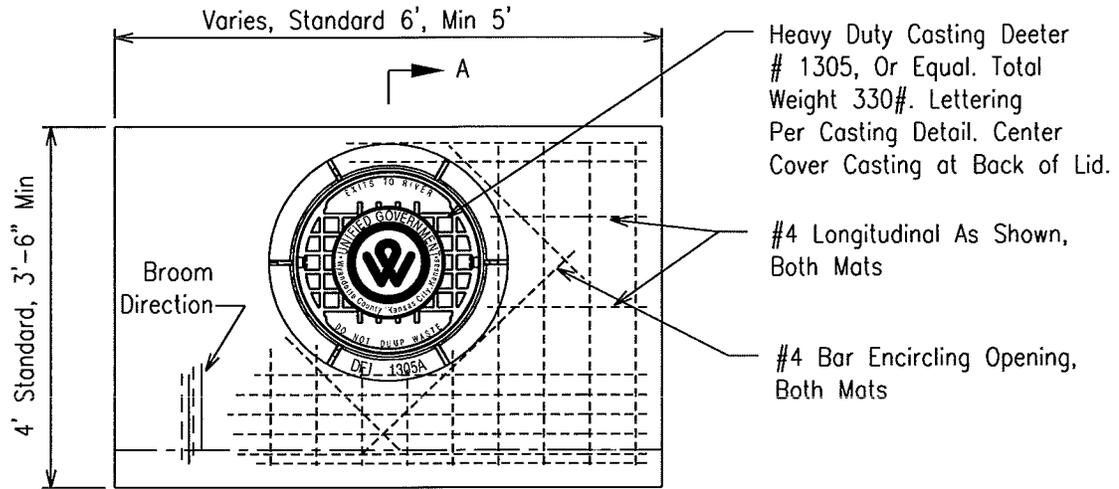
- UNIFIED GOVERNMENT MS4 SERVICE AREA

- AREAS NOT INCLUDED IN THE UNIFIED GOVERNMENT'S MS4 SERVICE AREA**
- CITY OF KANSAS CITY, KANSAS CSS AREA (NINE MINIMUM CONTROLS APPLY)
- CITY OF BONNER SPRINGS, KANSAS
- CITY OF EDWARDSVILLE, KANSAS
- CITY OF LAKE QUIVIRA, KANSAS
- DELAWARE TOWNSHIP, WYANDOTTE COUNTY, KANSAS (UNINCORPORATED AND OUTSIDE OF URBANIZED AREA)

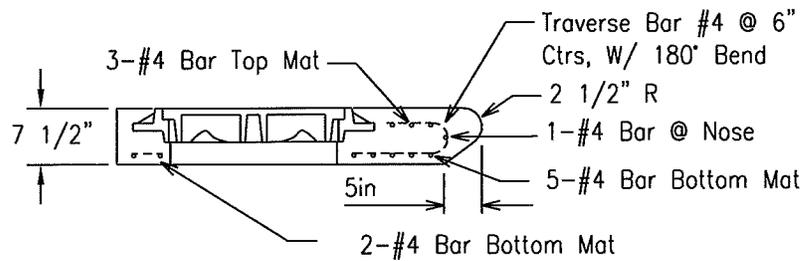


UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY / KANSAS CITY, KANSAS
MS4 SERVICE AREA

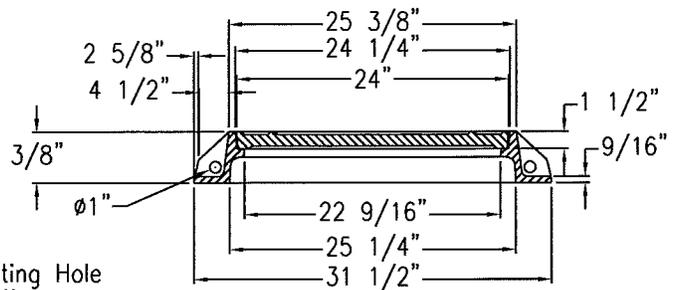
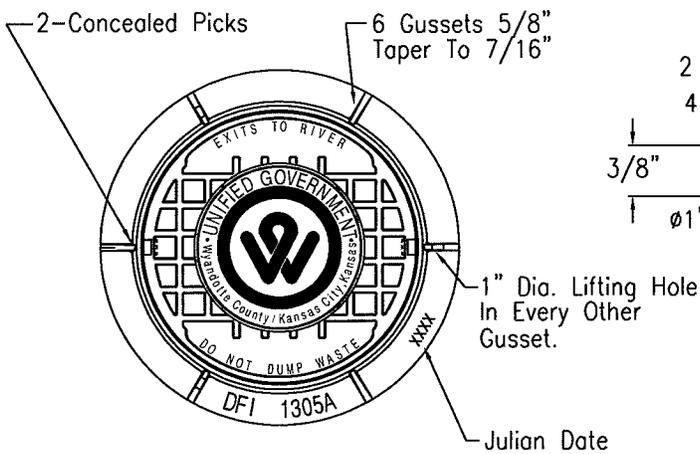
APPENDIX B - Curb Inlet Detail Sheet



LID PLAN VIEW



SECTION AA



NOTE:

- Furnished With Machined Horizontal Bearing Surface.
- Material: Gray Cast Iron ASTM A-48, Class 35B.
 Weight: Frame 110 Lbs.
 Cover 135 Lbs.
 Finish: No Paint

STANDARD CURB INLET CASTING (STORM)

CURB INLET DETAIL, SHEET 2 OF 4

PUBLIC WORKS DEPARTMENT, ENGINEERING DIVISION

UNIFIED GOVERNMENT

UG 5500-B
 March 2003

APPENDIX C – UG Code Of Ordinances: Chapter 8 and 30

- (a) A certificate of occupancy shall be issued by the building official prior to any vacant land being occupied or used, except for agricultural purposes, or any building hereafter erected or structurally altered being occupied or used.
- (b) It shall be the responsibility of the building official to inform the applicant for a building permit of the requirement for a certificate of occupancy before occupying the premises. The applicant shall further be informed that it is the applicant's responsibility to make application for such certificate.
- (c) The request shall be made in writing by the applicant after the development project has been completed in conformance with unified government ordinances. Such certificate shall be issued within five days of receipt of such request by the building official, after final inspection by members of the development review committee, who shall certify that, in their opinion, the ordinances and regulations with which they are concerned have been met.
- (d) This requirement for review and certification by members of the development review committee shall not apply to single-family development or physical improvements consisting entirely of interior alteration and not affecting the exterior of a structure, except that the building official may request inspection and certification from members of the development review committee whenever assistance and support is necessary.
- (e) Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall be issued only after participation of the membership of the development review committee as described herein. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the unified government relating to the use or occupancy of the premises or any other matter covered by this article, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (f) A certificate of occupancy shall state that the building or proposed use of a building or land complies with the laws and ordinances of the unified government. A record of all certificates shall be kept on file in the office of the building official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.

(Code 1964, § 2-281; Code 1988, § 8-608; Ord. No. 51427, § 1, 12-12-1972)

Sec. 8-583. - Appeal.

Decisions of the development review committee shall be subject to review by the unified government board of commissioners upon written application filed with the unified government clerk by any aggrieved person within ten days from the date of such decision.

(Code 1964, § 2-282; Code 1988, § 8-609; Ord. No. 48365, § 7, 12-2-1969; Ord. No. 51427, § 1, 12-12-1972)

Secs. 8-584—8-609. - Reserved.

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 8 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE XIV. - LAND DISTURBANCE >>

ARTICLE XIV. - LAND DISTURBANCE

Sec. 8-610. - General regulations.

Sec. 8-611. - Purposes of article.

Sec. 8-612. - Definitions.

Sec. 8-613. - Administration.

Sec. 8-614. - Land disturbance permit.

Sec. 8-615. - Permittee's responsibility.

Sec. 8-616. - Inspections and enforcement.

Sec. 8-617. - Regulations applicable to all persons.

Sec. 8-618. - Penalties.

Sec. 8-619. - Other matters.

Secs. 8-620—8-629. - Reserved.

Sec. 8-610. - General regulations.

- (a) No person shall undertake any land disturbance activity or in any way disturb the surface of the land, except as provided in this article.
- (b) Any person engaging in any land disturbance activity or any other action that may cause or permit soil movement shall prevent, to the maximum extent practicable, any amount of soil, earth, sand, gravel, rock, stone, or other material, to be deposited upon or to roll, flow, or wash upon or over any public street, street improvement, road, alley, sewer, storm drain, watercourse, right-of-way, any public property or the premises of another.
- (c) Any person hauling soil, earth, sand, gravel, rock, stone, or other material over any public street, road, alley, or public property, shall not allow those materials to blow, spill or be tracked over and upon any street, road, alley, or public property or adjacent private property.
- (d) This article shall apply to all land disturbance activities within the limits of the city as it existed on September 30, 1997.

(Ord. No. O-125-06, § 1(8-610), 12-14-2006)

Sec. 8-611. - Purposes of article.

- (a) The purpose of this article is to protect and further the public interest by: promoting the coexistence of the natural environment and quality, planned development; assisting in the unified government's efforts to comply with the National Pollutant Discharge Elimination System (NPDES) regulations issued by the National Environmental Protection Agency and administered by the state department of health and environment and the unified government's NPDES stormwater permit; providing effective stormwater management; protecting property from damage due to flooding and erosion; improving water quality and reducing water pollution; controlling construction site impacts on stormwater; preventing nonstormwater discharges into the storm sewer system; protecting natural stream assets; and protecting and (where possible) enhancing valuable natural water resources. These public interests are furthered by regulating land disturbance, stripping and soil storage in connection with the clearing and grading of land for construction-related or other purposes. The time critical nature of temporary construction controls is hereby recognized by the unified government. It is also the purpose of this article to encourage responsible development and minimize the costs of development.
- (b) This article establishes substantive and procedural requirements to protect and enhance the water quality of watercourses, water bodies, and wetlands by controlling erosion, sedimentation, and related environmental damage caused by construction-related or other activities.

(Ord. No. O-125-06, § 1(8-611), 12-14-2006)

Sec. 8-612. - Definitions.

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

Approved plan means drawings or other documents that have been submitted by an applicant as a prerequisite to obtaining a land disturbance permit and that contain the information and specifications required by the unified government engineer to minimize off-site sedimentation from land disturbance activities and that have been approved by the unified government as complying with the provisions of this article.

Applicant means any person who makes application for a land disturbance permit, as required by this article.

Clearing means any act by which vegetative cover, structures or surface material is removed, including, but not limited to, root mat or topsoil removal.

County administrator means the individual appointed by the mayor/CEO of the unified government as the unified government county administrator or his designee.

Design criteria means the erosion and sediment control design criteria adopted in writing, as authorized by section 8-613(a)(2).

Erosion means the process by which the ground surface is worn away by the action of the wind, water, ice, gravity, or artificial means, and/or land disturbance activities.

Grading means any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

Land disturbance activity means any act by which soil is moved and land changed that may result in erosion or the movement of sediments, and may include tilling, clearing, grading, excavating, stripping, stockpiling, filling and related activities, and the covering of land surfaces with an impermeable material.

Licensed land surveyor means an individual who is duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice surveying.

Maximum extent practicable means the result of the use of those best management which, based on sound engineering and hydro-geological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

Notice to comply means a written notice from the unified government engineer of deficiencies in the sediment and erosion control management of the site.

Notice of default means a written notice from the unified government engineer warning of further enforcement action including creation of lien or revocation of permit.

Permit means the land disturbance permit issued by the unified government authorizing land disturbance activities in accordance with the requirements of this article.

Permittee means any person to whom a land disturbance permit is issued pursuant to this article.

Permittee's agent means any representative, contractor, foreman, or superintendent who acts at the instruction of, or with the permission of, or to the benefit of the permittee.

Person means any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any combination thereof.

Professional engineer means an engineer duly licensed by the state board of technical professions, pursuant to K.S.A. 74-7001 et seq., to practice engineering.

Property owner means the person listed as owner of the property by the county recorder of deeds.

Qualified erosion control professional means a natural person with at least one of the following qualifications:

- (1) A certified professional in erosion and sediment control, certified by CPESC, Inc.
- (2) A professional engineer who has received a minimum of 12 hours' classroom instruction in sediment and erosion control taught by a certified professional erosion control specialist.
- (3) A landscape architect duly licensed by the state board of technical professions to practice landscape architecture who has received a minimum of 12 hours' classroom instruction in sediment and erosion control taught by a certified professional erosion control specialist.

Sediment means soils or other materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

Site means any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land disturbance activity is proposed in an application or which would require a land disturbance permit under this article.

Slope means the inclined surface of a fill, excavation, or natural terrain.

Soil means a natural mixture of mineral and organic particles bound to one another only by gravity or ionic bonds that is found on the immediate surface of the earth.

Storm drain means any enclosed structure for the conveyance of storm water runoff, including culverts, box culverts, storm sewer mains, or tunnels.

Stripping means any activity by which the vegetative cover is removed or significantly disturbed, including tree removal, clearing, grubbing and storage, or removal of topsoil.

Unified government engineer means the individual appointed by the county administrator as unified government engineer or his designee.

Vegetative cover means any grasses, shrubs, trees and other vegetation that hold and stabilize soils.

Watercourse means any natural or artificial path for the concentrated flow of storm water or surface water, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, swales, waterways, gullies, ravines, or washes, including any area adjacent to it that is subject to overflow of floodwater.

(Ord. No. O-125-06, § 1(8-612), 12-14-2006)

Sec. 8-613. - Administration.

- (a) *Supplemental requirements.*
- (1) *Regulations.* The county administrator is hereby authorized to adopt and amend regulations necessary to implement this article including the authorization to establish, assess, and amend administrative fees. Copies of any such regulations shall be available in the office of the unified government engineer.
 - (2) *Design criteria.* The unified government engineer is hereby authorized to adopt and amend standards for sediment and erosion control of disturbed sites. Copies of any such standards shall be available in the office of the unified government engineer.
 - (3) *Construction standards.* The unified government engineer is hereby authorized to adopt and amend construction standards for erosion and sediment controls. Copies of any such construction standards shall be available in the office of the unified government engineer.
- (b) *Unified government engineer.* The unified government engineer is the principal unified government official for administration of this article and its requirements. The unified government engineer may delegate any or all of his duties under this article.
- (c) *Unified government's right to enter.* In making an application for a permit, the applicant or the landowner performing or allowing the work grants to the unified government a right to enter the site for the purposes of inspecting compliance with this article and regulations adopted thereto and for performing any work necessary to bring the site into compliance with this article and regulations thereto.

(Ord. No. O-125-06, § 1(8-613), 12-14-2006)

Sec. 8-614. - Land disturbance permit.

- (a) *Permit required.* No person may engage in any land disturbance activity, including persons engaged in land disturbance activity related to utility installation or maintenance, without first obtaining a land disturbance permit from the unified government, except as provided in this article. Any land disturbance permit shall encompass all land disturbance activity at the locations and during the times covered by the permit, whether such land disturbance activity is performed by the permittee, his contractor or subcontractors, a utility or its contractors, or any other independent agent. The permit fee shall be doubled for sites where land disturbance has occurred without a permit in violation of this article.
- (b) *Other construction permits delayed.* When a person is developing a site and a permit is required in accordance with this article, no other construction permits shall be issued to make improvements on that site until the person has secured a land disturbance permit for the same site.
- (c) *Exemptions.* A permit is not required under this article for the following:
- (1) Any land disturbance activity that, in the course of the subject development, disturbs or will disturb a cumulative total of less than one acre of surface area;
 - (2) All land farming operations, including plowing or tilling of land for the purpose of crop production or the harvesting of crops on land located in the agricultural districts, including AG and AG (county) zoning districts;
 - (3) Any noncommercial garden in any zone that disturbs less than one acre of surface area; or
 - (4) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- (d) *Application.*
- (1) To obtain a permit, the owner of the site where the land disturbance activity is to be performed or the site owner's authorized representative first must submit a complete application in writing upon forms acceptable by the unified government.
 - (2) A land disturbance permit will only be issued in the name of the current property owner.
- (e) *Review and approval.* The unified government engineer will review each application to determine its conformance with the provisions of this article and the erosion and sediment control design criteria authorized hereby. The unified government engineer shall, in writing:
- (1)

- Approve the permit application if the application complies with all the requirements of this article and the unified government engineer determines that best management practices will be employed to control erosion and sedimentation to the maximum extent practicable;
- (2) Approve the permit application subject to conditions, as herein authorized, as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or an unreasonable hazard to persons or to public or private property, and issue the permit subject to these conditions; or
 - (3) Disapprove the permit application, indicating, in writing, the reason therefor.
- (f) *Conditions of approval.* In approving the issuance of any permit, the unified government engineer may impose conditions as may be reasonably necessary to secure the objectives of this article or prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property. These conditions may include, but need are not limited to:
- (1) The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities;
 - (2) Adequate control of dust by watering, or other control methods acceptable to the director of the health department air quality division;
 - (3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this article for land disturbance, drainage and erosion control;
 - (4) Installation of additional safety related devices when in the proximity of an elementary school, playground or other areas where small children may congregate without adult supervision;
 - (5) Any other conditions believed necessary to protect the general public's health, safety, and welfare; and
 - (6) Liability insurance if, in the opinion of the unified government engineer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other private or public property, then the unified government engineer may, before issuing the permit, require the applicant to file a certificate of liability insurance. That certificate must be with an insurer admitted to do business in the state. The amount shall not be less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate. The insurance shall protect the permittee and the unified government from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of permittee, its employees, agents, or subcontractors. Neither issuance of a permit, nor compliance with these provisions or any condition imposed by unified government relieves any person from any responsibility for damage to persons or property otherwise imposed by law, nor imposes any liability upon the unified government for damages to persons or property.
- (g) *Modification of plan.*
- (1) Modifications of the approved plan must be submitted to the unified government, and shall be processed in the same manner as the original plan, where:
 - a. Field inspection or evaluation reveals the inadequacy of the approved plan to accomplish its erosion and sediment control objectives; or
 - b. The permittee or permittee's agent finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.
 - (2) When a modified plan is required the unified government engineer may require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Interim measures will remain in effect until modifications or revisions to the plan are approved and implemented.
- (h) *Assignment or transfer.*
- (1) If the permittee sells any portion of the property before the termination of the permit, the permittee will remain responsible for that portion of the property until the new owner of the property obtains a permit or until a completion certificate is issued for the portion sold.
 - (2) A new owner of a portion of property covered by an approved plan with respect to which a completion certificate has not been issued, shall, before a building permit is issued, obtain a permit, if, and as, required by this article.
- (i) *Termination upon completion.* To terminate the permit, the permittee shall submit a request to terminate permit form, as provided by the unified government, to the unified government engineer. The unified government engineer will then inspect the site and make a determination as to whether the permit can be terminated. The site will be considered stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. The permittee will be notified in writing of the determination.
- (j) *Revocation of permit.*
- (1)

Permittees hold land disturbance permits pursuant to this article as a privilege and not as a right. The unified government reserves its right, as provided herein, to revoke any land disturbance permit, without refund of the permit fee, in the event of a breach of the terms and conditions of the land disturbance permit. A breach shall include but is not be limited to the following:

- a. Violation of any material provision of the land disturbance permit;
 - b. Evasion or attempt to evade any material provision of the land disturbance permit;
 - c. Any material misrepresentation of any fact in the permit application;
 - d. Failure to maintain the required insurance;
 - e. Failure to implement the soil, erosion and sediment control measures in a timely manner;
 - f. Failure to correct a defect or condition indicated on an order issued pursuant to this article;
 - g. Failure to secure inspection as required by any provisions of this article.
- (2) If the unified government engineer determines that the permittee has committed a breach of a condition placed in the land disturbance permit, the unified government engineer shall, prior to revocation of the permit issue a notice of default pursuant to section 8-616(d). The permittee's failure to take corrective action shall be cause for immediate revocation of the permit.
 - (3) If a permit is revoked, the permittee shall also reimburse the unified government for the unified government's reasonable cost including administrative costs, restoration costs, the costs of collection and legal and attorneys' fees incurred in connection with such revocation.
 - (4) A revoked permit shall not be reinstated. A new permit application based on a revised plan that addresses the causes of nonperformance must be submitted. Such plan will be processed in the same manner as the original plan.
 - (5) The unified government engineer may, in emergency situations require the installation of interim erosion and sediment control measures to protect stream channels, other properties, or the general public from damage. Such measures will remain in effect until the new plan is approved and implemented.
- (k) *Appeals.*
- (1) Whenever a person shall deem themselves aggrieved by any decision or action taken by the unified government engineer acting under the authority of this article, the person may file an appeal with the county administrator with a copy to the engineer within ten calendar days of the date of notice of such decision or action.
 - (2) The person shall be afforded a hearing on the matter before the county administrator or his designated representative within 30 days of filing the appeal. A written decision will be issued within 30 days of the hearing. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. 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. The county administrator will affirm, modify, or rescind the action in writing within 30 calendar days of the hearing.
 - (3) In cases where compliance with the decision or action taken by the unified government engineer would cause undue hardship and the county administrator finds that it is in public interest to extend the time limit for such decision or action, or grant exceptions to, or waive requirements of, or grant a variance from a specific provisions than the county administrator may extend the time limit of such decision or action, or may grant exceptions to, or waive requirements of, or grant a variance from a specific provision. The county administrator shall give due consideration to the purposes for this article as stated in section 8-611.
 - (4) Once an appeal has been taken, the order of the unified government engineer shall be stayed until a decision is rendered by the county administrator, unless the unified government engineer determines in writing that a stay will pose a threat to public safety, natural resources, other properties, or the integrity of the public infrastructure.
 - (5) Any such person shall have 30 days after the county administrator's written decision is issued to institute an action in the district court of the county. An action pending before the court shall stay compliance with the county administrator's decision, unless the county administrator determines in writing that a stay will pose a threat to public safety, natural resources, other properties, or the integrity of the public infrastructure.

