

ORDINANCE NO. 22-42

AN ORDINANCE AMENDING TITLE 14 OF THE OLATHE MUNICIPAL CODE PERTAINING TO SEWER USE REGULATIONS; ADDING SECTIONS 14.04.011, 14.04.012, 14.04.015, 14.04.082, 14.04.083, 14.04.113, 14.04.205, 14.04.222, 14.04.223, 14.04.245, 14.04.355, 14.12.080, 14.12.090, 14.12.100; AMENDING SECTIONS 14.01.010, 14.04.080, 14.04.085, 14.04.120, 14.04.140, 14.04.160, 14.04.170, 14.04.