(Ord. No. O-125-06, § 1(8-614), 12-14-2006)

Sec. 8-615. - Permittee's responsibility.

- (a) *Permit required; work to be performed in accordance with approved plan.* Land disturbance activity shall not proceed until a land disturbance permit has been issued by the unified government. All work must be performed in accordance with a sequence shown on the approved plan and/or work schedule or a revised sequence approved by the unified government engineer.
- (b) *Execute the approved plan.*

- (1) The issuance of a permit shall constitute an authorization to do only that work described in the permit, or shown on the approved plan. All work shall be done in strict compliance with the requirements of this article.
- (2) A copy of the approved plan and the permit must be available on the site for inspection by the unified government engineer. Field markings showing limits of disturbance must be on site during all installation of erosion and sediment control measures, construction, or other land disturbance activities.
- (c) *Maintain protective devices.* The permittee or the permittee's agent shall inspect and maintain, in good and effective condition, and promptly repair or restore all grade surfaces, diversions, barriers, drains, dams, walls and structures, plantings, vegetation, plantings, ground cover, erosion and sediment control measures, and other protective devices. Inspection, maintenance and repair or restoration shall be at the times and in the manner directed by the approved plan, permit and the design criteria, construction standards and regulations.
- (d) *Secure inspections.*
 - (1) The permittee shall request an inspection from the unified government engineer when work pursuant to the permit reaches the milestones set forth in subsection (d)(2) of this section. Requests for inspection shall be made at least 48 hours in advance (exclusive of Saturdays, Sundays, and unified government holidays) of the time the inspection is desired. Work shall not proceed past the milestones without request of inspection.
 - (2) The unified government engineer may inspect each site that has an approved plan as necessary to ensure that erosion and sediment control measures are installed and effectively maintained in compliance with the approved plan and permit. For each phase specified in the approved plan the permittee shall notify the unified government engineer at the following milestones:
 - a. Upon installation of initial erosion and sediment controls, and prior to proceeding with any other land disturbance activity;
 - b. Prior to the removal or modification of any erosion and sediment control measure or practice;
 - c. Immediately after the installation or modification of any erosion and sediment control measures required by the approved plan; and
 - d. Upon restoration of disturbed areas, including establishment of ground covers and planting, installation of all vegetative measures, and all other work in accordance with the approved plan.
- (e) *Correct defects.* In addition to the permittee initiated inspections, maintenance and repair required in section 8-616(c), the permittee shall make corrections identified by the unified government engineer. Such corrections shall be identified in the notice to comply. The permittee shall make corrections within the time period specified in the notice to comply.

(Ord. No. O-125-06, § 1(8-615), 12-14-2006)

Sec. 8-616. - Inspections and enforcement.

- (a) *Inspections.*
 - (1) The unified government engineer may inspect the work at the stages identified in section 8-615(d)(2). The unified government engineer may make additional inspections as he deems necessary. The unified government engineer has the right to waive inspections, except the final inspection as provided in section 8-614(i).
 - (2) In addition to its own inspections, the unified government engineer may require that any portion of the construction of basins or structures be inspected and certified for structural integrity by a professional engineer at the permittee's expense. At the unified government engineer's option, the permittee shall obtain the services of a qualified erosion control professional to inspect the sediment and erosion control installation to provide the unified government with a fully documented certification that all construction is done in accordance with the provisions of the approved plan, applicable rules, regulations and criteria.
- (b) *Notice to comply.*
 - (1) Except when an imminent hazard to the environment, public safety, or public or private property exists or where land disturbance activities are conducted without a permit or beyond the limits of disturbance covered in a permit, the unified government engineer shall issue a written notice to comply identifying sediment and erosion control deficiencies prior to the unified government initiating subsequent enforcement actions.
 - (2) Conditions that constitute a deficiency to be addressed by a notice to comply include:
 - a. Any land disturbance activity that violates a condition or requirement of the permit, the approved plan or any provisions of this article or of the design criteria and regulations;
 - b.

- Failure of the permittee to comply with any provisions of this article or of the design criteria and regulations; or
- c. Failure of the approved plan to achieve the required erosion and sediment control objective due to site characteristics or conditions.
- (3) Corrective action, and time limits for compliance. Time limits shall be based on the immediacy and severity of the potential hazard to the environment, public safety, and public or private property and on the compliance history of the permittee including the number of previous verbal identifications of deficiencies.
- (4) Notice to comply may be delivered to the permittee or permittee's agent on site, or may be mailed or faxed or sent electronically to the permittee at the address or fax number or electronic address listed on application. Method of delivery is at the option of the unified government engineer.
- (5) Nothing in this section shall prohibit the unified government engineer from verbally identifying minor deficiencies to responsible personnel on site. Verbal identification of deficiencies does not constitute a notice to comply for the purpose of subsequent enforcement actions authorized in section 8-617(c) through (e).
- (c) *Stop work orders.*
- (1) If the permittee fails to correct deficiencies identified in the notice to comply within the specified time, or if an imminent hazard to the environment, public safety, or public or private property exists, or if land disturbance activities requiring a permit are conducted without a permit or beyond the limits of disturbance covered in a permit, then the unified government may post the site with a stop work order, directing that all construction activity on the site cease immediately. The stop work order or accompanying notice must specify the limits affected by the stop work order and the conditions under which work may resume.
- (2) Except for work required to correct deficiencies identified in the stop work order, the permittee shall immediately stop all work regulated by any unified government permit on the site covered by the stop work order, whether or not a permit for such work has been issued. The permittee is responsible for the actions of permittee's agents and shall notify those agents when a stop work order is issued that will affect an area within which the agents are to work.
- (3) A stop work order shall be delivered by posting a copy of the stop work order on the site of the land disturbance activity in reasonable proximity to a location where the land disturbance activity is taking place, or by delivery of the stop work order to the permittee's agent on site, or by mailing the stop work order to the permittee at the address listed on the application, or by combination of these methods.
- (4) Once the land disturbance deficiencies are corrected the unified government engineer shall lift the stop work order. Notice may be delivered to the permittee or permittee's agent on site, or may be mailed to the permittee at the address listed on the application.
- (d) *Notice of default.*
- (1) If the deficiencies identified in the notice to comply are not corrected within the time limits, or if the deficiencies identified in a stop work order are not corrected within seven calendar days, or if the unified government engineer determines the permittee has committed a breach of a permit condition the unified government engineer may issue a written notice of default. Except when an imminent hazard to the environment, public safety, or public or private property exists, the unified government engineer shall issue a notice of default prior to revocation of the permit or to commencing work that would create a lien.
- (2) Contents of notice shall state, as a minimum:
- Required corrective actions, and time limit for correction: the time limit shall not be less than seven calendar days from the date of postmark;
 - The unified government's right to correct the deficiency if not corrected within time limit;
 - The unified government's right to recover costs from the permittee or in the case that no permit has been issued the property owner; and
 - The unified government's right to revoke the permit with no further notice if the deficiency is not corrected within the time limit.
- (3) Notice of default may be delivered to the permittee or permittee's agent on site, or may be mailed to the permittee or faxed at the address or fax number or sent electronically to the electronic address listed on the application. Method of delivery is at the option of the unified government engineer. In the case that no permit has been issued the notice of default may be delivered to the property owner at the address of record.
- (e) *Unified government's right to correct and recover costs.*
- (1) If the deficiency is not corrected within the time limit established in the notice of default or if an imminent hazard to the environment, public safety, or public or private property exists, then the unified government or its agents may go on the land and correct the deficiencies. Work may be accomplished by contract or otherwise at the discretion of the unified government engineer. Unified government is not obligated to provide cost estimates of the corrective work to the

permittee or property owner prior to doing the work. Unified government is not obligated to seek the lowest cost for the corrective work.

- (2) The property owner shall reimburse the unified government for all costs incurred by the unified government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the secretary of state pursuant to K.S.A. 16-204, and amendments thereto. The unified government may deny or delay all other permits on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.
- (f) *Other actions and penalties.* Other actions unified government may take are revocation of permit pursuant to section 8-614(j) and assessment of fines pursuant to section 8-618.

(Ord. No. O-125-06, § 1(8-616), 12-14-2006)

I Sec. 8-617. - Regulations applicable to all persons.

- (a) *Protection of sediment and erosion control devices.* No person shall remove, destroy, or otherwise impair the effectiveness of any sediment erosion control device installed as part of an approved plan or in compliance with section 8-618(c) except when an area protected is stabilized or as part of a plan modification under section 8-614(g). If any device must be temporarily removed for progress of the work, it shall be immediately restored.
- (b) *Fugitive materials.* If any soil, earth, sand, gravel, rock, stone, or other material is caused to be deposited upon or to roll, flow, or wash upon any public or private property in violation of section 8-610, whether such deposition is the result of land disturbance activity or of hauling, the person responsible shall cause the material to be removed from that property within 24 hours. In the event of an immediate danger to the public health or safety, the material must be removed immediately. If the fugitive material is not completely removed within the time limits, the unified government may, without notice, remove the material and may recover costs of removal from the property owner and/or the person responsible for the fugitive material. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon all property and all rights to property, real or personal, of all persons responsible for the deposition of the material. These costs are in addition to the penalties prescribed for violation of section 35-598.
- (c) *Sites less than one acre.* Sediment and erosion control management on nonagricultural sites that due to limited area of land disturbance do not require a permit or approved plan shall follow the unified government's design guidelines and regulations for erosion and sediment control. Unified government enforcement for deficiencies may include all those identified in section 8-616.
- (d) *Agricultural uses.* Sites zoned agricultural and disturbed for the purpose commercial crop production are not required to have a permit. Topsoil conservation practices shall be applied to agricultural uses to the extent necessary to satisfy sections 8-610 and 8-611. Topsoil conservation measures include, standing crop residue, cover crops and increased rotational intensity to avoid fallow seasons, terracing, contour plowing, filter strips left at field edges, riparian buffers, and other methods identified as such by the Kansas State University Extension Service.
- (e) *Noninterference with stop work orders.* No person shall continue or allow the continuance of work in an area covered by a stop work order, except work required to correct deficiencies identified in the stop work order.
- (f) *Noninterference with unified government's corrective actions.* No person shall obstruct the access to a site by an authorized representative of the unified government for inspection of erosion control measures or obstruct any representative of the land owner engaged in completing the work required under the permit and approved plan.
- (g) *Protection of adjoining property.* Land disturbance activities shall not be conducted in such proximity to a property line that would endanger any adjoining property, including a public street, sidewalk, or alley. Adjoining properties shall be supported and protected from damage that may result from land disturbance activities including but not limited to subsidence settling, cracking, vegetative damage or any other damages.

(Ord. No. O-125-06, § 1(8-617), 12-14-2006)

I Sec. 8-618. - Penalties.

The violation of any provision of this article is hereby declared to be a public offense. Any person convicted of such a violation shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00. Each day a violation occurs shall constitute a separate offense.

(Ord. No. O-125-06, § 1(8-618), 12-14-2006)

| Sec. 8-619. - Other matters.

- (a) *Other laws.*
- (1) Neither this article nor any decision made with respect hereto exempts the applicant or any other person from other requirements of this Code, or from state and federal laws, or from procuring other required permits, nor do they limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any person arising from the activity regulated by this article.
 - (2) This article shall not be construed to be in conflict with any state or federal law intended to control erosion and sedimentation. In those instances where state or federal law imposes a duty or requirement with respect to a matter covered by this article, the more strict duty or requirement shall control.
 - (3) The permittee is responsible for safety and legally completing the project. Neither the issuance of a permit under the provisions of this article, nor the compliance with the provisions hereto or with any condition imposed by the unified government, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the unified government for damages to persons or property.
- (b) *Severability.* If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.
- (c) *Indemnification.* Anyone covered under the provisions of this ordinance shall fully indemnify, release, defend, and hold harmless the unified government and agents of the unified government when acting in their capacity as municipal officials, employees and agents, from and against any and all claims, demands, suits, proceedings, and actions, liability, and judgment by other persons for damages, losses, costs, and expenses, including attorneys' fees, to the extent caused by negligent acts or omissions of the permittee in the performance of the permitted work. The unified government agrees to timely notify permittee of such claim, demand, suit, proceeding, or action by providing written notice to permittee and the registered agent of the permittee. Nothing herein shall be deemed to prevent the unified government or any agent of the unified government from participating in the defense of any litigation by their own counsel at their own expense. Such participation shall not under any circumstances relieve the permittee from its duty to defend against liability or its duty to pay any judgment entered against the unified government or its agents.
- (d) *Unified government failure to enforce.* The unified government's failure to enforce or remedy any noncompliance of the terms and conditions of this ordinance or of any permit granted under this ordinance shall not constitute a waiver of the unified government's rights nor a waiver of any person's obligation as provided in this article.
- (e) *Reservations of rights.* In addition to any rights specifically reserved to the unified government by this article, the unified government reserves unto itself every right and power which is required to be reserved by a provision of any ordinance under any registration, permit, or other authorization granted under this article.

(Ord. No. O-125-06, § 1(8-619), 12-14-2006)

| Secs. 8-620—8-629. - Reserved.

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 8 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE XV. - POST-CONSTRUCTION STORMWATER TREATMENT >>

ARTICLE XV. - POST-CONSTRUCTION STORMWATER TREATMENT

Sec. 8-630. - General.

Sec. 8-631. - Purposes of article.

Sec. 8-632. - Definitions.
Sec. 8-633. - Administration.
Sec. 8-634. - Stormwater treatment facility design and construction.
Sec. 8-635. - Stormwater treatment facility registration, inspection and maintenance.
Sec. 8-636. - Regulations applicable to all persons.
Sec. 8-637. - Enforcement.
Sec. 8-638. - Appeals.
Sec. 8-639. - Penalties.
Sec. 8-640. - Other matters.

Sec. 8-630. - General.

- (a) Persons undertaking development or redevelopment of land shall provide stormwater treatment as provided in this article.
- (b) Owners of stormwater treatment facilities shall register their facilities with the director, shall regularly inspect and maintain their facilities, and shall report inspection results and maintenance activities all as provided in this article.
- (c) This article shall apply to all development or redevelopment that is located within the limits of the City of Kansas City, Kansas, as it existed on September 30, 1997; and
- (d) *Exceptions.* This article shall not apply to:
 - (1) Any development site that disturbs less than one acre of ground and is not part of a larger common plan of development or sale that would cumulatively exceed the one acre limit;
 - (2) Any development that has a construction start date earlier than October 1, 2010 and does not experience a pause in construction for a period of more than 30 days after October 1, 2010; or
 - (3) Any site that makes application for preliminary plat or preliminary development plan prior to the publication date of this article and receives approval of a final development plan or a final plat prior to September 1, 2010 and has completed all proposed improvements within two years of the date of approval.
- (e) The supplemental regulations and design standards authorized by this article shall further define exceptions for agricultural, infill, remodeling, grounds maintenance, and redevelopment activities and projects.
- (f) In the process of adopting supplemental regulations authorized by this article the county administrator may provide other exceptions to this article.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-631. - Purposes of article.

- (a) The purpose of the article is to protect and further the public interest by: promoting the coexistence of the natural environment and quality, planned development; assisting the unified government's efforts to comply with the National Pollutant Discharge Elimination System (NPDES) regulations issued by the Environmental Protection Agency and administered by the state department of health and environment; providing effective stormwater management; improving water quality and reducing water pollution; limiting the impacts on stormwater from land development; preventing prohibited discharges from entering into the municipal separate storm sewer system; protecting natural stream assets; and protecting and, where possible, enhancing valuable natural water resources. These public interests are furthered by regulating stormwater discharges from development or redevelopment of land. It is also the purpose of this article to encourage responsible development and minimize the costs of development.
- (b) This article establishes substantive and procedural requirements to protect and enhance the water quality of watercourses, water bodies, and wetlands by removing pollutants from the stormwater runoff generated by development or redevelopment projects.
- (c) This article establishes minimum requirements for post-construction stormwater treatment on any new development or redevelopment of land.
- (d) This article establishes registration, maintenance and reporting requirements on any owner of any private stormwater treatment facility.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-632. - Definitions.

In this article, these words and phrases have the following meanings:

County administrator. The individual appointed by the mayor/CEO of the unified government as the unified government county administrator or his/her designee.

County engineer. The individual appointed by the county administrator as the unified government county engineer or his/her designee.

Developer. Any person who owns a development or redevelopment site, or who authorizes, plans, undertakes, executes, or is otherwise directly responsible for development or redevelopment to occur on a given parcel.

Development or redevelopment. Any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also the project, lot, parcel or tract or land where development or redevelopment occurs.

Development site. Any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which development or redevelopment of land occurs after the effective date of this article.

Director. The individual appointed by the county administrator as director of water pollution control or his/her designee.

Person. Any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, an owners association, a successor or assign of any of the foregoing, or any combination thereof.

Stormwater. Surface flow resulting from any form of natural precipitation, also any discharge to the public storm sewer allowed under the unified government's NPDES stormwater discharge permit.

Stormwater treatment facility. Any constructed facility, or designated natural or restored open space, designed either to reduce the pollution load of stormwater, or to reduce the peak flow or volume of stormwater, or both.

Stormwater treatment facility owner. The person who controls, possesses, or takes stewardship of a stormwater treatment facility, which is planned and constructed in order to meet the requirements of this section.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-633. - Administration.

- (a) *Administrative duties.* The director of water pollution control is the principal unified government official responsible for administration of this article and its requirements. The director may delegate any or all of his or her duties under this article.
- (b) *Supplemental requirements:*
 - (1) *Supplemental regulation.* The county administrator is hereby authorized to adopt and, from time to time, to amend supplemental regulations necessary to implement this article including the authorization to establish, assess, and amend administrative fees. Copies of any such regulations shall be available in the office of the director.
 - (2) *Design criteria.* The director is hereby authorized to adopt and amend standards for post-construction stormwater treatment of developed sites. Copies of any such standards shall be available in the office of the director.
 - (3) *Maintenance standards.* The director is hereby authorized to adopt and amend standards for inspection and maintenance of stormwater treatment facilities. Copies of any such standards shall be available in the office of the director.
 - (4) *Construction standards.* The county engineer is hereby authorized to adopt and amend construction standards for stormwater treatment facilities. Copies of any such construction standards shall be available in the office of the county engineer.
 - (5) *Stormwater treatment facility registry.* The director is hereby authorized to create and sustain a registry of all stormwater treatment facilities required by this article.
- (c) *Unified government's right to enter.* The director is authorized to enter the premises for the purposes of inspecting compliance with this article and regulations adopted thereto and for performing any work necessary to bring the site into compliance with this article and regulations thereto. When entering premises the director shall carry identification as an agent or employee of the unified government. In the event that the owner or occupant refuses entry after a request to enter has been made, the unified

government is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-634. - Stormwater treatment facility design and construction.

- (a) *Developer to prepare stormwater treatment plan.* In conjunction with final development plan, final plat, building permit applications, and other building or land development applications as may be identified in the supplemental regulations, the developer shall submit a stormwater treatment plan. The plan shall consist of construction drawings for stormwater treatment facilities that meet the requirements of the design criteria, a construction sequence for protection of the stormwater treatment facilities from construction phase sedimentation, and a projected maintenance schedule. For multi-lot subdivisions the stormwater treatment plan shall also include maintenance agreements as deemed necessary by the director.
- (b) *No separate permit.* The director shall review and approve the stormwater treatment plan. Review, approval, construction inspection, warrantee and performance bond for the stormwater treatment facilities shall be an integral part of the performance required under previously adopted or subsequently amended unified government regulation of buildings and development. A separate permit or bond for construction of the stormwater treatment facility is not required.
- (c) *Developer to construct.* The developer shall construct the stormwater treatment facilities according to the approved plan and the adopted construction standards.
- (d) *Prevent damage from construction phase sediment.* Developer shall manage the construction sequence to protect the stormwater treatment facilities from construction phase sedimentation.
- (e) *Unified government construction period inspection.* In addition to inspections established under previously adopted or subsequently amended unified government regulation of buildings and development, the director may during the construction period inspect any stormwater treatment facility required under this article to ensure that it is correctly installed and adequately protected from construction phase sedimentation.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-635. - Stormwater treatment facility registration, inspection and maintenance.

- (a) *Stormwater treatment facility registry.* The director shall create and sustain a registry of all stormwater treatment facilities required under this article. The registry shall include the location, description, ownership, and inspection and maintenance history of each facility and other information as the director deems necessary. The owner of each stormwater treatment facility required under this article shall register that facility with the director and shall update the director of changes in contact information and transfers of any facility to another owner. The owner of a stormwater treatment facility that is not installed as part of development or redevelopment may elect to register the facility with the director.
- (b) *Owner inspection and maintenance.* At intervals identified in the approved maintenance schedule but in no case less frequent than every two years each stormwater treatment facility owner shall inspect all stormwater treatment facilities under his control. The stormwater treatment facility owner shall promptly remove all sediment and other sequestered pollutants and make all modifications, repairs, restoration, replanting, and media replacement identified in the inspection report. The owner shall provide a copy of the inspection report and certification of subsequent maintenance activity to the director. Inspection and maintenance activities shall comply with the adopted maintenance standards in effect at the time of the inspection.
- (c) *Unified government operational inspections.* The director may inspect any stormwater treatment facility required under this article as necessary to ensure that it is correctly installed and effectively maintained and is performing its intended function.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-636. - Regulations applicable to all persons.

- (a) *Protection of stormwater treatment facilities.* No person shall remove, destroy, or otherwise impair the effectiveness or any stormwater treatment facility either installed in compliance with section 8-634 or installed voluntarily not as part of a development or redevelopment activity.
- (b) *Non-interference with unified government's corrective actions.* No person shall obstruct the access to a site by an authorized representative of the unified government for inspection of stormwater treatment

facilities or obstruct any representative of the land owner engaged in completing the work required under the stormwater treatment plan.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-637. - Enforcement.

- (a) *Withhold development authorization.* Whenever the director determines the stormwater treatment plan does not meet the design standard the director may take any of the following actions without prior notice of violation:
- (1) Withhold the recordation of a final plat for which the stormwater treatment plan is required;
 - (2) Withhold from the agenda of the planning and zoning board the final development plan or final plat for which the stormwater treatment plan is required;
 - (3) Withhold the issuance of or place a stop work order on a building permit for which the stormwater treatment plan is required.
- (b) *Withhold occupancy permits.* Whenever the director determines required stormwater treatment facilities have not be constructed according to plan and adopted construction standards, or have been contaminated by construction phase sediment the director may, without prior notice of violation, withhold the issuance of a temporary or final certificate of occupancy.
- (c) *Stop work.* Whenever the director determines required stormwater treatment facilities have not be constructed according to plan and adopted construction standards, or have been contaminated by construction phase sediment the director may issue a stop work order. Issuance of a stop work order shall be followed as soon as practicable with a notice of violation identifying the conditions precipitating the stop work order.
- (d) *Notice of violation.* Whenever the director determines a stormwater treatment facility owner is in violation of the inspection and maintenance requirements of this article the director may issue a notice of violation in the form prescribed. Director shall issue a notice of violation prior to initiating either prosecution of the violation or abatement and recovery of cost.
- (e) *Prosecution of violation stormwater treatment facility owners.* Whenever the director determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the director may instigate appropriate proceedings at law or in equity to correct or abate the violation. If the fine assessed is not paid in a timely manner, the fine assessed may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.
- (f) *Abatement and cost recovery.* Whenever the director determines a stormwater treatment facility owner has not corrected the conditions listed in a notice of violation within the time period for remedy established in the notice, the director may authorize the unified government or its agents to go upon the land and correct the violation. Work may be accomplished by contract or otherwise at the discretion of the director. Unified government is not obligated to provide cost estimates of the corrective work to the stormwater treatment facility owner prior to doing the work. Unified government is not obligated to seek the lowest cost for the corrective work. The stormwater treatment facility owner shall reimburse the unified government for all costs incurred by the unified government to correct the deficiency, including construction, engineering, inspection, administrative costs and interest at the current rate published by the secretary of state pursuant to K.S.A. 16-204, and amendments thereto. The unified government may deny or delay all other permits on the subject property until the reimbursement is made. If in any event the amount due is not paid, the amount due may be certified to the unified government clerk and it shall, in accordance with law, become a lien upon the subject property. This amount shall be listed on the tax bill and be collected in the manner of ordinary taxes as authorized by law.
- (g) *Prosecution of violation impairing and interfering.* Whenever the director determines a person is in violation of this article the director may, without prior notice, instigate appropriate proceedings at law to assess fines pursuant to section 8-639 penalties.
- (h) *No order of precedence implied.* Except where the forgoing enforcement activities require the prior issuance of a notice of violation, the director is not obligated to follow any order of precedence in applying enforcement actions.
- (i) *Form and service of notice of violation.* When required prior to a subsequent enforcement action, a notice of violation shall be given in the manner proscribed below:
- (1) *Form.* Notice shall be in writing and shall include the location and description of the stormwater treatment facility in violation of this article. The notice shall describe the nature of the violation and the required corrective action and shall include a reasonable time limit for corrective action. The notice shall include a statement of the unified government's right to file a lien, and shall inform the stormwater treatment facility owner of the right to appeal.
 - (2) *Service.* Notice may be delivered to the stormwater treatment facility owner in person, or may be sent by certified mail, to the owner at the address provided in the stormwater facility registry, or in

any other manner as authorized by law. Method of delivery is at the option of the director. In the case that the registry information is incomplete the notice may be delivered to the property owner at the address of record.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-638. - Appeals.

- (a) Whenever a person shall deem themselves aggrieved by any decision or action taken by the director acting under the authority of this article, the person may file an appeal with the county administrator with a copy to the director within ten calendar days of the date of notice of such decision or action.
 - (1) *Exception.* Whenever the director's decision is the instigation of proceedings at law for the assessment of a fine, due process is assured by the proceedings and appeal to the county administrator is not available.
- (b) The person shall be afforded a hearing on the matter before the county administrator within 30 days of filing the appeal. A written decision will be issued within 30 days of the hearing. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. 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. The county administrator will affirm, modify, or rescind the action in writing within 30 calendar days of the hearing.
- (c) In cases where compliance with the decision or action taken by the director would cause undue hardship and the county administrator finds that it is in public interest to extend the time limit for such decision or action, grant exceptions to, waive requirements of, or grant a variance from a specific provisions, the county administrator may extend the time limit of such decision or action, may grant exceptions to, waive requirements of, or grant a variance from a specific provision. The county administrator shall give due consideration to the purposes for this article as stated in section 8-631.
- (d) Once an appeal has been taken, the order of the director shall be stayed until a decision is rendered by the county administrator, unless the director determines in writing that a stay will pose a threat to public safety, natural resources, other properties, or the integrity of the public infrastructure.
- (e) Any such person shall have 30 days after the county administrator's written decision is issued to institute an action in the District Court of Wyandotte County, Kansas. An action pending before the court shall stay compliance with the county administrator's decision, unless the county administrator determines in writing that a stay will pose a threat to public safety, natural resources, other properties, or the integrity of the public infrastructure.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-639. - Penalties.

The violation of any provision of this article is hereby declared to be a public offense. Any person convicted of such a violation shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00. Each day a violation occurs shall constitute a separate offense.

(Ord. No. O-25-10, § 1, 5-6-2010)

Sec. 8-640. - Other matters.

- (a) *Other laws.*
 - (1) Neither this article nor any decision made with respect hereto exempts the applicant or any other person from other requirements of the unified government code, from state and federal laws, or from procuring other required permits, nor does it limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any person arising from the activity regulated by this article.
 - (2) This article shall not be construed to be in conflict with any state or federal law intended to control the management of stormwater and water quality. In those instances where state or federal law imposes a duty or requirement with respect to a matter covered by this article, the more strict duty or requirement shall control.
 - (3) The permittee is responsible for safely and legally completing the development project. Neither the approval of a stormwater treatment plan under the provisions of this article, nor the compliance with the provisions hereto or with any condition imposed by the unified government, shall relieve any person from responsibility for damage to persons or property resulting therefrom,

or as otherwise imposed by law, nor impose any liability upon the unified government for damages to persons or property.

- (b) *Severability.* If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.
- (c) *Unified government failure to enforce.* The unified government's failure to enforce or remedy any noncompliance of the terms and conditions of this article shall not constitute a waiver of the united government's rights nor a waiver of any person's obligation as provided in this article.
- (d) *Reservations of rights.* In addition to any rights specifically reserved to the unified government by this article, the unified government reserves unto itself every right and power which is required to be reserved by a provision of any ordinance under any registration, permit, or other authorization granted under this article.
- (e) *Savings clause.* Neither the adoption of this article, nor the future repeal or amendment of any section or part or portion thereof, shall in any manner affect the prosecution for violation of this article, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under either ordinance, nor be construed as affecting any of the provisions of these ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations there under shall continue in full force and effect.
- (f) *Effective date.* This article shall take effect and be in full force after its passage, approval, and publication in the official unified government newspaper.

(Ord. No. O-25-10, § 1, 5-6-2010)

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 30 - SEWERS AND SEWAGE DISPOSAL >>

CHAPTER 30 - SEWERS AND SEWAGE DISPOSAL*

Cross reference—Wages on public improvement projects, § 2-295; sanitary sewers in subdivisions, § 27-316; buildings and building regulations, ch. 8; health and sanitation, ch. 17; approval of construction of public facility or utility by planning commission, § 27-23; solid waste, ch. 31.

State law reference—State regulation of wastewater discharges, K.S.A. 65-164 et seq.

ARTICLE I. - IN GENERAL

ARTICLE II. - WASTEWATER DISCHARGE PERMITS

ARTICLE III. - SEWER CONNECTIONS

ARTICLE IV. - SERVICE CHARGES

ARTICLE V. - DISCHARGE REGULATIONS

ARTICLE VI. - PUMPING AND TRANSPORTATION OF OTHER WASTEWATERS

ARTICLE VII. - PRIVATE ON-SITE WASTEWATER SYSTEMS

ARTICLE VIII. - STORMWATER AND SURFACE WATER UTILITY

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ARTICLE I. - IN GENERAL

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Sec. 30-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in this section or in chapter 1 shall be defined in the Glossary of Water and Wastewater Control Engineering prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1981, or its replacement.

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.

Applicant means any person requesting a permit to use the public sewer under any of the provisions of this chapter.

Approval authority means the EPA or Kansas Department of Health and Environment (KDHE). As regards the pretreatment program, if the pretreatment program has been formally delegated to the KDHE, it shall mean the director of the division of environment of KDHE.

Authorized representative of industrial user means any of the following:

- (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 this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Best management practices (BMPs) includes, but is not limited to, schedules of activities, prohibitions of practices, maintenance policies and other management procedures that are implemented to prevent or reduce the discharge of pollutants into the municipal sewer system, and to minimize the pollution of waters of the United States. The term "BMPs" also includes pretreatment equipment installation and requirements, operating procedures, practices to control runoff from developed sites, spillage or leaks, sludge or waste disposal, or drainage from raw material storage, and other structural controls such as dry extended detention ponds, wet ponds, infiltration basins, infiltration trenches, porous pavement, bioretention, sand and organic filters, stormwater wetlands, grassed swales, grassed filter strips, catchbasins, in-line storage, and manufactured products for stormwater inlets.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

BTEX means the sum of the concentrations of benzene, toluene, ethylbenzene and the isomers of xylene (o-xylene, m-xylene and p-xylene), as determined by an analytical method approved by the EPA or KDHE.

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet (0.61 meters) outside the outer face of the building wall.

Building sewer, sewer service or private sewer means the sewer maintained and controlled by private persons for the purpose of conveying sewage or stormwater to public sewers including the extension from the building drain to the public sewer. The building sewer shall be deemed to begin at a point two feet outside the building or foundation wall. The building sewer ends at the point of connection to the public sewer and includes the connection.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

COD (chemical oxygen demand) means the oxygen-consuming capacity of inorganic and organic matter present in wastewater, expressed as the amount of oxygen consumed from a chemical oxidant as under EPA/KDHE-approved laboratory procedure in milligrams per liter.

Class I-A includes all wastewater or sewage discharged into a sanitary sewer by residential users.

Class I-B includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from commercial establishments that are not class II or class III. The term "class 1-B" includes residential structures with three or more units that discharge into a sanitary sewer.

Class II includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from establishments that sell prepared food for consumption.

Class III includes all wastewater, sewage and industrial waste discharged into a sanitary sewer from permitted industrial users.

Code of Management Practices for Silver Dischargers means the best management practice established jointly by the Association of Metropolitan Sewerage Agencies (AMSA) and the Silver Council, including the Guide for Commercial Imaging, Guide for Diagnostic and Industrial X-Ray Film Processors and Guide for Photo Processors, copyright 1997, National Association of Photographic Manufacturers, Inc.

Combined sewer means a sewer designed to receive any combination of surface runoff and wastewater, sewage or industrial wastes.

Connection or *sewer connection* means an attachment of a building sewer to a public sewer, or the location where such an attachment occurs. If the context specifically requires the interpretation, it also means the attachment of a newly constructed public sewer to an existing public sewer.

Control authority means the water pollution control division, KDHE or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

Cooling waters means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director means the director of the water pollution control division or his designee.

Domestic sewage means the waterborne wastes derived from ordinary living processes and of such character as to permit its discharge into a public sewer without treatment or into a private on-site wastewater system.

Domestic wastes means liquid wastes from the noncommercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

Drainageway means a natural or manmade stormwater conveyance system.

Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other official of such agency.

Garbage means solid wastes from the domestic or commercial preparation, cooking or dispensing of food, or from the handling, storage, or sale of food or produce.

Harmful quantity means the amount of any substance that the director determines will cause an adverse impact to the storm drainage system, including the municipal separate storm sewer system (MS4), or will contribute to the failure of the unified government to meet the water quality-based requirements of the NPDES permit for discharges from the MS4.

Health department means the public health department of the unified government.

Health officer means the director of the health department or his designee.

Illicit connection means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter a municipal separate storm sewer system.

Illicit discharge means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit.

Industrial user means any user contributing industrial wastes to the municipal sewer system.

Industrial wastes or *industrial wastewater* means the liquid or waterborne wastes from industrial manufacturing processes, trade, commerce, or business, including medical offices or facilities, other than domestic sewage.

Interceptor sewer commonly means a public sewer that carries large flows concentrated from many tributary or secondary sewers; specifically it means a sewer designated by the director as an interceptor sewer.

Interference means the inhibition or disruption of the municipal sewer system, treatment processes or operations that contributes to a violation of any requirement of the unified government's NPDES permit. The term includes prevention of sewage sludge use or disposal by the unified government in accordance with section 405 of the act (33 USC 1345), or any criteria, guidelines or regulations developed (present or future) pursuant to the Solid Waste Disposal Act (SWDA) ((RCRA) PL 94-580; 42 USC 6901 et seq.), the Clean Air Act (PL 91-604; 42 USC 7401 et seq., as amended), the Toxic Substances Control Act (PL 94-469; 15 USC 2601 et seq.), or more stringent state criteria (including those contained in any state sludge management plan

prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the unified government.

Low pressure sewer system or LPS means a sewage collection and transport system operated at a low pressure in which building sewers are pressurized and discharge directly into a pressurized public sewer. Compared to other force mains that receive concentrated flows of wastewater from a gravity sewer at, usually, a single pump station, an LPS is designed for low flow, usually operates at lower pressure, and usually has multiple pressurized building services connected.

Maximum extent practicable means the use of those best management practices, which, based on sound engineering and hydrogeological principles, will, to the greatest degree possible, given all relevant considerations, including technology, climate and site conditions, prohibit erosion and sedimentation during and after development.

MBAS (methylene blue active substance) means any substance that brings about the transfer of methylene blue, a cationic dye, from an aqueous solution into an immiscible organic layer upon equilibrium.

Municipal separate storm sewer system (MS4) means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catchbasins, curbs, gutters, roadside ditches, manmade channels, or storm drains):

- (1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA (33 USC 1288) that discharges to waters of the United States;
- (2) Designated or used for collecting or conveying stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Municipal sewer system means the facilities that are owned or operated by the unified government for the collection, transportation, pumping, treating and disposal of wastewater, sewage, and industrial waste. Such facilities may include, but are not limited to, sanitary sewers, combined sewers, interceptor sewers, low pressure sewers, pump stations, force mains, treatment plants, sludge handling and disposal facilities, and outfalls.

National categorical standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1317(b) and (c)) which applies to a specific category of industrial users.

National pollutant discharge elimination system permit or NPDES permit means a discharge permit issued by the approval authority pursuant to section 402 of the act (33 USC 1342).

National prohibitive discharge standard or prohibitive discharge means any regulation developed under the authority of section 307(b) of the act (33 USC 1317(b)) and 40 CFR 403.5.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source means:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under section 307(c) of the Clean Water Act, 33 USC 1317(c) et seq., which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation

meeting the criteria stated in subsections (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a new source, as defined under this section, has commenced if the owner or operator has:
- a. Begun, or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment;
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Obligations means any obligations of the unified government payable from the revenues of the sewer system.

Pass through means a discharge which exits the publicly owned treatment works into the 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 a violation of the requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means a written permit issued by the director or health officer approving and authorizing activities related to the municipal sewer system or the treatment and disposal of wastewater as identified in this chapter. Specific types of permits are addressed in the various articles of this chapter.

Permitted industrial user means any person that has a wastewater discharge permit issued by water pollution control.

Person means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state or any interstate body or any other entity or group whose discharges are treated at the POTW.

pH means the logarithm of the reciprocal of the concentration of the hydrogen ions, represented by S.U. (standard units).

Photographic processing facility means a facility that processes images from silver-sensitive films and papers. This includes, but is not limited to, commercial photographic and film processing facilities, in-house photographic processing facilities, microbiology labs, printers, X-ray and other medical, dental, industrial, or institutional diagnostic facilities which use silver-based imaging materials, the processing of which produces a silver-rich solution.

Pollutant means any dredged soil, 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 means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or treatment means the reduction of the amount of pollutants, the removal 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 the municipal sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except by dilution as prohibited by federal regulation.

Pretreatment requirements means any substantive or procedural requirements relating to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Private on-site wastewater system means any sewage system designed or constructed for disposal of domestic sewage or industrial wastes in which there will not be any discharge of raw or treated wastes into any freshwater aquifer or into any watercourse or into any sanitary sewer or onto any adjacent properties other than that of the property served.

Public sewer means that portion of the municipal sewer system designed for the collection and transport of wastewater from the service connection to the sewage treatment works.

Residential user means discharges from a single-family dwelling or duplex.

Sanitary sewer means a sewer that carries wastewater, sewage or industrial wastes, and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Septic hauler means any person who cleans and/or transports approved wastewater or sludge from septic tanks, grease traps, portable toilets, car/truck wash operations, chemical or petroleum processes or sewer cleaning.

Sewage treatment works means that portion of the municipal sewer system that is designed for the treatment and disposal of wastewater and the handling and disposal of the concentrated wastes from that process.

Sewer means a pipe or enclosed conduit for the collection and transport of wastewater and/or stormwater.

Significant industrial user means:

- (1) All categorical industrial users.
- (2) Any noncategorical industrial user that:
 - a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary noncontact cooling and boiler blowdown wastewaters);
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or
 - c. The control authority or approval authority has determined has a reasonable potential to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.

The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

Significant noncompliance (SNC) means noncompliance in one or more of the following categories:

- (1) *Category 1.* Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) *Category 2.* Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-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, oil, and grease, and 1.2 for all other pollutants except pH.)
- (3) *Category 3.* Any other violation of a pretreatment effluent limit (daily, maximum or longer term average) that the control authority 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).
- (4) *Category 4.* 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 to halt or prevent such a discharge.
- (5) *Category 5.* Failure to meet, within 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.
- (6) *Category 6.* Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules
- (7) *Category 7.* Failure to accurately report noncompliance.
- (8) *Category 8.* Any other violation or group of violations that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Silver-rich solution means a solution containing sufficient silver such that cost-effective recovery can be done either on-site or off-site. Within photographic processing facilities, such solutions include, but are not limited to, fix and bleach-fix solutions, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used developers, bleaches, stop baths, pre-bleaches, or stabilizers following washes and wash waters.

Slug means any discharge of wastewater, sewage, industrial waste, or substance, which, in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times its average 24-hour rate, or which contains a pollutant discharge which exceeds the concentration limit or load allocation by more than five times the values stated in the industrial users wastewater discharge permit.

Standard industrial classification (SIC) means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

Storm drainage system means all surfaces, structures and systems that contribute to, manage, or convey stormwater, including private drainage systems, the MS4, retention and infiltration facilities, natural drainageways, surface water, groundwater, waters of the state and the United States.

Storm sewer or storm drain means a sewer that carries stormwaters and surface waters and other unpolluted water identified in the unified government NPDES permit, but excludes wastewater, sewage, and industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids means 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.

Tap or tapping refers to the materials, labor and operations necessary to create or replace a connection.

Total toxic organics (TTO) means total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligram per liter of all constituents included in 40 CFR 413.02(i) or its replacement.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of section 307(a)(1) of the act (33 USC 1317(a)(1)).

Untaminated means not containing harmful quantities of pollutants.

Unified government sewer system means the municipal sewer system owned and operated by the unified government.

Unpolluted water means water of quality equal to, or better than, the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards, limitations in a wastewater discharge permit, or local standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User or sewer user means any person who contributes, causes, or permits the contribution of wastewater into the municipal sewer system.

Wastewater or sewage means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

Wastewater discharge permit has the meaning as set forth in article II of this chapter.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the state means 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.

(Code 1988, § 30-1; Ord. No. O-46-05, § 1, 6-2-2005)

Cross reference—Definitions generally, § 1-2.

Sec. 30-2. - Abbreviations.

The following abbreviations apply to this chapter:

- (1) CFR—Code of Federal Regulations.

- (2) BPU—Board of Public Utilities.
- (3) EPA—Environmental Protection Agency.
- (4) KDHE—Kansas Department of Health and Environment.
- (5) mg/l—Milligrams per liter.
- (6) MS4—Municipal Separate Storm Sewer System.
- (7) NPDES—National Pollutant Discharge Elimination System.
- (8) POTW—Publicly owned treatment works.
- (9) SIC—Standard Industrial Classification.
- (10) SWDA—Solid Waste Disposal Act, 42 USC 6901 et seq.
- (11) USC—United States Code.
- (12) TSS—Total suspended solids.

(Code 1988, § 30-2; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-3. - Violations and penalties.

- (a) *Injunctive relief.* If any person violates the provisions of this chapter or any order of the unified government, the chief counsel may commence an action for legal or equitable relief in any court with appropriate jurisdiction.
- (b) *Civil penalties.* When the director determines that a user has violated an order of the director or has failed to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, the user shall be subject to a penalty not exceeding \$300.00 per offense in addition to paying for the damages incurred and restoration thereof. Each 15-minute period in which a violation continues shall be considered a separate offense subject to the penalty discussed herein. In addition to the penalties provided herein, the unified government may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules and regulations and permits issued hereunder.
- (c) *Criminal penalties.* Unless otherwise stated, any person violating any provisions of this chapter shall be guilty of a class B violation.
- (d) *Publication of list of violators.* The unified government shall semiannually publish, in the largest daily newspaper published in the area served by the water pollution control division of the unified government, a list of the industrial users which, during the previous six calendar months, were in significant noncompliance as defined in this section.
- (e) *Administrative penalties.* Any person violating any provisions of this chapter or an order of the county administrator shall be subject to the imposition of administrative penalties. The county administrator shall have the authority to establish administrative penalties. The county administrator shall have the authority to issue administrative orders in response to violations of the pretreatment standards and requirements and hold administrative hearings to determine the appropriate penalties for such violations.
- (f) *Notice.* Whenever the director finds that any user has violated or is violating this chapter, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the director may serve upon such user a written notice stating the nature of the violation and require that within 30 days of the date of the notice, the user shall submit in writing, to the director, a plan for the correction of the conditions that caused the noncompliance.

(Code 1988, § 30-3; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-4. - Reserved.

Sec. 30-5. - Appeals.

Any person aggrieved by an action of the director or health officer issuing or refusing any permit, issuing a written notification of violation, or suspending or revoking any permit under this chapter may appeal such decision to the county administrator or his designee. The county administrator must receive the written appeal within 15 days of the date of the director's action. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. 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. The county administrator will affirm, modify, or rescind the action in writing within 15 days of the appeal.

(Code 1988, § 30-5; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-6. - Inspections and entry powers.

- (a) Whenever the director or an authorized representative (including KDHE or EPA) has cause to believe that there exists or potentially exists in or upon any premises any condition which constitutes a violation of this chapter, the director and other duly authorized employees of the unified government, KDHE, or EPA, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this chapter. Where a user has security measures in force that 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 unified government, KDHE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and the director, KDHE, or EPA may obtain a search warrant for the purposes of this article from a court of competent jurisdiction in the event entry is denied or resisted. The director, KDHE, and EPA shall have authority to inquire into any industrial process including metallurgical, chemical, oil refining, ceramic, paper, or other industries, or other uses or activities having a direct or indirect bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment, or to the storm drainage system.
- (b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director or duly authorized employees of the unified government shall observe all safety rules applicable to the premises established by the company.
- (c) The director and other duly authorized employees of the unified government bearing proper credentials and identification shall be permitted to enter private properties of all industrial users for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, operation, and maintenance of any portion of the municipal sewer system.
- (d) The director shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges to the storm drainage system. The industrial user shall provide protection from damage to automated sampling or flow metering equipment installed on its property.
- (e) The director shall have the right to enter the premises at any reasonable time to inspect, maintain, repair, and/or install structural controls for the management of stormwater and wastewater. In the event that the owner or occupant refuses entry after a request to enter has been made, the unified government is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.
- (f) In the event that the unified government incurs costs for any of the activities conducted in this section, the unified government may establish a lien against the property to recover such costs.

(Code 1988, § 30-6; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-7. - Administration.

The director and health officer are the principal unified government officials for administration of this chapter and its requirements. The director or health officer may delegate any or all of the duties under this chapter. The county administrator is hereby authorized to promulgate regulations consistent with this chapter as may be necessary or desirable to carry out the provisions of this chapter. The director and health officer are hereby authorized to adopt standards for planning, design and construction of the municipal sewer system and the municipal separate storm sewer system (MS4). Copies of any such regulations and standards shall be available in the office of the director or health officer as applicable.

(Code 1988, § 30-7; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-8. - Falsifying information.

Any person shall be guilty of a class B violation who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a permit issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter.

(Code 1988, § 30-8; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-9. - Unlawful discharges—Generally.

No person shall discharge, place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the unified government any sewage, animal excrement, garbage or other objectionable waste. Whenever a building sewer or drain is obstructed with tree roots or found broken, defective or disconnected so that the sewage or drainage escapes into the surrounding soil or into the adjoining premises or so that damage or obstruction may occur to the municipal sewer system, the owner shall repair or replace the building sewer at the expense of the property owner.

(Code 1988, § 30-9; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-10. - Same—To sewers.

No person shall discharge untreated or treated sanitary sewage, wastewater, industrial waste, and other polluted or unpolluted water into sanitary or combined sewers without the permission of the director and paying the sewer service charges as set out in article IV of this chapter.

(Code 1988, § 30-10; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-11. - Same—To natural outlet.

No person shall discharge to the storm drainage system any sanitary sewage, sewage, wastewater, industrial waste, or other polluted water, except where suitable treatment has been provided and a wastewater discharge permit issued in accordance with this chapter. That the unified government may permit certain wastewater discharges to a combined sewer or storm sewer does not alleviate any obligation of any person to comply with applicable state and federal regulations concerning discharge of wastewater and stormwater to waters of the state. All discharges, direct or indirect, to storm drainage systems shall be in accordance with section 30-123.

(Code 1988, § 30-11; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-12. - Privies, cesspools, etc.

- (a) No person shall construct or maintain within the city any privy, privy vault, cesspool, or other facility intended or used for the disposal of any human or animal excrement or other objectionable waste except as provided in article VII of this chapter.
- (b) When a sewer connection is not required by section 30-61, plumbing fixtures may be connected with a private on-site wastewater system in a location approved by the health officer and all private on-site wastewater systems must be constructed in accordance with the provisions of article VII of this chapter.

(Code 1988, § 30-12; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-13. - Private wastewater treatment works; pretreatment facilities.

No person shall build, construct, operate or maintain privately owned wastewater treatment works without the written approval of the director. The director shall have the right to require any information necessary, including inspection, to ensure that the proposed or existing privately owned wastewater treatment or pretreatment facility will meet, or is meeting, all applicable local, state, and federal requirements, including pretreatment requirements. Private on-site wastewater systems that hold a valid permit under section 30-229 are excluded from this section.

(Code 1988, § 30-13; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-14. - Confidential information.

All information shall be treated according to the provisions of the Kansas Open Public Records Act (K.S.A. 45-215 et seq.) for the purposes of disclosure by the unified government.

(1)

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections under this chapter 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 director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

- (2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, and which have been individually labeled as confidential, 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 chapter, the NPDES permit, 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.

(Code 1988, § 30-14; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-15—30-31. - Reserved.

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 30 - SEWERS AND SEWAGE DISPOSAL >> ARTICLE II. - WASTEWATER DISCHARGE PERMITS >>

ARTICLE II. - WASTEWATER DISCHARGE PERMITS

Sec. 30-32. - General requirements.

Sec. 30-33. - Information required on wastewater discharge permit application.

Sec. 30-34. - Denial of application.

Sec. 30-35. - Issuance, modification, and transfer.

Sec. 30-36. - Revocation.

Secs. 30-37—30-60. - Reserved.

Sec. 30-32. - General requirements.

- (a) No person shall discharge sewage, wastewater, industrial waste, or other polluted water from any commercial, institutional or industrial establishment into the municipal sewer system without a valid wastewater discharge permit from the director if such discharge is from one of the following:
- (1) An industry the processes of which place it in an EPA pretreatment category as set out in 40 CFR 405—471 or amendment thereto.
 - (2) A significant industrial user, as defined in this chapter.
 - (3) A discharging, nonsignificant industry with a potential to discharge toxic, hazardous, or toxic wastes or wastewater of such a strength that it has the potential to interfere with the treatment process.
- (b) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the unified government. Wastewater discharge permits may contain any or all of the following:
- (1) Limits on the average and maximum wastewater constituents and characteristics.
 - (2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - (3) Requirements for installation and maintenance of inspection and sampling facilities.
 - (4) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
 - (5) Compliance schedules.
 - (6) Requirements for submission of technical reports or discharge reports, including, but not limited to, compliance with categorical deadline and periodic reports on continued compliance. All reports submitted shall be signed and certified by a duly authorized representative of the user and shall be accompanied by a certification statement as required by 40 CFR 403.6(a)(2)(ii) or its amendment.
 - (7)

Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director, and affording director access thereto for inspection, review and photocopying.

- (8) Requirements for notification of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the municipal sewer system.
 - (9) Requirements for notification of slug discharges.
 - (10) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
 - (11) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.
- (c) Other discharge limits may be established as determined by the director. A new wastewater discharge permit may be required when the discharge limits are exceeded, the character of waste is changed from that described on the wastewater discharge permit application, or the wastewater discharge permit expired.
 - (d) Processing fees for new wastewater discharge permits or temporary wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the records from the BPU for the previous 12 months (or available date, if the facility has not been in operation for a minimum of 12 months). Processing fees for the renewal of wastewater discharge permits shall be determined from the approved tiered system of wastewater discharge permit fees. These fees shall be based on the average daily flow to the municipal sewer system, as determined by the director.
 - (e) Wastewater discharge permits issued to significant industrial users will be annual or as otherwise determined by the director. The user shall apply for wastewater discharge permit reissuance no less than 30 days prior to the expiration of the user's existing wastewater discharge permit. The terms and conditions of the wastewater discharge permit may be subject to modification by the unified government during the term of the wastewater discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The user shall be informed of any proposed changes in the wastewater discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the wastewater discharge permit shall include a reasonable time schedule for compliance. Wastewater discharge permits issued to all other industrial users shall be issued for a period not longer than five years.

(Code 1988, § 30-41; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-33. - Information required on wastewater discharge permit application.

Any person filing an application for a wastewater discharge permit shall provide information including the name, address, and telephone number of the user, the type of products handled or manufactured, the quantity of wastes including seasonal, weekly, daily, or hourly variations, the chemical, physical, and any other characteristics of the wastes and all requirements found in 40 CFR 403.12(b) as requested on forms provided by the director for this purpose; and any other pertinent and necessary information as required by the director.

(Code 1988, § 30-42; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-34. - Denial of application.

If it is determined by the director that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application may be denied and the applicant advised by the director of steps that must be taken to achieve compliance with the provisions of this chapter. Further, the director may, at his discretion, deny or condition all pollutant discharges to the municipal sewer system.

(Code 1988, § 30-43; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-35. - Issuance, modification, and transfer.

- (a) If, after examining the information contained in the wastewater discharge permit application, it is determined by the director that the characteristics of the proposed discharge do not conflict with the provisions of this chapter and the wastewater discharge permit fee is paid, a wastewater discharge permit shall be issued allowing the discharge of such wastes into the public sewers. If it is determined that a proposed discharge containing materials in excess of the limitations imposed by this chapter will

not be harmful to the operation of the treatment plant, then a conditional (temporary) wastewater discharge permit may be issued for the period of time determined by the director as noted on the permit but in no event for longer than one year from the date of the issuance.

- (b) Within three months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of the users subject to such standard shall be revised to require compliance with such standard within the period 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, the user shall apply for a wastewater discharge permit within 180 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 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by the director to verify compliance.
- (c) 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 operator without the written approval of the director. However, the industrial user is required to provide a new owner with a copy of any existing wastewater discharge permit for information and reference.

(Code 1988, § 30-44; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-36. - Revocation.

Wastewater discharge permits may be revoked at any time if the discharge does not comply with the provisions of this chapter, upon giving the holder 30 days' written notice. Failure of a user to factually report the characteristics of discharges, or significant changes in operations, or wastewater constituents and characteristics, or refusal to allow reasonable access to the user's premises for the purpose of inspection or monitoring, or violation of conditions of the wastewater discharge permit, may be grounds for wastewater discharge permit revocation. The wastewater discharge permit may be revoked by the director without 30 days' written notice if the discharge has a seriously deleterious effect on the sewage treatment works, or constitutes a hazard to human beings, animals, or the receiving stream.

(Code 1988, § 30-45; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-37—30-60. - Reserved.

[Wyandotte County-Kansas City, Kansas, Code of Ordinances](#) >> [Chapter 30 - SEWERS AND SEWAGE DISPOSAL](#) >> [ARTICLE III. - SEWER CONNECTIONS](#) >>

ARTICLE III. - SEWER CONNECTIONS*

Cross reference—City exempted from certain state statutes relating to sewer connections, App. A, Char. Ord. No. 89.

- [Sec. 30-61. - Sewer connection required and expenses.](#)
- [Sec. 30-62. - Notice to make sewer connection.](#)
- [Sec. 30-63. - Connection permit.](#)
- [Sec. 30-64. - Separate and independent building sewer.](#)
- [Sec. 30-65. - Use of existing building sewers.](#)
- [Sec. 30-66. - Initial tapping of or connection to sanitary and storm sewers.](#)
- [Sec. 30-67. - Prohibited connections.](#)
- [Sec. 30-68. - Connections within sewer district.](#)
- [Sec. 30-69. - Fees for use of lateral sewer system.](#)
- [Sec. 30-70. - Fees for use of main sewer system.](#)
- [Sec. 30-71. - Design of low pressure sewer system.](#)
- [Sec. 30-72. - Maintenance of LPS building sewer and maintenance fees.](#)
- [Sec. 30-73. - Upgrade of noncompliant LPS building sewer.](#)
- [Sec. 30-74. - Building sewer abandonment.](#)
- [Secs. 30-75—30-91. - Reserved.](#)

Sec. 30-61. - Sewer connection required and expenses.

Any person who is the owner, lessee or occupant of any premises having a toilet, privy, or other plumbing fixture in a structure within 200 feet of a public sewer which abuts or crosses any portion of the property or is contained in a public right-of-way that abuts the property and is not an interceptor sewer or force main, shall connect with the public sewer. If the sewage generated from such structure cannot be delivered to the public sewer by gravity, then a sewage lift pump with the necessary appurtenances (e.g., grinder pump) shall be installed as part of the building sewer. The owner, occupant, or lessee of such premises shall secure all permits and pay all fees required to make the connections provided for in this chapter. The health officer may suspend this requirement for existing single-family residential units when there is an existing, nonpolluting, private on-site wastewater system and there are site conditions such as rock outcrops that impose extreme limits on construction of a building sewer.

(Code 1988, § 30-81; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-62. - Notice to make sewer connection.

The health officer or the director may give written notice to the owner, lessee, or occupant of any premises on which a sewer connection is required by section 30-61 requiring such connection to be made within 30 days after such notice is served. No person shall fail or refuse to comply with such notice.

(Code 1988, § 30-82; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-63. - Connection permit.

No person shall uncover, make any extension of, connections with, open into, use, alter, or disturb any public sewer, sanitary sewer, combined sewer, storm sewer, or drainageway or appurtenance thereof without first obtaining a written connection permit from the director. The application shall contain information as required by the director. The director shall review the application. Upon approval and payment of the fees for each connection, a permit for making the connection shall be granted.

(Code 1988, § 30-83; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-64. - Separate and independent building sewer.

A separate and independent building sewer shall be provided for every building in compliance with the minimum design standards for sanitary sewers as adopted by the director. A duplex dwelling shall be considered two separate buildings.

(Code 1988, § 30-84; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-65. - Use of existing building sewers.

Existing building sewers may be used for new buildings only when they are found by the director to meet all requirements of this chapter, including minimum design standards for sanitary and storm sewers and upon payment of applicable fees. The owner shall properly document compliance with all applicable standards and guidelines and provide said documentation to the director prior to approval by the director.

(Code 1988, § 30-85; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-66. - Initial tapping of or connection to sanitary and storm sewers.

- (a) Taps made to an existing public sanitary or storm sewer shall be made by the water pollution control division, a contractor working for the unified government's public works department, or a licensed plumber. Connections shall be made in compliance with plans and specifications approved by the director.
- (b) Fees for taps and connection permits shall be set by the county administrator. Tap fees may be waived in cases where the building sewer is to be attached to an existing wye or stub.

- (c) Taps installed by licensed plumbers shall be inspected by the director's representative prior to backfill. Minimum notice for the inspection shall be 24 hours. If the director's representative is not on site within two hours after the scheduled time for inspection, the permittee may proceed with the work.
- (d) Design, construction and inspection of public sewers and storm sewers shall conform to the standards adopted by the director. Designs for extensions of the public sewer and storm sewer shall be approved by the director prior to construction. Construction of new public sewers shall be only made by:
 - (1) The unified government;
 - (2) A contractor working for the unified government's public works department;
 - (3) A contractor employed by a private developer who has entered a development agreement with the unified government for the construction and dedication to the unified government of public infrastructure; or
 - (4) A contractor employed by a private developer who has entered into a building permit with the unified government for the construction and dedication to the unified government of public infrastructure.

(Code 1988, § 30-87; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-67. - Prohibited connections.

- (a) No privy, septic tank, vault or cesspool shall discharge directly or indirectly to a sanitary sewer. When a connection is made with a sewer, any vault, cesspool, or septic tank on the premises must be completely pumped out by a licensed septic hauler, then crushed, broken up and filled with earth or sand to ground level.
- (b) Break-in or illicit connections are not allowed. No connections to interceptor sewers, manholes, force mains, pump stations and, low pressure sewer systems are allowed without engineered plans approved by the director and permission from the director.

(Code 1988, § 30-88; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-68. - Connections within sewer district.

No connection for a property subject to special assessments for a sewer district shall be made unless all installments due on such assessment have been paid and all required permits have been obtained. The unified government reserves the right to deny permits for properties in arrears of special assessments.

(Code 1988, § 30-89; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-69. - Fees for use of lateral sewer system.

Applicants for new connections to the municipal sewer system shall pay a fee for the use of the lateral system. Properties that are part of a lateral sewer district or part of a subdivision the lateral sewers of which have been constructed at private expense and dedicated to the unified government are exempt from this fee. The county administrator shall establish and shall have the authority to change from time to time, fees for the following categories of connections to the municipal sewer system and the municipal separate storm sewer system (MS4):

- (1) Residential, including houses, apartments, mobile homes, etc., to be assessed per each dwelling unit.
- (2) Hotels, motels:
 - a. First unit.
 - b. Each additional unit.
- (3) Churches, schools and similar institutions:
 - a. For the first 3,000 square feet.
 - b. Each additional 3,000 square feet of building floor space.
- (4) Hospitals, for each bed.
- (5) Industrial or commercial facilities, gas stations, car and truck wash, warehouses, etc.:
 - a. Four-inch connection.
 - b. Six-inch connection.
 - c. Eight-inch connection.

- d. Ten-inch connection.
- e. Twelve-inch connection.
- f. Fifteen-inch connection.

The county administrator shall have the authority to establish and to set and modify fees for additional categories and subcategories of connection fees based on land usage and size of dwelling, building or property.

(Code 1988, § 30-91; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-70. - Fees for use of main sewer system.

Applicants for new connections to the municipal sewer system shall pay a fee for the use of main sanitary sewer, interceptor, pumping station or wastewater treatment plant that are operated and maintained by the unified government. Properties that are part of a main sewer district shall be exempt from this fee only when the ordinance forming the district establishes the exemption. The county administrator shall establish and have the authority to change from time to time fees for the following categories of connections to the municipal sewer system and the municipal separate storm sewer system (MS4):

- (1) Residential including houses, apartments, mobile homes, etc. (to be assessed per each dwelling unit).
- (2) Hotels, motels:
 - a. First unit;
 - b. Each additional unit.
- (3) Planned nonretail business district CP-0, per each connection (no lot size restriction, four-inch connection only).
- (4) Limited business C-1, planned limited business CP-1, commercial C-3, central business C-0 (except for areas on east side of 6th Street which are C-2 general business), planned light industrial MP-1, for the first and each additional 3,000 square feet of floor space (four-inch and six-inch connections only).
- (5) Industrial districts (SIC), M-2 general industrial, MP-1 planned light industrial, M-3 heavy industrial for the following size connections: four, six, eight, ten, 12, and 15 inches. Larger connections will be reviewed and appropriate fees determined by the county administrator on an individual connection basis.
- (6) Churches, schools and similar institutions:
 - a. First 3,000 square feet of building floor space;
 - b. Each additional 3,000 square feet of building space.

The county administrator shall have the authority to establish and to set and change fees for additional categories and subcategories of connection fees based on land usage and size of dwelling, building or property.

(Code 1988, § 30-92; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-71. - Design of low pressure sewer system.

Gravity sewers are the preferred method of providing sewer service. If, however, the director determines that construction of a gravity sewer system is not feasible due to topographic or geomorphological considerations, or due to the predominance of a preexisting private on-site sewer systems, the director may authorize the use of a low pressure sewer system (LPS) or other alternative design system. Design and construction of any LPS shall comply with the standards adopted by the director. Connection to the LPS is subject to all applicable fees.

(Code 1988, § 30-93; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-72. - Maintenance of LPS building sewer and maintenance fees.

The unified government accepts partial maintenance responsibility for some building sewers connected to the LPS system to the extent and under the conditions outlined as follows:

- (1) *Limits.* Only those portions of the building services that serve single-family residential units, and are downstream of the pump intake are accepted by the unified government for maintenance. The

portion of the building sewer eligible for maintenance is hereinafter called the LPS building sewer. Building drains, nonpressurized portions of the building sewer, electrical service to the point of connection with the pump, pressurized building sewers that do not meet the definition of a low pressure sewer system, and all parts of building sewers for use other than single-family residential service are not accepted for maintenance.

- (2) *Unified government's responsibility.* The unified government's maintenance obligation for the LPS building sewer includes only service and repairs resulting from normal wear and tear and not damage to the LPS building sewer resulting from intentional, negligent or accidental abuse or misuse of the LPS building service.
- (3) *User responsibility.* The user shall be responsible for the initial installation of the LPS building sewer and shall ensure that the installation meets the technical requirements established by the director. The user shall provide electrical power to operate the pump, including the installation and maintenance of circuitry to the pump and the cost of electricity used by the pump. The user shall be responsible for the building drain and those portions of the building sewer that are not part of the LPS building sewer. The user shall bear the financial responsibility for service and repairs arising from intentional, negligent or accidental abuse or misuse of the LPS building service.
- (4) *Right to enter.* The director and his contractors reserve the right to enter upon the users' property, at reasonable times, to install, inspect, test, maintain and repair the LPS building sewer. This right of entry shall not include the right to enter the house or any other buildings located on the property. In the event access to the interior of a house or other building on the property is necessary to inspect, test, maintain and repair the LPS building sewer, advance permission to enter shall be obtained from the user prior to entry for such purposes.
- (5) *Maintenance fee.* The user shall pay the LPS maintenance fee set by the director for this maintenance in addition to the sewer service charge and other fees. Procedures for billing, collection, penalties for nonpayment, and appeals of the LPS maintenance fee shall be the same as for the billing, collection, penalties for nonpayment, and appeals for the sewer service charge.

(Code 1988, § 30-94; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-73. - Upgrade of noncompliant LPS building sewer.

If the LPS building sewer does not meet the design or construction requirements current at the time of installation, the director may issue a written order requiring the replacement of those elements of the LPS building sewer necessary to meet the requirements current at the time of the order. If the owner of the property served fails to comply with the order within 30 days of issuance of the order, or if the LPS building sewer has failed and the unified government cannot maintain the LPS building sewer without replacement of the noncompliant element, the unified government may replace the element without further notice. If the unified government replaces a noncompliant element on the LPS building sewer, a charge equal to the cost of the replacement, including labor, shall be charged the property owner. Such charge shall be in addition to the sewer service charge and the LPS maintenance fee.

(Code 1988, § 30-95; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-74. - Building sewer abandonment.

Building sewer abandonment requires a permit and abandonment shall follow the applicable abandonment policy as adopted by the director.

(Code 1988, § 30-96; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-75—30-91. - Reserved.

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ARTICLE IV. - SERVICE CHARGES*

Cross reference—Refund of sewer service charges for elderly individuals, § 2-296.

State law reference—Sewer rates and charges, K.S.A. 12-631g, 12-631j et seq.

Sec. 30-92. - Sewer service charge system.

Sec. 30-93. - Sewer system fund.

Sec. 30-94. - Financial obligations.

Sec. 30-95. - Basis of rates.

Sec. 30-96. - Establishment of sewer service charges.

Sec. 30-97. - Notify users.

Sec. 30-98. - Uniform rates.

Sec. 30-99. - Duty to install and maintain meter where water obtained from source other than the BPU.

Sec. 30-100. - Provision for deductions.

Sec. 30-101. - Application of provisions to nonresidents.

Sec. 30-102. - Collection penalties and discontinued service.

Sec. 30-103. - Assessment of benefit fee against property not in original special benefit district.

Sec. 30-104. - Sewer service charge refund and demand for payment from users who have not been paying.

Secs. 30-105—30-121. - Reserved.

¶ **Sec. 30-92. - Sewer service charge system.**

The sewer service charge system shall generate adequate annual revenues to pay the expenses of annual operation and maintenance for the unified government's sewer system, excluding the operation and maintenance expenses for the flood control facilities being operated by the unified government. The sewer service charge system also shall generate adequate annual revenues for replacement associated with equipment, accessories or appurtenances which are necessary during the useful life of all publicly owned, operated, and maintained wastewater treatment plants, and all municipal wastewater pumping stations owned, operated, and maintained by the unified government.

(Code 1988, § 30-121; Ord. No. O-46-05, § 1, 6-2-2005)

¶ **Sec. 30-93. - Sewer system fund.**

All of the income, proceeds, revenues and funds of the unified government derived from or held in association with its municipal sewer system (not including the proceeds of any taxes) including the proceeds of sewer service charges imposed and collected by the unified government for the use of and services rendered by the unified government's sewer system, and all revenues from enlargements, extensions and improvements thereto will be paid and deposited in the sewer system fund, which fund will be used solely for the purposes authorized by law, including paying the expenses of operating, maintaining and replacing the unified government's sewer system.

(Code 1988, § 30-122; Ord. No. O-46-05, § 1, 6-2-2005)

¶ **Sec. 30-94. - Financial obligations.**

- (a) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining for the current month the unified government's sewer system, the unified government shall next pay and credit monthly from the sewer system fund such amounts as are necessary to satisfy the outstanding obligations including without limitation any payments to any required reserve account, depreciation and replacement account or other account created in connection with such obligations and any covenants entered into in connection with such obligations.
- (b) No monies credited to the sewer system fund shall be diverted or applied to the general governmental or municipal functions of the unified government.

(Code 1988, § 30-123; Ord. No. O-46-05, § 1, 6-2-2005)

¶ **Sec. 30-95. - Basis of rates.**

- (a) Each user shall pay for the services provided by the unified government based on the user's proportional use of the unified government's sewer system. The actual rates shall be determined based upon the quantity and quality of the wastewater discharged into the municipal sewer system. The volume of wastewater used to compute charges for discharging class I-A wastewater shall be the average monthly metered water consumption billed over a four-month period during the months of January through April as shown in the records of meter readings maintained by the board of public utilities of the unified government. The average shall be computed for these discharges each April. In those cases in which a user does not have a history of water usage for these winter months, an estimated water usage of 500 cubic feet shall be used to compute the bill. The volume of wastewater used to compute charges for discharging other than class I-A wastewaters shall be the metered water consumption as shown in the records of the meter readings maintained by the board of public utilities of the unified government, or on a unified government-approved water meter, plus any other amount of water obtained from any other source than the board of public utilities of the unified government, or the amount of wastewater discharged into the municipal sewer system metered at the point of discharge by a unified government-approved wastewater flow meter.
- (b) Special charges may be levied for needed or requested services that the director determines are not required for the normal operation or maintenance of the unified government's sewer system. Such activities may include, but are not limited to, special treatment for industrial wastes, cleanup of inappropriately disposed of or spilled materials, dye tests of building services, cleaning, inspection, and televising of sewer lines or drainageways over that required for normal maintenance, and locating building sewer connections to the sanitary sewers. Appropriate charges for special services shall be determined by the director, but shall not exceed the total cost to the unified government.

(Code 1988, § 30-127; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-96. - Establishment of sewer service charges.

- (a) Based upon that projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the rates. The unified government board of commissioners shall establish by regulation the rates for sewer charges to ensure that the system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation of the water pollution control division for providing service as required by this Code.
- (b) The regulation shall become effective upon publication once in the official unified government newspaper.
- (c) The sewer service charge shall be based on the user's proportionate use of the unified government's system and shall provide for unit charges and monthly connection charge for class I-A, class I-B, class II and class III discharges.
- (d) A rate relief account is hereby established within the sewer system fund. Any savings represented in the difference between actual operating expenses and the amount budgeted for operating expenses shall be allocated to the rate relief account. The unified government budget director shall certify to the unified government board of commissioners the amount of such allocation not later than one month after the county administrator establishes rates by administrative regulations. The amount contained in the rate relief account shall be appropriated by the unified government board of commissioners to reduce the amount of future increases in the sewer service charges.

(Code 1988, § 30-128; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-97. - Notify users.

The director will notify each user annually of the rates being charged for operation and maintenance, including replacement of the treatment works as required by applicable federal regulations.

(Code 1988, § 30-129; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-98. - Uniform rates.

The sewer service charge rates established in this article apply to all users, regardless of their location, of the unified government's sewer system. These basic rates also apply for all new users; however, they may be modified to reflect the additional actual costs incurred with the service provided.

(Code 1988, § 30-130; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-99. - Duty to install and maintain meter where water obtained from source other than the BPU.

If the person discharging wastewater procures any water from sources other than the board of public utilities (BPU) of the unified government, all or a part of which is discharged into the municipal sewer system, the person shall install and maintain at such person's expense a wastewater meter or water meter of a type approved by the director for the purpose of determining the volume of wastewater contributed or of water obtained from the other source.

(Code 1988, § 30-131; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-100. - Provision for deductions.

In the event that a person discharging wastewater to the unified government's sewer system produces evidence satisfactory to the director that more than ten percent of the total annual volume of the water used for all purposes is not discharged to the unified government's sewer system, then the determination of the water consumption to be used in computing the wastewater volume discharged into the unified government's sewer system may be made a matter of agreement between the unified government and the person. The county administrator shall approve policies that shall be followed for the determination of deductions.

(Code 1988, § 30-132; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-101. - Application of provisions to nonresidents.

Any person discharging wastewater from outside the city into the municipal sewer system, through direct or indirect means, shall be subject to sewer service charges, and shall comply with the provisions of this article, as mutually agreed upon in writing between the person and the unified government.

(Code 1988, § 30-133; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-102. - Collection penalties and discontinued service.

The sewer service charges shall be a debt due to the unified government. The penalty as established by the county administrator shall be charged if the billing is not paid within 25 days after the due date. If this debt is not paid on the due date, it shall be deemed delinquent and may be recovered by applying the necessary civil action in the name of the unified government against the property owner, the occupant of the premises, the person charged, or either of them. In the event of the failure to pay any sewer service charges after they become delinquent, the unified government shall have the right to discontinue water service or to remove or close sewer connection and enter upon the property for accomplishing this purpose. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall likewise be a debt due to the unified government and a lien may be placed upon the property and may be recoverable by civil action in the name of the unified government against the property owner, the person or both. Sewer service shall not be restored until all charges, including the expense of removal, closing or restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1988, § 30-134; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-103. - Assessment of benefit fee against property not in original special benefit district.

- (a) Whenever the construction of any water or sanitary sewer improvement is initiated pursuant to K.S.A. 12-6a04, the owners of property which receive benefits from such improvement but which were not

included within the original special benefit district shall pay a benefit fee at the time the owners of such property request to be served by such improvement.

- (b) The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original special benefit district, reduced in the proportion which each month or part of a month that has passed from the date the assessment for the improvement was levied to the date such property begins being served by the improvement bears to the total number of months of assessments against property included within the original special benefit district. Such benefit fee shall be due and payable and shall be assessed at the time the property begins being served by the improvement. Any benefit fees paid hereunder shall be applied to the remaining principal and outstanding interest on the bonds issued to finance the improvements, with a resulting pro rata reduction of the assessments against property originally included in the special benefit district for such improvement.
- (c) The provisions of this section shall be supplemental to any other connection fees or other user or regulatory charges for sanitary sewer or water service unless such connection fees or other user or regulatory charges were included in the assessment for the benefit district; in that event, the provisions of this section shall be in lieu of any other connection fees or other user or regulatory charges.
- (d) The connector shall make one lump sum payment prior to issuance of a connection permit. The one lump sum payment shall consist of the greater of the following two amounts: the proportional share of the outstanding balance of the special benefit district assessment, including principal and excluding interest, or the connection fee which would be collected if the late connector were not connecting to an existing special benefit district.

(Code 1988, § 30-136; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-104. - Sewer service charge refund and demand for payment from users who have not been paying.

- (a) No sewer service charge payments shall be subject to refund, adjustments or change in any way following three years of the original due date.
- (b) If a premises has been connected to the unified government's sewer system and has not been charged or paid sewer service charge, and is not exempt from payment by ordinance, the unified government may collect an amount equal to the amount due for the time that the service was actually received, up to a maximum of three years.

(Code 1988, § 30-137; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-105—30-121. - Reserved.

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ARTICLE V. - DISCHARGE REGULATIONS*

State law reference—Municipal authority to regulate discharges, require pretreatment, etc., K.S.A. 12-631j.

[Sec. 30-122. - Sanitary sewers.](#)

[Sec. 30-123. - Discharge to storm sewers.](#)

[Sec. 30-124. - Prohibited discharges.](#)

[Sec. 30-125. - Pretreatment requirement and standards.](#)

[Sec. 30-126. - Excessive discharge, accidental discharge and storage of dangerous materials.](#)

[Sec. 30-127. - Grease, oil and sand traps/interceptors.](#)

[Sec. 30-128. - Control structure.](#)

[Sec. 30-129. - Measurements, tests and analyses.](#)

[Sec. 30-130. - Special arrangement.](#)

[Sec. 30-131. - Code of Management Practices for Silver Dischargers adopted.](#)

[Secs. 30-132—30-160. - Reserved.](#)

Sec. 30-122. - Sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

(Code 1988, § 30-171; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-123. - Discharge to storm sewers.

- (a) *Prohibited illicit discharges to storm drainage system.*
- (1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed in subsection (b) of this section. Common stormwater contaminants include sediment, trash, yard waste, lawn chemicals, pet waste, wastewater, used motor oil, petroleum products, cleaning products, paint products, other household hazardous waste, and toxic substances.
 - (2) Notwithstanding the provisions of subsection (b) of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the director to be a source of pollutants to the storm drainage system.
 - (3) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (4) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this chapter.
- (b) *Acceptable nonstormwater discharges.* Unless specifically identified by the director or KDHE, the following nonstormwater discharges are deemed acceptable and not a violation of this section:
- (1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the municipal separate storm sewer system (MS4);
 - (2) Water line flushing;
 - (3) Landscape irrigation;
 - (4) Diverted streamflow;
 - (5) Rising groundwater;
 - (6) Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;
 - (7) Uncontaminated pumped groundwater;
 - (8) Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the unified government;
 - (9) Discharges from potable water sources;
 - (10) Foundation drains;
 - (11) Air conditioning condensate;
 - (12) Irrigation waters;
 - (13) Springs;
 - (14) Water from crawlspace pumps;
 - (15) Footing drains;
 - (16) Lawn watering;
 - (17) Individual residential car washing;
 - (18) Flows from riparian habitats and wetlands;
 - (19) Dechlorinated swimming pool discharges excluding filter backwash;
 - (20) Street wash waters excluding street sweepings;
 - (21) Discharges or flows from emergency firefighting activities; and
 - (22) Heat pump discharge waters (residential only).
- (c) *Requirements applicable to certain discharges.*
- (1) *Private drainage system maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
 - (2) *Minimization of irrigation runoff.* A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
 - (3)

Cleaning of paved surfaces required. The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this article. This section does not apply to pollutants discharged from construction activities.

- (4) *Maintenance of equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
 - (5) *Materials storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
 - (6) *Pesticides, herbicides and fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
 - (7) *Prohibition on use of pesticides and fungicides banned from manufacture.* Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the EPA or any federal, state or unified government regulation is prohibited.
 - (8) *Open drainage channel maintenance.* Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.
- (d) *Release reporting and cleanup.* Property owners and the persons responsible for a known or suspected release of materials which results in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of a release of a hazardous material, the responsible person shall comply with all state, federal, and local laws requiring reporting (including immediate notification of the director), cleanup, containment, and any other appropriate remedial action in response to the release. In the event of a release of nonhazardous materials, the property owner and the persons responsible shall notify the director no later than 5:00 p.m. of the next business day.

(Code 1988, § 30-172; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-124. - Prohibited discharges.

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the municipal sewer system (including treatment facilities). These general prohibitions apply to all such users of the municipal sewer system 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:

- (1) Any liquids, solids or gases which by reason of their nature and 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 municipal sewer system or to the operation of the sewage treatment works; any petroleum oil, nonbiodegradable oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any pollutant resulting in the presence of toxic gases, vapors or fumes within the sewers or POTW sufficient to cause worker health and safety problems. Any noxious or malodorous liquids, solids, or gases which, 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 and repair. At no time shall two 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 nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any other substances which are a fire hazard or a hazard to the system and wastestreams containing substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified by EPA.
- (2) Any solids, natural or manmade fibers, insoluble or emulsified oils, fats, or greases, slurries or viscous materials of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewage treatment works such as, but not limited to, ashes, cinders, sand, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, hides, paunch manure, hair and fleshings, entrails, spent lime,

stone or marble dust, grass clippings, spent grains, spent hops, asphalt residues, residues from the refining or processing of fuels or lubricating oils, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (3) Any waters, waste, material or substances which are corrosive or irritating to human beings or animals, or are toxic or noxious or which contain toxic, poisonous or conventional pollutants that are solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, and cause interference or pass through or otherwise injure or interfere with the sewage treatment process, including by not limited to sludge use and disposal, or which constitute a hazard to humans or animals, or which create a public nuisance, or which create any hazard in the receiving waters of treated effluent or the sewage treatment works.
- (4) Health department permitted wastes, except at selected locations as designated by the director.
- (5) Acetylene generation sludge.
- (6) Any waters or wastes containing fats, waxes or total oil and grease as determined by an EPA approved method shall not exceed 250 mg/l. For facilities that manufacture biodegradable and food grade emulsified and dissolved oils, the director may establish mass-based limits. Waters or wastes containing substances that may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit are prohibited, except at selected locations as designated by the director.
- (7) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (8) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits established by the director as necessary, after treatment of the composite sewage, to meet the requirements of local, state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of radiation ($\mu\text{Ci/ml}$) established by the director in compliance with applicable local, state or federal regulations.
- (10) Any waters or wastes having a pH less than 5.5 standard units (SU) or in excess of 10.5 SU.
- (11) Materials that exert or cause a significant load on the sewage treatment works or a discharge of any pollutant that is sufficient to cause or is likely to cause interference and pass through, such as:
 - a. Concentrations of inert suspended solids (such as, but not limited to, diatomaceous or Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - b. BOD, COD, chlorine.
 - c. Volumes of flow or concentration of wastes constituting "slugs" as defined herein.
- (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment works effluent or any other product of the municipal sewer system such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the municipal sewer system cause the sewage treatment works to be in noncompliance with sludge uses or disposal criteria, guidelines, or regulations developed under section 405 of the act (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or state criteria applicable to the sludge management method being used.
- (13) Any waste exceeding the following limits:
 - a. Arsenic (As): 0.27 mg/l.
 - b. Cadmium (Cd): 4.16 mg/l.
 - c. Chromium (Cr): 4.01 mg/l.
 - d. Copper (Cu): 5.15 mg/l.
 - e. Cyanide (CN): 0.29 mg/l.
 - f. Lead (Pb): 0.81 mg/l.
 - g. Nickel (Ni): 4.10 mg/l.
 - h. Mercury (Hg): 0.02 mg/l.
 - i. Silver (Ag): 1.03 mg/l.
 - j. Zinc (Zn): 5.16 mg/l.
 - k. Total petroleum hydrocarbon: 100 mg/l.
 - l. MBAS:
 1. Daily maximum: 90 mg/l.
 2. Monthly average: 70 mg/l.

- m. BTEX (total): 16 mg/l.
Equivalent mass limits may be allocated to industrial users for any of the limits set out in this subsection at the director's discretion. In no case shall a wastewater discharge permit limit for discharge to the municipal sewer system be less stringent than the federal or state limit, if it exists. This would apply to categorical industries and may apply to specific industries identified by the unified government or state.
- (14) Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the POTW influent to exceed the following limits (lbs./day):
- a. Arsenic: 15.91.
 - b. Cadmium: 162.43.
 - c. Chromium: 156.61.
 - d. Copper: 201.16.
 - e. Cyanide: 11.21.
 - f. Lead: 31.80.
 - g. Nickel: 16.20.
 - h. Mercury: 201.35.
 - i. Silver: 1.66.
 - j. Zinc: 40.08.
- (15) No user using silver in manufacturing or as part of a process operation, including, but not limited to, the development and/or printing of photographic pictures or X-rays, precious metal plating, or any operation where silver is reasonably expected to be found in the facility's wastewater, shall discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process. Requirements listed in best management practices (BMPs) that have been approved by the director will be enforceable by the water pollution control division. The use of an approved BMP by an industrial user shall be governed by the policies established by the director. These include but are not limited to the provisions for sampling and inspection by the unified government and sampling and reporting requirements for the facility. It shall be unlawful for an industrial user to discharge a silver-rich solution from a photographic processing facility or otherwise introduce such solution into the municipal sewer system, unless such silver-rich solution is managed by the photographic processing facility in accordance with the Code of Management Practice for Silver Dischargers, as identified in section 30-1, prior to its introduction into the municipal sewer system. The Code of Management Practice for Silver Dischargers is a fully enforceable element in the unified government's industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. If a photographic facility does not comply with the requirements in the Code of Management Practice for Silver Dischargers, the numeric limitation for silver (Ag) per subsection (14) of this section will be enforced.

(Code 1988, § 30-173; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-125. - Pretreatment requirement and standards.

- (a) If any waters or wastes are discharged or are proposed to be discharged to the municipal sewer system which contain the substance or possess the characteristics enumerated in section 30-124, and which, in the judgment of the director, may have a deleterious effect upon the sewage treatment works, sewage treatment process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge; or
 - (3) Require control over the quantities and rates of discharge.
- (b) In addition to civil and criminal liability, any person violating any of the provisions of the wastewater discharge permit of this article or causing damage to or otherwise inhibiting the unified government wastewater disposal system shall be liable to the unified government for any expense, loss, or damage caused by such violation or discharge. The unified government shall bill the person for the costs incurred by the unified government for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of this article.
- (c) Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary to prevent or minimize damage to the municipal sewer system or endangerment to any individuals. If deemed necessary by the director, the unified government may immediately terminate the sewer connection referenced in the notice. The unified government shall reinstate the wastewater discharge

- permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and payment of any costs incurred by the unified government.
- (d) If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants or equipment shall be subject to the review and approval of the director. Plans and specifications shall be submitted for review and approval of the director prior to beginning any building or construction, and subject to the requirements of all applicable local, state and federal laws, regulations, codes and ordinances. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at such owner's expense.
 - (e) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitation imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The director shall notify in writing all affected users of the applicable reporting requirements. The national categorical standards are available at 40 CFR 401—471, or as amended.
 - (f) State requirements and limitations on discharge shall apply in any case where they are more stringent than federal standards or the requirements and limitations in this article.
 - (g) The director may permit certain wastewater discharges to a combined sewer or storm drainage system. This does not alleviate any obligation of the sewer user to comply with applicable state and federal regulations concerning discharge of wastewaters to waters of the state.

(Code 1988, § 30-174; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-126. - Excessive discharge, accidental discharge and storage of dangerous materials.

- (a) No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant specific limitation developed by the unified government or state.
- (b) In the case of an accidental discharge, it is the responsibility of the user to notify the director within 24 hours of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. Each user, subject to the requirements of this article, may be required to provide protection from accidental discharge of prohibited materials or other substances regulated by this article. If required, facilities to prevent accidental discharge shall be provided and maintained at the user's own cost and expense. Detailed plans, showing facilities and operating procedures to provide this protection, shall be submitted to the unified government for review and approval before construction of the facility. 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.
- (c) Within five 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 any expense, loss, damage or other liability which may be incurred as a result of damage to the municipal sewer system, fish kills, or other damage to persons or property, and such notification shall not relieve the user of any fines, civil penalties or other liability which may be imposed by this or other applicable law.
- (d) The industrial user shall notify the director in writing of any discharge to the public sewers of more than 15 kilograms of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261, or amendment thereto. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261 or amendment thereto, the EPA hazardous waste number, and the type of discharge.
- (e) Industrial users discharging more than 100 kilograms of such waste per calendar month shall include the following in their notification to the extent that it is known and available:
 - (1) Identification of the hazardous constituents in the wastes.
 - (2) An estimate of the mass and concentration of their constituents.
 - (3) A summary of the concentration of such constituents discharged during each calendar month.
 - (4) An estimate of the mass of such constituents expected to be discharged during the next 12 months.
- (f) This notification shall be provided no later than 180 days after the initial discharge of any listed or characteristic hazardous waste. Any notifications under this regulation need be submitted only once for each hazardous waste discharged. However, if the nature of discharges changes, notification must be submitted. If the discharged wastes are acute hazardous wastes, as specified in 40 CFR 281.30(d) and amendments thereto and 40 CFR 281.33(e), a one-time notification is required. If new EPA regulations become effective which identify additional characteristics of currently recognized hazardous waste, the industrial user must notify the water pollution control division of the discharge of any such substances

- within 90 days of the effective date of such regulations. The industrial user must certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical when making any hazardous waste discharge notification as required in this section.
- (g) The user shall post a permanent notice on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or allow such a dangerous discharge to occur are advised of the emergency notification procedure.
 - (h) The storage of material in sewer areas or in areas draining into the municipal sewer system which, because of discharge or leakage from such storage, may create an explosion hazard in sewage works or in any other way have a deleterious effect upon these works, treatment processes, or constitute a hazard to human beings, animals, or the receiving stream shall be subject to review of the director, who may require reasonable safeguards to prevent discharge or leakage of such materials.
 - (i) The director may require a written slug control plan of any industrial user considered by director to be at risk for slug discharges based on annual surveillance monitoring or biennial evaluation by the control authority. If a slug control plan is required, it must contain the following:
 - (1) A description of discharge practices, including nonroutine batch discharges.
 - (2) A description of stored chemicals.
 - (3) An outline of slug response procedures including the immediate notification of appropriate water pollution control personnel of the discharge, naming the materials discharged.
 - (4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Code 1988, § 30-175; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-127. - Grease, oil and sand traps/interceptors.

Grease, oil, and sand traps/interceptors shall be provided when deemed necessary by sections 30-124 and 30-294 for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts, except that such traps/interceptors shall not be required for residential users. Users shall maintain records and documentation indicating adequate operation and maintenance and upon request of the director shall supply such record within 24 hours.

(Code 1988, § 30-176; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-128. - Control structure.

When deemed necessary by the director, the owner of any property served by a building sewer carrying commercial or industrial wastes other than normal domestic sewage shall have installed and shall maintain at such person's own expense a suitable control structure in the building sewers to facilitate observation, sampling, and measurement of each discharge. Such structures shall be constructed in accordance with plans approved by the director, and shall be located so as to permit the gauging of flow and the collection of samples truly representing the wastes leaving the property.

(Code 1988, § 30-177; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-129. - Measurements, tests and analyses.

- (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR 136 or as amended, and shall be determined at the control structure provided, or upon suitable samples taken at such control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream structure in the sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the municipal sewer system and to determine the existence of hazard to life, limb, and property. For the purposes of self-monitoring or any compliance monitoring, all analyses shall be performed by a laboratory certified by KDHE for the performance of such testing.

- (b) If sampling performed by the industrial user indicates a violation, the user shall notify the control authority within 24 hours of becoming aware of the violations. The user shall also repeat the sampling and submit the results to the control authority within 30 days after becoming aware of the violation.

(Code 1988, § 30-178; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-130. - Special arrangement.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the unified government and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the unified government for treatment and disposal, subject to payment of actual costs incurred with the treatment and disposal of unusual waters. However, categorical pretreatment standards shall not be waived.

(Code 1988, § 30-179; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-131. - Code of Management Practices for Silver Dischargers adopted.

The Code of Management Practices for Silver Dischargers, as referenced in section 30-1, is incorporated herein by reference. If there exists or arises any conflict between the Code and the provisions of the Code of Management Practices for Silver Dischargers, then the provisions of this Code are controlling. There shall be not less than three copies of the Code of Management Practices for Silver Dischargers kept on file in the office of the unified government clerk, to which shall be attached a copy of this incorporating ordinance and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. 30-180," and said code shall be open to inspection and available to the public at reasonable hours. The division of water pollution control and the municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance.

(Code 1988, § 30-180; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-132—30-160. - Reserved.

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ARTICLE VI. - PUMPING AND TRANSPORTATION OF OTHER WASTEWATERS

DIVISION 1. - GENERALLY

DIVISION 2. - HEALTH DEPARTMENT PERMIT

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DIVISION 1. - GENERALLY

[Sec. 30-161. - Penalty.](#)

[Sec. 30-162. - Discharge fee.](#)

Sec. 30-163. - Tank requirements.

Sec. 30-164. - Maintenance of trucks and other equipment.

Sec. 30-165. - Disposal of waste material.

Sec. 30-166. - Prohibition of disposal of hazardous and toxic wastes.

Sec. 30-167. - Vehicle log.

Secs. 30-168—30-187. - Reserved.

Sec. 30-161. - Penalty.

The penalty for violation of this article shall be as follows:

- (1) For the first violation, loss of health department permit, unified government license and use of the unified government disposal site until the violation has been corrected and approved by the health officer or director.
- (2) For the second violation, loss of health department permit, unified government license and use of the unified government disposal site for 30 days and a fine of \$100.00. The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.
- (3) For the third or subsequent violation, loss of health department permit, unified government license and use of the unified government disposal site for one year and a fine of \$500.00. The permit, license and use will not be restored until the violation has been corrected and approved by the health officer or director.

(Code 1988, § 30-238; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-162. - Discharge fee.

Each septic hauler shall pay a discharge fee according to a schedule of fees established by the unified government board of commissioners. The fees shall be based on the fair market average for the services provided. The fees assessed for the discharge of wastewater must be paid within the period specified on the invoice. A late payment fee may be assessed on invoices that are not paid by the due date. The director will determine the amount of the late payment fee.

(Code 1988, § 30-240; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-163. - Tank requirements.

- (a) All tanks used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers:
 - (1) Shall be constructed of heavy gauge steel plate or aluminum.
 - (2) Shall be watertight and airtight.
 - (3) Shall have suction-type pumps with a maximum of four-inch valves with a minimum 20-foot lift, with 2½-inch suction hose attached thereto.
 - (4) Shall have a discharge line equipped with a leakproof valve with an elbow on the extension pipe, so as to drain directly into the disposal facility.
- (b) Truck tanks used in hauling waste from septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be airtight.
- (c) All hoses and other equipment used in the cleaning of septic tanks, cesspools, pit-type toilets, and sanitary sewers shall be kept in enclosed cabinets on trucks.
- (d) The capacity of all tanks on trucks cleaning septic systems must be certified by the health department.
- (e) This section shall apply to all tanks used in all septic cleaning and hauling services.

(Code 1988, § 30-242; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-164. - Maintenance of trucks and other equipment.

Trucks and other equipment requiring a permit under this article shall be kept as clean and sanitary as possible at all times.

(Code 1988, § 30-243; Ord. No. O-46-05, § 1, 6-2-2005)

|| Sec. 30-165. - Disposal of waste material.

All waste material hauled by septic haulers shall be disposed in such place or places as may be approved by the director.

(Code 1988, § 30-244; Ord. No. O-46-05, § 1, 6-2-2005)

|| Sec. 30-166. - Prohibition of disposal of hazardous and toxic wastes.

The discharge of hazardous or toxic wastes into the municipal sewer system by septic haulers is prohibited and will result in permanent revocation of the health department permit and the unified government license.

(Code 1988, § 30-245; Ord. No. O-46-05, § 1, 6-2-2005)

|| Sec. 30-167. - Vehicle log.

Each vehicle permitted under this article, at all times while operating in the city, shall have in the vehicle a driver's log sheet. The driver shall complete the log when wastes are collected and are discharged to designated unified government facilities. Each driver shall keep the log current to the carried load. The log shall include the following information: type of tank and address serviced, amount collected, discharge time, discharge date, discharge location, and the driver's signature. At the end of each month, a legible copy of the log shall be provided to the health officer. The copy must be clean and safe to handle. The log shall contain information regarding the entire calendar month and must be received no later than ten calendar days after the end of the month. If a permitted vehicle does not operate during the month, a statement to that regard must be submitted to the health officer no later than ten calendar days after the end of the month.

(Code 1988, § 30-246; Ord. No. O-46-05, § 1, 6-2-2005)

|| Secs. 30-168—30-187. - Reserved.

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|| DIVISION 2. - HEALTH DEPARTMENT PERMIT

Cross reference—Licenses, permits, and miscellaneous business regulations, ch. 19.

[Sec. 30-188. - Required.](#)

[Sec. 30-189. - Application.](#)

[Sec. 30-190. - Bond.](#)

[Sec. 30-191. - Fee.](#)

[Sec. 30-192. - Health department permit number; display of health department permit.](#)

[Sec. 30-193. - Transfer; expiration.](#)

[Secs. 30-194—30-224. - Reserved.](#)

|| Sec. 30-188. - Required.

No person shall engage in the business of cleaning septic tanks, cesspools, pit-type toilets, or sanitary sewers, or carrying, hauling, or transporting over the streets of the unified government any wastewater or sludge from septic tanks, grease traps, cesspools, pit-type toilets, car/truck wash operations, chemical or petroleum processes, or sanitary sewer cleaning unless such person has a current occupational license and health department permit to engage in said activities.

(Code 1988, § 30-208; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-189. - Application.

A health department permit required by this division shall be issued upon a written application filed with and approved by the health officer. Such application shall contain the following information at a minimum:

- (1) The name of the applicant;
- (2) The address of the applicant;
- (3) The phone number of the applicant;
- (4) The license tag information for the vehicle;
- (5) The types of wastewaters to be hauled;
- (6) The tank capacity; and
- (7) Other information deemed necessary by the health officer.

(Code 1988, § 30-209; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-190. - Bond.

Each person engaged in any activity for which a health department permit is required by this division shall provide a bond to the unified government in the sum of \$5,000.00 to ensure faithful compliance with this chapter. The form of the bond shall be approved by the chief counsel.

(Code 1988, § 30-210; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-191. - Fee.

Prior to the issuance of the health department permit required by this division, each septic hauler shall pay a health department permit fee based on the health department permit processing and enforcement costs as set by the county administrator.

(Code 1988, § 30-211; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-192. - Health department permit number; display of health department permit.

Each health department permit issued under this division shall be numbered, and the last two numbers shall represent the year for which the health department permit is issued. The health department permit shall be on board each vehicle operating in the city at all times and shall be made available for inspection by the health officer or a designated representative.

(Code 1988, § 30-212; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-193. - Transfer; expiration.

No person shall transfer any health department permit issued under this division to any other person, and every health department permit shall expire on the first December 31 following the effective date.

(Code 1988, § 30-213; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-194—30-224. - Reserved.

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ARTICLE VII. - PRIVATE ON-SITE WASTEWATER SYSTEMS

- DIVISION 1. - GENERALLY
- DIVISION 2. - SPECIAL REQUIREMENTS
- DIVISION 3. - BUILDING SEWERS

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DIVISION 1. - GENERALLY

- Sec. 30-225. - Purpose.
- Sec. 30-226. - Violations.
- Sec. 30-227. - Inspection and approval prerequisite to use.
- Sec. 30-228. - Permits required.
- Sec. 30-229. - Requirements for private on-site wastewater permits.
- Sec. 30-230. - Restrictions on private on-site wastewater permits.
- Sec. 30-231. - Inspections.
- Sec. 30-232. - Correction of construction; revocation of private on-site wastewater permit.
- Sec. 30-233. - Appeals of health officer's orders.
- Sec. 30-234. - Alternative and experimental private on-site wastewater systems.
- Secs. 30-235—30-261. - Reserved.

Sec. 30-225. - Purpose.

The purpose of this article is to regulate the installation of private on-site wastewater systems to prevent the development of conditions that may adversely affect the health and well-being of the public.

(Code 1988, § 30-273; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-226. - Violations.

It shall be unlawful for any person to violate any provision of this article or fail to comply with the requirements of this article. Any violation of any provision of this article shall be deemed a misdemeanor and punishable by a fine not less than \$50.00 and not more than \$500.00 for each offense. Each day's violation or failure to comply shall constitute a separate violation.

(Code 1988, § 30-274; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-227. - Inspection and approval prerequisite to use.

No portion of a private on-site wastewater system shall be covered or placed in use until inspected and approved, in writing, by the health officer.

(Code 1988, § 30-275; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-228. - Permits required.

- (a) *Private on-site wastewater permit.* No person shall construct, alter, extend, or replace any private on-site wastewater system without first obtaining from the health officer a valid private on-site wastewater permit for such construction, alteration, extension, or replacement. No private on-site wastewater permit is required if an alteration or repair is made to influent or effluent lines anywhere between the building and ten feet from the outlet of a private on-site wastewater system; however, a plumbing permit may be required under sections 8-350 and 8-351.
- (b) *Building permit.* No building permit shall be issued authorizing any building construction on any property that is not served by a public sewer until a permit authorizing construction of a private on-site wastewater system or a signed waiver for such a permit has been obtained from the health officer.

(Code 1988, § 30-276; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-229. - Requirements for private on-site wastewater permits.

- (a) *Application.* Any person desiring to obtain a private on-site wastewater permit to construct, alter, or extend a private on-site wastewater system shall make application for such a permit on forms provided by the health officer for this purpose.
- (b) *Plans and specifications.* A complete and detailed schematic showing location of building, septic tank and lateral fields, length of laterals and separation between laterals of the new private on-site wastewater system or alteration shall be attached to each application for a private on-site wastewater system and shall be approved by the health officer before a private on-site wastewater permit is issued. If the system is installed or altered differently than the original schematic indicated, the installer shall amend the schematic to show the system as installed. In addition to a complete and detailed schematic drawing for all new systems, a plot plan showing total area, address and geographic location is required.
- (c) *Application fee.* Every person making application for a private on-site wastewater permit to construct, alter, or extend a private on-site wastewater system shall pay a fee to the unified government treasurer. Such fee shall be established by the county administrator, and shall be paid at the time the application is submitted to the health department. No portion of the application fee shall be refunded should the private on-site wastewater permit be denied. All funds received from payment of such application fees shall be deposited in the health department general funds.

(Code 1988, § 30-277; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-230. - Restrictions on private on-site wastewater permits.

No private on-site wastewater permit authorizing the construction, alteration or extension of a private on-site wastewater system shall be transferable. No authorization for construction of a new private on-site wastewater system granted by a private on-site wastewater permit shall be valid for more than 12 months from the date of issuance. Private on-site wastewater permits for altering or extending an on-site wastewater system shall be valid for no more than six months from the date of issuance.

(Code 1988, § 30-278; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-231. - Inspections.

It shall be the duty of every person installing a new or altering a private on-site wastewater system to notify the health officer when the system is ready for inspection for compliance with approved plans and specifications, and no portion of a private on-site wastewater system shall be covered or otherwise made inaccessible for inspection until after it has been inspected and approved by the health officer.

(Code 1988, § 30-279; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-232. - Correction of construction; revocation of private on-site wastewater permit.

- (a) If any private on-site wastewater system is constructed not in accordance with approved plans and specifications, the health officer shall notify the permittee, in writing, wherein the construction does not conform to the approved plans and provide a reasonable time to make the needed corrections.
- (b)

Failure of any permittee to make the necessary corrections within the time period stipulated by the health officer shall render the private on-site wastewater permit null and void.

(Code 1988, § 30-280; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-233. - Appeals of health officer's orders.

- (a) *Hearing appeal.*
- (1) Any person aggrieved by any notice or order issued by the health officer under the provisions of this article may request and shall be granted a hearing on the matter before the unified government board of commissioners or a hearing officer appointed by the unified government board of commissioners, provided that such person shall file with the unified government clerk within ten days after the date of issuance of the notice or order a written petition requesting a hearing and setting forth the grounds upon which request is made and provide copy to the health officer within ten days after the date of issuance of the notice or order.
 - (2) The filing of the petition for hearing shall operate as a stay of the notice.
 - (3) Upon receipt of such petition, the unified government board of commissioners or designated hearing officer shall set a time and a place for such hearing and shall give the petitioner written notice thereof.
 - (4) At such hearing, the petitioner shall be given an opportunity to show why such notice should be modified or withdrawn.
 - (5) The hearing shall be commenced not later than ten days after the day on which petition was filed, provided that, upon request of the petitioner, the unified government board of commissioners or its designated hearing officer may postpone the day of the hearing for a reasonable time beyond the ten-day period, if, in its judgment, the petitioner has submitted good and sufficient reason for such postponement.
- (b) *Findings of hearing officer.* After such hearing, the unified government board of commissioners or its designated hearing officer shall make findings as to compliance with the provisions of this article and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice, and said order shall be served as provided in this article. Upon failure to comply with any orders sustaining or modifying the notice, the permit affected by the order shall be revoked.

(Code 1988, § 30-281; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-234. - Alternative and experimental private on-site wastewater systems.

- (a) *Sewage lift pump.* If the sewage generated from a building cannot flow to an absorption field or public sewer by gravity, then the health officer or director may require a sewage lift pump with the necessary appurtenances (e.g., grinder pump).
- (b) *Alternative systems.* Where appropriate, in the opinion of the health officer, especially if a proposal may resolve existing sewage management problems, and after thorough assessment of alternatives, the health officer may approve an alternative private sewage system.
- (c) *Experimental and innovative systems.* The health officer may approve a proposal for an experimental and innovative private sewage system, if, in the opinion of the health officer, sufficient justification exists.
- (d) *Water reduction.* The health officer may require installation of water conserving fixtures and devices.
- (e) *Certification.* The health officer may require that alternative or experimental and innovative sewage disposal systems be designed by a professional engineer and may ask for a review of the proposal by the state department of health and environment.
- (f) *Submittals.* Those persons wishing to install an alternative private sewage system or an experimental and innovative system must submit the following information to the health officer:
 - (1) Plans and specifications, including type and location of site modifications, along with engineering, laboratory, or field data, if required.
 - (2) Specifications for a backup system.
 - (3) Any additional information required by the health officer.
- (g) *Review and approval.* Approval may be subject to maintenance and monitoring requirements imposed by the health officer.

(Code 1988, § 30-282; Ord. No. O-46-05, § 1, 6-2-2005)

Secs. 30-235—30-261. - Reserved.

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 30 - SEWERS AND SEWAGE DISPOSAL >> ARTICLE VII. - PRIVATE ON-SITE WASTEWATER SYSTEMS >> DIVISION 2. - SPECIAL REQUIREMENTS >>

DIVISION 2. - SPECIAL REQUIREMENTS

Sec. 30-262. - Location.

Sec. 30-263. - Minimum separation.

Sec. 30-264. - Limitations in quantity of sewage or waste to be treated.

Sec. 30-265. - Design and construction.

Secs. 30-266—30-293. - Reserved.

Sec. 30-262. - Location.

- (a) No new private on-site wastewater system shall be constructed, or any permit issued authorizing any such construction, if the lot or tract of ground does not meet all of the following requirements:
- (1) The lot has an area of one acre or more with no less than 150 feet frontage, and subsurface absorption field is approximately centered with lot width, except as otherwise provided in subsection (b) of this section.
 - (2) The structure served by the proposed private wastewater system is located greater than 200 feet from a public lateral sanitary sewer, which crosses any portion of the property or is contained in a public right-of-way that abuts the property.
 - (3) The soil has a percolation rate, when measured by the standard soil percolation test, of one inch or more in 60 minutes. A soil percolation rate of 15 inches or more per hour will not be accepted. An alternative system may be proposed, designed and installed, provided the health officer approves such system. All soil percolation rate tests shall be performed in accordance with health department guidelines. Every person making application for a percolation rate test shall pay a fee established by the county administrator. No portion of the percolation rate test fee shall be refunded should the soil conditions fail the test.
 - (4) The normal level of the groundwater is more than ten feet below the surface of the ground and more than four feet below the bottom of the trench.
 - (5) There is a minimum of six feet of pervious topsoil above any rock or impervious formation, or there is at least four feet of pervious formation below the bottom of the trench.
 - (6) The lot is not subject to inundation with floodwaters, nor is it located in a low, poorly drained, swampy area.
- (b) The health officer may grant a variance to these requirements on a case-by-case basis after consideration of the quality of soil, length of lateral system, water saving devices, size of the tank, topography, conformance with community practice, and future sewer extension plans. In order to obtain such a variance, the property owner must submit a report from a professional engineer which recommends a certain system and states the reasons why, in the engineer's professional opinion, it is an adequate system. If, in the opinion of the health officer, the system proposed is adequate and there will be no degradation of surrounding properties, a variance may be granted.

(Code 1988, § 30-301; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-263. - Minimum separation.

No septic tank subsurface absorption system shall be constructed, nor shall any permit for such construction be issued, if:

- (1) Any portion of the system is located less than 50 feet from any water well or pump suction line.
- (2) Any portion of the system is less than ten feet from a property line.
- (3) Any portion of the system is located less than ten feet from a foundation wall.
- (4) Any portion of the system is less than ten feet from a pressurized waterline.

(Code 1988, § 30-302; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-264. - Limitations in quantity of sewage or waste to be treated.

No on-site wastewater system shall be constructed or approved for disposal of sewage from any property that produces or is expected to produce sewage or industrial wastes in quantities in excess of 5,000 gallons per day.

(Code 1988, § 30-303; Ord. No. O-46-05, § 1, 6-2-2005)

Sec. 30-265. - Design and construction.

All conventional private on-site wastewater systems shall be constructed and designed to comply with the following requirements:

- (1) *Materials.* The septic tank shall be constructed of structurally sound, reinforced concrete and shall be watertight. Use of other materials may be permitted, if, in the opinion of the health officer, they are equal to, or better than, reinforced concrete.
- (2) *Liquid capacity.* The minimum liquid capacity shall be 2½ times the daily wastewater flow using 150 gallons per bedroom or 1,000-gallon tank, whichever is greater.
- (3) *Liquid depth.* The tank liquid depth (distance from outlet invert to bottom of tank) shall be at least three feet but shall not exceed 6½ feet.
- (4) *Inlets.* The invert of the inlet shall be located at least three inches above the invert of the outlet. The inlet shall be provided with a tee-fitting or baffle, which shall extend at least six inches below the liquid level and above the liquid level to one inch below the top of the tank lid.
- (5) *Outlet baffles.* There shall be a baffle or tee-fitting at the outlet end of the tank. The baffle or tee-fitting shall extend at least eight inches above the liquid level and 18 inches below the liquid level in the tank.
- (6) *Air space.* At least ten inches of air space shall be provided between the top of the liquid level and the bottom of the tank lid.
- (7) *Access.* Septic tanks shall have an access manhole with 20 inches minimum dimension for each compartment. All below grade attachments to the tank, fittings, risers, extensions and lid shall be watertight. The manhole shall be child and tamper resistant; lids weighing at least 65 pounds, locks or anchors that are not removable without special tools may be used to accomplish this.
- (8) *Minimum cover.* The top of the tank shall not be located less than four inches below finish grade.
- (9) *Inspection risers.* Risers no larger than six inches in diameter shall extend to the surface grade and be centered over the inlet and outlet tees.
- (10) *Inlet/outlet inserts.* All septic tanks shall be manufactured with a flexible insert for the inlets and outlets.
- (11) *Subsurface absorption field.* The subsurface absorption field shall be designed and constructed to conform with the standards in this section.
- (12) *Area.* No subsurface absorption field shall have less than 800 square feet of effective absorption area. The health officer may increase the effective absorption area required based upon the percolation test and potential water usage.
- (13) *Minimum trench width.* The absorption trench shall be of uniform width and shall not be less than 24 inches or more than 36 inches wide.
- (14) *Maximum trench length.* No single trench shall be more than 100 feet in length.
- (15) *Trench spacing.* Absorption trenches shall have at least eight feet of undisturbed soil between them.
- (16) *Depth of trenches.* No absorption trench shall be less than 24 inches or more than 36 inches deep unless approved in writing by the health officer.
- (17) *Trench bottom.* The bottom of the trench shall be level from end to end.
- (18) *Gravel.* A minimum of 12 inches of clean gravel or crushed stone three-fourths inch to 1½ inches in size shall be placed in all absorption trenches.
- (19) *Lateral trench.* A lateral trench shall be installed on top of at least six inches of clean gravel, sized from three-fourths inch to 1½ inches. Perforated pipe shall be laid on the top of and in the center of the six inches of clean gravel. An approved standard trench pipe of rigid PVC ten feet in length shall be used. The pipe shall be covered with six inches of the same type of clean gravel. All pipe shall be four inches in diameter and have at least a 3,000-pound crush rating.

(Code 1988, § 30-304; Ord. No. O-46-05, § 1, 6-2-2005)

| Secs. 30-266—30-293. - Reserved.

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 30 - SEWERS AND SEWAGE DISPOSAL >> ARTICLE VII. - PRIVATE ON-SITE WASTEWATER SYSTEMS >> DIVISION 3. - BUILDING SEWERS >>

| DIVISION 3. - BUILDING SEWERS

Sec. 30-294. - General requirements.
Sec. 30-295. - Work in right-of-way.
Secs. 30-296—30-323. - Reserved.

| Sec. 30-294. - General requirements.

Installation of building sewers shall comply with the plumbing code and other technical standards adopted by or contained in chapter 8.

(Code 1988, § 30-322; Ord. No. O-46-05, § 1, 6-2-2005)

| Sec. 30-295. - Work in right-of-way.

In addition to the general requirements, installation of building sewers located in the public right-of-way or utility easements are subject to technical requirements adopted by the director.

(Code 1988, § 30-323; Ord. No. O-46-05, § 1, 6-2-2005)

| Secs. 30-296—30-323. - Reserved.

Wyandotte County-Kansas City, Kansas, Code of Ordinances >> Chapter 30 - SEWERS AND SEWAGE DISPOSAL >> ARTICLE VIII. - STORMWATER AND SURFACE WATER UTILITY >>

ARTICLE VIII. - STORMWATER AND SURFACE WATER UTILITY

Sec. 30-324. - Definitions.
Sec. 30-325. - Stormwater and surface water utility.
Sec. 30-326. - Findings and determinations.
Sec. 30-327. - Administration.
Sec. 30-328. - Operating budget.
Sec. 30-329. - Drainage fee.
Sec. 30-330. - Appeal procedure.
Sec. 30-331. - Stormwater and surface water drainage fee collection.
Sec. 30-332. - Stormwater and surface water utility fund.

| Sec. 30-324. - Definitions.

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

Bonds means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

BPU means the board of public utilities, an administrative agency of the unified government.

Certificate of occupancy means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

City means all of the territory of the county, except the territory of the Cities of Bonner Springs, Edwardsville and Lake Quivera and the unincorporated area of the county.

Costs of capital improvement means costs incurred in providing capital improvements to the stormwater and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the stormwater and surface water utility and other start up costs of the stormwater and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

Debt service means an amount equal to the sum of:

- (1) All interest payable on bonds during a fiscal year; plus
- (2) Any principal installments payable on such bonds during such fiscal year.

Developed property means any parcel of real property on record with the registrar of deeds which either contains more than 400 square feet of impervious area or is part of a larger composite use of land which contains more than 400 square feet of impervious area.

Director means the person appointed by the county administrator to be the director of the stormwater and surface water utility.

Drainage fee means a service fee authorized by Charter Ordinance No. CO-4-08, this article and as set forth in an ordinance adopted or amended by the unified government commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the stormwater and surface water management system.

Dwelling unit means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

Equivalent residential unit (ERU) means the average impervious area of residential developed property per dwelling unit located within the city as established by unified government ordinance as provided herein.

Equivalent residential unit rate or ERU rate means the amount of a drainage fee charged on each ERU as established by unified government ordinance as provided herein.

Exempt property means public rights-of-way, public streets, public alleys and public sidewalks.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the stormwater and surface water management system, or land acquisition and relocation costs for the stormwater and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

Fiscal year means a 12-month period commencing on January 1 of any year.

Impervious area means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating drainage fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

In lieu of franchise fee means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the unified government commission and that is paid to the city for use of public streets, alleys,

sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights-of-way pursuant to K.S.A. 12-2001 et seq.

Nonresidential developed property means developed property other than residential developed property.

Operating budget means the annual stormwater and surface water utility operating budget adopted by the unified government for the succeeding fiscal year.

Operations and maintenance means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

Residential developed property means developed property used for dwelling units.

Revenues means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the stormwater and surface water utility in connection with the ownership, management and operation of the stormwater and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

Stormwater and surface water management system, sewer system or system means storm sewers that exist at the time the ordinance from which this article is derived is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with stormwater or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of stormwater or surface water and pollutants born or carried in such waters.

Stormwater and surface water utility or utility means the utility created by this article to operate, regulate, maintain and improve the stormwater and surface water management system and for such other purposes as are set forth in this article.

Stormwater customer means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, owns, benefits from, or takes stewardship of any developed property and to whom drainage fees are billed as provided herein.

Unified government means the unified government of Wyandotte County/Kansas City, Kansas.

Unified government commission means the governing body of the unified government.

(Ord. No. O-56-08, § 1(30-324), 7-31-2008)

Sec. 30-325. - Stormwater and surface water utility.

Pursuant to the provisions of K.S.A. 12-3101 et seq., as modified by Charter Ordinance No. CO-4-08, the unified government commission does establish a stormwater and surface water utility and stormwater and surface water management system for the operation, regulation, construction, maintenance and repair of a stormwater and surface water management system and stormwater and surface water utility.

(Ord. No. O-56-08, § 1(30-325), 7-31-2008)

Sec. 30-326. - Findings and determinations.

It is found, determined, and declared that the elements of the stormwater and surface water management system which provide for the collection, treatment and disposal of stormwater and surface water are of benefit and provide services to property within the city. The beneficiaries of the system include all real properties within the city which are served and/or benefit by the provisions, operation, regulation, and improvement of the system. Such benefits may include, but are not limited to, the provision of systems of collection, conveyance, detention, treatment and release of stormwater and surface water, the reduction of hazard to property and life resulting from stormwater and surface water runoff, improvement in general health

and welfare through reduction of undesirable stormwater and surface water conditions, and improvement to the water quality in the stormwater and surface water system and its receiving waters.

(Ord. No. O-56-08, § 1(30-326), 7-31-2008)

Sec. 30-327. - Administration.

The stormwater and surface water utility, under the direction of the county administrator or his designee, shall have the power to:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater and surface water management system;
- (2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water management system including, but not limited to, the quantity, quality and/or velocity of the stormwater and surface water conveyed thereby;
- (3) Advise the unified government commission on matters relating to the stormwater and surface water management system;
- (4) Review plans concerning extensions and replacement of the stormwater and surface water management system and make recommendations to the unified government commission;
- (5) Make recommendations for design guidelines and standard construction specifications for developments;
- (6) Make recommendations to the unified government commission concerning establishing ordinances and regulations to protect and maintain water quality within the stormwater and surface water management system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter adopted or amended;
- (7) Analyze the cost of services and benefits provided by the stormwater and surface water management system and the structure of fees, charges, rentals, fines and other revenues of the stormwater and surface water utility annually;
- (8) Administer programs pursuant to guidelines hereafter adopted by the unified government commission, that provide for credits and/or incentives that reduce drainage fees assessed against properties that utilize privately owned and maintained stormwater and surface water retention or detention facilities or conduct activities, or provide services which reduce costs of the operating budget of the utility.

(Ord. No. O-56-08, § 1(30-327), 7-31-2008)

Sec. 30-328. - Operating budget.

The unified government shall, as part of its annual budget process, adopt an operating budget for the stormwater and surface water utility for the next following fiscal year. The operating budget shall be prepared in conformance with the state budget law, unified government policy and general accepted accounting practices.

(Ord. No. O-56-08, § 1(30-328), 7-31-2008)

Sec. 30-329. - Drainage fee.

- (a) *Established.* Each and every stormwater customer within the city which is served or benefits by the provisions, operation, regulation, or improvement of the stormwater and surface water management system shall pay a drainage fee for each and every developed property within the city equal to \$3.00 per month.
- (b) *Fee credit.* The unified government commission may by resolution adopt guidelines that establish credits and/or incentives that reduce the drainage fee that would otherwise be assessed against properties that utilize privately owned and maintained retention or detention facilities, if it is determined that the existence of such retention or detention facilities results in a reduction in the operating budget of the utility.

(Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009)

Sec. 30-330. - Appeal procedure.

- (a) Any persons disagreeing with the calculation of the drainage fee, disagreeing with whether their property is served by the stormwater and surface water utility or who believe they are entitled to a credit pursuant to guidelines adopted by the unified government commission, may appeal such calculation or finding to the director. Appeals must be in writing. The director or his designee shall thereafter hold an informal hearing. The director or his designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or his designee may consider any relevant evidence. Based on information provided, the director or his designee shall make a determination as to whether the drainage fee should be adjusted or eliminated for such property. The director or his designee shall notify parties in writing of the director's or his designee's decision.
- (b) Right to appeal; appeal board; appeal hearing.
- (1) A person shall have the right to appeal the decision of the director to the stormwater and surface water utility appeals board. Such appeal shall be made within 20 days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.
- (2) The stormwater and surface water utility appeals board shall consist of the following members: the county administrator or his designee, the county engineer or his designee, the director of public works or his designee.
- (3) A hearing on such appeal shall be held within 30 days from the date the notice of appeal is received and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the drainage fee for the property in question and the director and/or his designee shall present evidence concerning their findings from the informal proceedings. The stormwater and surface water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the stormwater and surface water utility appeals board shall be final and any further appeal of such decision shall be to the Judicial District Court of the state by way of the provisions of K.S.A. 60-2101(d).

(Ord. No. O-56-08, § 1(30-330), 7-31-2008)

Sec. 30-331. - Stormwater and surface water drainage fee collection.

- (a) The drainage fee shall be billed and collected monthly with the monthly water and/or electric utility bill for those customers utilizing other BPU utilities and shall be billed and collected separately at intervals as set by the director for those properties not utilizing BPU utilities. The drainage fee for those properties utilizing other BPU utilities shall be part of a consolidated statement for utility customers which shall be paid by a single payment. Unless otherwise provided for herein, all bills for drainage fees shall become due and payable in accordance with BPU rules and regulations that relate to the collection of utility charges. Drainage fee bills for any given property shall initially be the responsibility of the person who is has the account with the BPU for water and/or electric service for the property. If the property is not using water and/or sewer services, then drainage fees shall be the responsibility of the person recorded as the owner of the property with the register of deeds. The property owner is responsible for the drainage fees not paid by the occupant or person in possession of the property.
- (b) Drainage fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this article or any other ordinance of the unified government, failure of any user of the stormwater and surface water management system to pay such charges promptly when due shall subject such user to discontinuance of water, electrical, or other services and the general manager of the BPU is empowered and directed to enforce this provision as to any and all delinquent users.
- (c) Drainage fees authorized to be charged in this article when delinquent may be placed on the tax roll for collection by the unified government clerk, subject to the same penalties and to be collected in like manner as taxes, and such drainage fees shall, thereafter, constitute a lien upon the real estate served by the stormwater and surface water utility, regardless of whether the drainage fees were incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

(Ord. No. O-56-08, § 1(30-331), 7-31-2008)

Sec. 30-332. - Stormwater and surface water utility fund.

Drainage fees collected by the unified government shall be paid into an enterprise fund which is created, to be known as the "stormwater and surface water utility fund." Such fund shall be used for the purpose of paying the extension and replacement, regulation, operations and maintenance and debt service of the stormwater and surface water management system and to carry out all other purposes of the utility including but not limited to compliance with federal and state stormwater water regulations.

(Ord. No. O-56-08, § 1(30-332), 7-31-2008)

**APPENDIX D – Initial Inventory List UG-Owned/Operated and UG-Operated
Facilities Registry**

Building Name	Facility Address	Year Built	# of Stories	Occupancy	Construct. Type	Square Footage
Buildings & Logistics						
Storage Building	6803 & Cernech	1950	1	Storage	NC	1,600
St. Dept. Truck Garage	6803 & Cernech	1950	1	Storage	NC	3,600
Dwelling	2839 Wood	1940	1	Office	F	1,200
Parking Garage #C	7th & Armstrong	est. 1960	6	Parking	NC	148,784
Parking Garage #A	741 Nebraska	est. 1960		Parking	NC	144,000
Prescott Center	2 South 14th	1910	3	Recreation	JM	
Parking Garage #B	625 State Ave	est. 1940	4	Parking	NC	180,000
Municipal Building	701 N. 7th	1971	9	Office	Steel/NC	
Transportation Building	420 Kindelberger	est. 1940	1	Leased facility	NC	27,163
Public Health Center	619 Ann	1971	3 & B	Office/Clinic	NC	65,000
Township Hall	8115 Riverview	1950	1	Recreation/Meeting	JM	18,000
Memorial Hall	600 N. 7th	1923	3	Civic	JM	39,618
Dog Pound	3301 Park Drive	1987	1	Kennel	JM	6,000
Fire Dept. Headquarters	801 N. 6th	1930	2	Office	JM	31,183
Fire Station #2	6241 State Ave	1978	1	Fire Station	JM	6,840
Fire Station #3	418 Kansas	1951	1	Fire Station	JM	6,720
Fire Station #4	3046 N. 81st	1957	1	Fire Station	JM	2,580
Fire Station #5	902 Quindaro	1955	1	Fire Station	JM	5,214
Fire Station #6	9548 State Ave	2001	1	Fire Station	JM	11,000
Fire Station #7	2727 Strong	1951	1	Fire Station	JM	5,536
Fire Station #9	1100 Central	1967	1	Fire Station	JM	5,548
Fire Station #11	3050 State Ave	1924	2	Fire Station	JM	3,685
Fire Station #14	2611 N. 27th	1956	1	Fire Station	JM	5,243
Fire Station #15	444 Kindelberger	1988	1	Fire Station	NC	9,000
Fire Station #16	1437 S. 55th St.	est. 1978	1	Fire Station	JM	2,268
Fire Station #17	2418 S. 51st	1952	1	Fire Station	JM	2,160
Fire Station #18	5427 Leavenworth	1978	1	Fire Station	JM	5,800
Fire Station #19	1011 N. 80th	1972	1	Fire Station	JM	5,904
Fire Station #20	7741 Kansas Ave	1979	1	Fire Station	JM	2,484
Argentine Recreation Center	2810 Metropolitan	1988	1	Recreation	NC	18,000
Armourdale Recreation Center	730 Osage Ave	1921/1976	2	Recreation	JM	18,456
Bethany Recreation Center	1120 Central	1975/1979	2	Recreation	NC	16,430
Eisenhower Recreation Center	2901 N. 72nd St	1973	1	Recreation	JM	14,450

UNIFIED GOVERNMENT BUILDING INVENTORY 2009 PAGE2

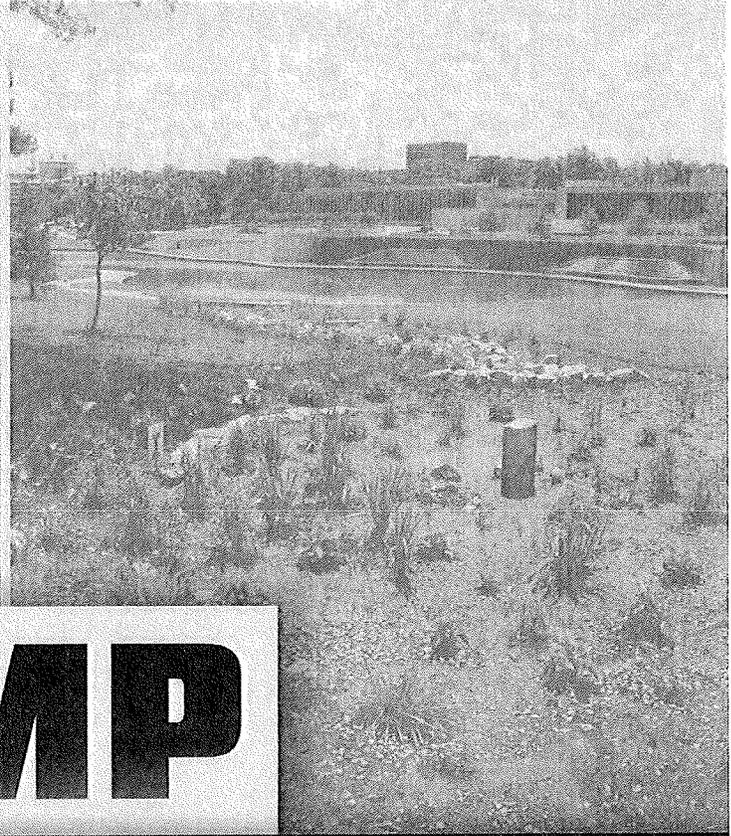
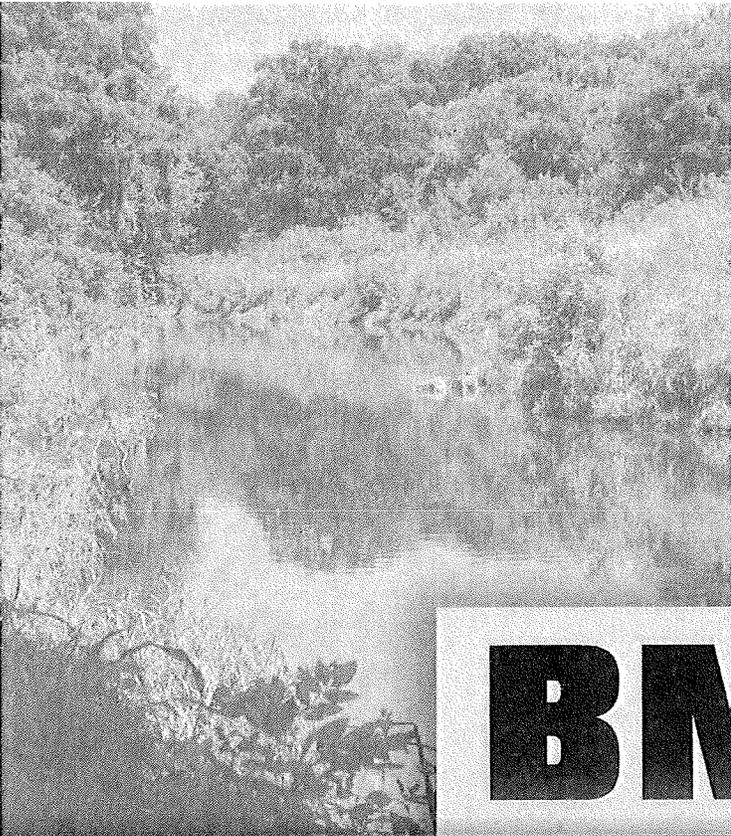
JFK Recreation Center	1210 N.10th	1966	2	Recreation	JM	16,200
Kensington Recreation Center	2924 State Ave	est. 1930-40	1	Recreation	JM	13,080
Parks & Rec. Craft Center	2924 State Ave	est. 1930-40	1	Recreation	JM	3,375
Parkwood Recreation Center	950 Quindaro	1968	2	Recreation	JM	14,250
Swimming Pool	950 Quindaro	1968	NA	Recreation	NC	N/A
Parks & Rec. Office Building	75 S.23rd	est. 1940	1	Office	FR	5,075
City Park	Park Dr. and Grandview	NA	NA	Recreation	NA	NA
Pars and Rec. Maintenance	1st & Franklin	1924	1	Service	JM	18,000
Radio Tower Building	3011 N. 53rd St.	est. 1970	1	Radio Tower Equip	NC	500
Division 2 Police Station	1011 N. 80th Terrace	1971	1	Police Station	NC	4,270
Division 3 Police Station	2151 S. 24th St.	est. 1940	2	Police Station	NC	4,332
Police Department Garage	542 Ann	est. 1970	2	Police Station	NC	22,000
Police Dept. Firing Range	5400 N. 57th		2	Police Station	NC	8,000
Public Levee Bldg Storage #A	3103 Fairfax	1928	1	Storage	NC	95,148
Public Levee Bldg Storage #B	3103 Fairfax	1928	1	Storage	NC	94,720
Public Levee Bldg Storage #C	3103 Fairfax	1928	1	Storage	NC	94,720
Public Levee Bldg Storage #D	3103 Fairfax	1928	1	Storage	NC	119,420
Public Levee Bldg Storage #E	3103 Fairfax	1928	1	Storage	NC	14,720
Public Levee Maintenance Bldg	1401 Fairfax	1970	1	Maintenance	NC	1,394
River Dock	1401 Fairfax		NA		NC	
Cold Storage Building	1401 Fairfax	1939	1	Storage/Leased	NC	162,400
Overhead Conveyer Gallery	1401 Fairfax	1945	NA	Leased	NC	NA
Public Levee Garage	1401 Fairfax	1945	1	Leased	NC	500
Bus Garage	448 Richmond		1	Garage		0
Street Dept. North Barn	1st and Garfield		1	Storage		
Street Dept. Carpenter's Shed	1st and Garfield		1	Storage	NC	4,350
Street Dept. Garage	47th and Cernech	est. 1955	1	Garage	NC	7,475
Street Dept. Truck Garage	6803 Cerench	est. 1950	1	Storage	NC	5,400
Sunflower Golf Course Club House	82nd and Riverview	est. 1960	1	Storage	NC	6,000
Sunflower Golf Course Maint. Shop	126th and Riverview	1975	1 & B	Civic	F	11,250
Golf Course Rest rooms	126th and Riverview	1975	1	Maintenance	NC	7,750
Traffic Regulations Shop Bldg	6297 State Ave	est. 1950	1	Civic	JM	400
				Maintenance	NC	2,450

<u>Water Pollution Buildings</u>		1979		Office	JM	100,000
WPC Admin.	50 Market Street (Kaw Point)	1979	2	Office	JM	100,000
WWPS	AID, 300 N. 4th. ST.	1964	5	Waste Mgmt.	Concrete	1,800
FPS	10 MARKET ST. (OHIO FPS)	1920	3	Flood Control	Concrete	600
WWTP	4130 Brenner Road	1988	1	Waste Mgmt.	Concrete	400
WWTP	50 Market Street (Kaw Point)	1988	4	Waste Mgmt.	Concrete	6,704 acres
WWPS	CID, 300 N. James ST.	1964	4	Waste Mgmt.	Concrete	1,800
WWPS	CID, Septic Station	1997	1	Waste Mgmt.	Fiberglass	50
WWPS	FID, 1520 N. 2nd ST.	1964	5	Waste Mgmt.	Concrete	1,800
WWPS	3770 Fairbanks Ave.,(Santa Fe)	1952	5	Waste Mgmt.	Concrete	600
WWPS	5091 Kansas Ave.	1952	5	Waste Mgmt.	Concrete	500
WWPS	8260 Kaw Drive	1978	5	Waste Mgmt.	Concrete	2.5 acres
WWPS	5611 Kaw Drive	1994	1	Waste Mgmt.	Concrete	1.25 acres
WWPS	7544 Richland Avenue	1967	1	Waste Mgmt.	Steel tube	51
FPS	CID 295 CENTRAL AVE. (NEW CENTRAL FPS)	1987	3	Flood Control	Concrete	1,750
FPS	CID 310 CENTRAL AVE. (OLD CENTRAL FPS)	1944	3	Flood Control	Concrete	300
WWPS	800 N. 41st Terr.	1971	1	Waste Mgmt.	Fiberglass	24
FPS	9 SHAWNEE AVE. (SHAWNEE AVE. FPS)	1960	3	Flood Control	Concrete	400
WWPS	3120 N. 83rd ST.	1991	1	Waste Mgmt.	Fiberglass	24
FPS	1137 S. 5TH. ST. NORTH LEVEE (5th STREET FPS)	1974	3	Flood Control	Concrete	600
WWPS	9191 Minnesota Ave.	1971	1	Waste Mgmt.	Fiberglass	24
WWPS	3102 West 43rd Ave.	1950	4	Waste Mgmt.	Concrete	600
FPS	1197 S. MILL ST. NORTH LEVEE (MILL STREET FPS)	1950	2	Flood Control	Frame	400
FPS	1171 S. 12TH. ST. NORTH LEVEE (12th STREET FPS)	1950	2	Flood Control	Frame	300
WWPS	74TH & Washington Ave.	1998	1	Waste Mgmt.	Concrete	51
WWPS	2080 S. 18th ST. (18TH & STEELE RD.)	1962	2	Waste Mgmt.	Steel tube	3.5 acres
WWTP	73rd and Holiday Drive	1978	2	Waste Mgmt.	Concrete	3,200
FPS	2105 OSAGE AVE. EAST LEVEE (OSAGE FPS)	1954	3	Flood Control	Concrete	400
FPS	1717 STRONG AVE. SOUTH LEVEE (STRONG AVE.)	1954	2	Flood Control	Frame	100
WWPS	10614 Rowland Ave. (WESTMORE DOWNS)	1995	1	Waste Mgmt.	Concrete	36
WWPS	11800 Polfer Road	2001	1	Waste Mgmt.	Fiberglass	30
WWPS	9402 State Ave.	1979	1	Waste Mgmt.	Fiberglass	30
WWPS	5830 Inland Drive	1996	3	Waste Mgmt.	Concrete	3 acres
WWPS	5830 Inland Drive, Storage Barn	1970	1	Storage	Concrete	51
WWPS	1196 S. 39th St. (3900 Argentine Blvd.)	1958	2	Waste Mgmt.	Steel tube	12 acres
WWTP	2443 South 88th Street, TP #20	1987	3	Waste Mgmt.	JM	150
WWPS	1006 S. 49th. Drive	1985	1	Waste Mgmt.	Concrete	150

WWPS	845 S. 51st ST.	1997	1	Waste Mgmt.	Concrete	40
WWPS	690 S. 54th. ST. (54th & Klamm)	1957	2	Waste Mgmt.	Steel tube	51
WWPS	6020 Kansas Ave.	1983	1	Waste Mgmt.	Fiberglass	100
WWPS	388 S. 65th ST.	1971	2	Waste Mgmt.	Steel tube	51
WWPS	3356 N. 34th ST.	1962	1	Waste Mgmt.	Steel tube	51
WWPS	3231 N. 38th ST., 38th St. & Oak Ave.	1996	1	Waste Mgmt.	Concrete	125
WWPS	2998 N. 42nd ST.	1986	1	Waste Mgmt.	Fiberglass	24
WWPS	2830 N. 44th ST., 44th & Yecker Ave.	1940	2	Waste Mgmt.	Concrete	250
WWPS	3034 N. 48th Terr. (WELBORN LAKE)	1992	1	Waste Mgmt.	Concrete	250
WWPS	3240 N. 84th Place	2001	1	Waste Mgmt.	Fiberglass	250
WWPS	880 S. 65th ST.	1986	2	Waste Mgmt.	Steel tube	60
WWPS	2480 S. 88TH ST. (WEST OF T.P.#20)	1992	1	Waste Mgmt.	Concrete	125
WWPS	3225 N. 46th. ST. 46th & OAK	1972	1	Waste Mgmt.	Fiberglass	24
WWPS	3225 N. 46th. ST. Storage Barn	1996	1	Storage	Frame	36
WWPS	4325 State Ave.	1967	2	Waste Mgmt.	Steel tube	51
WWPS	2847 N. 99th ST., USEMCO, Inc.	1988	3	Waste Mgmt.	Concrete	100
WWPS	4607 Cambridge ST.	1977	2	Waste Mgmt.	Steel tube	100
WWPS	14TH & MUNCIE	1975	2	Waste Mgmt.	Steel tube	100
WWPS	1830 S. 13th ST. (13th & Douglas Ave.)	1977	1	Waste Mgmt.	Fiberglass	24
WWPS	625 Metropolitan Ave.	1981	2	Waste Mgmt.	Steel tube	51
WWPS	3252 N. 91st ST. WyCo Lake	1981	4	Waste Mgmt.	Concrete	1 acre
WWPS	4801 Steele Road	1979	1	Waste Mgmt.	Fiberglass	125
WWPS	8009 Kansas Ave.	1982	1	Waste Mgmt.	Fiberglass	75
WWPS	880 S. 9th St., Edwardsville, KS	1978	2	Waste Mgmt.	Steel tube	55
WWPS	880 S. 9th St., Electric Generator Enclosure	1991	1	Electricity	Fiberglass	80
WWPS	401 N. 57th ST.	1998	1	Waste Mgmt.	Concrete	500
WWPS	831 S. 78th ST.	1984	1	Waste Mgmt.	Fiberglass	100
WWPS	403 Orville Ave.	1980	1	Waste Mgmt.	Concrete	50
WWPS	7324 Oliver ST.	1980	1	Waste Mgmt.	Concrete	50
WWPS	2059 S. 50th ST.	1987	1	Waste Mgmt.	Fiberglass	30
WWPS	10515 DONOHOO RD.	1988	3	Waste Mgmt.	Concrete	1 acre
WWPS	3285 Fairfax Trfwy. (G.M.)	1986	2	Waste Mgmt.	Concrete	200
WWPS	17 Ohio ST.	1993	1	Waste Mgmt.	Fiberglass	24
WWPS	3198 WOODVIEW RIDGE DR.	1988	1	Waste Mgmt.	Concrete	24
WWPS	8054 LEAVENWORTH RD.	1988	1	Waste Mgmt.	Fiberglass	100
WWPS	3500 N. 27th ST.	1988	1	Waste Mgmt.	Fiberglass	100
WWPS	1399 S. 55th ST. (SKYLINE APTS.)	2002	1	Waste Mgmt.	Fiberglass	30

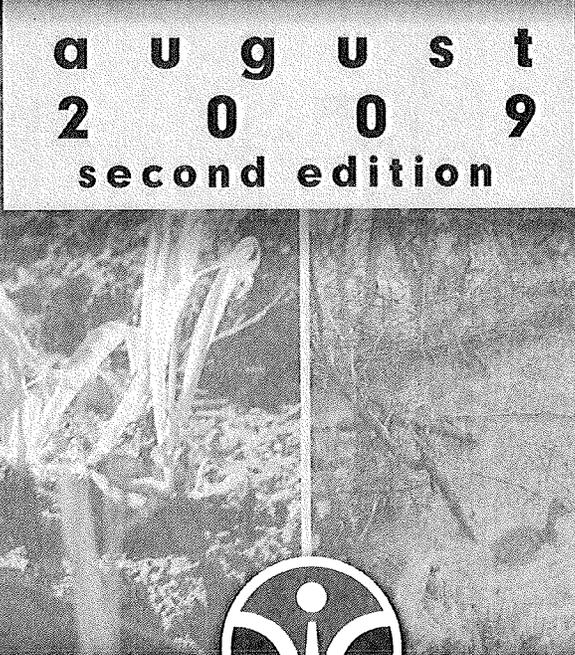
WWPS	5098 Douglas Ave.	1994	1	Waste Mgmt.	Concrete	64
WWPS	1715 N. 98th ST.	1988	1	Waste Mgmt.	Concrete	400
WWPS	9590 LEAVENWORTH RD.	1990	1	Waste Mgmt.	Steel tube	60
WWPS	2938 N. 103rd Terr.	1990	1	Waste Mgmt.	Steel tube	60
WWPS	3903 N. 123rd, 123rd & DONOHOO RD.	1992	1	Waste Mgmt.	Fiberglass	30
WWPS	1599 S. 45th ST., I-635 & Metropolitan	1994	1	Waste Mgmt.	Fiberglass	30
WWPS	123rd LEAVENWORTH ROAD	1996	1	Waste Mgmt.	Fiberglass	30
SWPS	24TH & STRONG AVE. (ARGENTINE STORMWATER	1997	1	Flood Control	Concrete	400
SM Facilities	Market and Ohio Avenue	1992	2	Waste Mgmt.	Frame	6682
<u>Buildings and Logistics</u>						
Urban Homestead	1040 Kimball		1		FR	
Piper Fire Station #8	3131 N. 123rd St.		1	Fire Station		
Fire Station #10	2210 W. 36th St.		1	Fire Station	NC	11,000
Willa Gill Multi-purpose Bldg	635 Nebraska	1994	1	Civic	NC	11,000
County Garage	9700 State Ave	1955	1	Garage	NC	10,000
Property in Open	9700 State Ave	NA	NA	Storage	NA	NA
Storage Shed	9700 State Ave	1955	1	Storage	NC	3,000
Courthouse	710 N. 7th St.	1925	5	Office	NC	180,000
Parking Garage #D	725 Ann	1990	7	Parking	NC	140,000
Justice Complex	725 Ann	1988		Civil Duties	NC	230,000
Annex	9400 State Ave	1930/1956	2 w/B	Civil Duties	NC	50,000
Barn	9400 State Ave	1930	1	Storage	F	200
Voting Machines	9400 State Ave	1970	NA	Civic	NC	60,000
Record Storage	9400 State Ave		1	Storage	NC	300
Pesticide Storage Shed	9400 State Ave	1930	1	Chemical Storage	NC	3,200
WDDS Development	842-50 State Ave	1948	1	Civic Development	NC	
Vehicle Inspection Station	9400 State Ave			Civil uses		
Office Building	412 N. 61st			Office		
Natural History Museum	631 N. 126th	1964	1	Public Museum	NC	16,000
Old Federal Building	812 N. 7th	1956	3	Office	NC	52,000

**APPENDIX E – UG Adopted APWA Manual of Best Management Practices
(August 2009)**



BMP

Manual of Best Management Practices For Stormwater Quality



a u g u s t
2 0 0 9
second edition



Clean Water. Healthy Life.
Regional Water Quality Education Program



MID-AMERICA REGIONAL COUNCIL
AND
AMERICAN PUBLIC WORKS ASSOCIATION



Manual of Best Management Practices For Stormwater Quality

Final

August 2009

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

The Kansas City Mid-America Regional Council (MARC) and the Kansas City Metro Chapter of the American Public Works Association (APWA) have developed this manual as a guide for applying stormwater Best Management Practices (BMP) to land development within the Kansas City Metropolitan Area and the MARC planning region. The manual addresses the need to control the volume and quality of stormwater discharges from developed sites, both of which are crucial requirements for protecting human life and property, maintaining overall water quality, and for creating more environmentally sensitive site designs. The authors envision use of this manual alone or in conjunction with the guidelines in Division V of American Public Works Association (APWA) Section 5600, *Storm Drainage Systems & Facilities* design criteria. Communities participating in the program can use state-of-the-art stormwater management practices to meet water quality regulations such as the NPDES Phase II requirements, reduce flooding, conserve water, protect wildlife habitat, and create community amenities.

This manual furnishes clear, understandable guidance for planning and implementing BMPs. It describes how to determine potential water quality impacts and how to select BMPs most appropriate for mitigating those impacts. This manual is based on widely-accepted water quality protection, BMP design, and BMP application guidance from sources throughout the U.S. It adapts this information for use in the Kansas City region. The information includes:

- Definitions for BMPs and water quality treatment concepts
- Stormwater management goals and concepts
- A regionally based procedure for selecting and applying BMPs for a development
- A recommended program of minimum BMPs for all municipalities
- Methods of performing hydrologic calculations for design of water quality treatment
- BMP descriptions and design guidance
- Complete design specifications and standard details for several widely applicable BMPs.

A basic goal for all developments is to maintain predevelopment peak flows, runoff volumes, and water quality. In other words, development should maintain the velocity and quantity of runoff and the amount of pollutants leaving the site, unless the effects are fully considered and documented in the design or unless site conditions apply that require more stringent measures.

Stormwater management proceeds from thorough site analysis to planning and site design, and is unique for each site and development project. The first step in water quality management is to maintain or reduce the amount of runoff generated within a watershed by maintaining watershed hydrology and cover. Treatment is then applied to the remaining runoff to remove some of the pollutant load. BMPs are the key to both approaches and may be non-structural (preserved soils; preserved or established open space and native vegetation; stream buffers) or structural (infiltration, filtration, and extended detention practices designed specifically for water quality treatment).

The "Level of Service Method" presented in this manual was developed specifically for the MARC region. This seven step method for selecting and applying BMP's to development sites utilizes numeric calculations to account for changes in pre to post developed conditions, as reflected by the difference in curve numbers of the two conditions. This difference determines the resultant Level of Service (LS) requirement. LS is indicative of development impacts, which must be mitigated by the site design and incorporation of BMP's. Details of this process are provided in **Section 4**.

Intended as a regional guidance document, this manual is a reference for BMP application and design. Communities may choose to mandate some or all of its provisions, design criteria and specifications. Jurisdictions are encouraged to adopt this manual in its entirety for maximum benefit and consistency. Those that adopt part of this manual may consider adopting the Initial Measures and Minimum Practices (**Section 5**), along with the hydrologic calculations, design criteria, and specifications for minimum BMPs from **Sections 6 through 8** and **Appendix A**. Jurisdictions that use this document as a BMP design manual only should consider adopting the implementation portion (**Sections 6 to 8** and **Appendix A**).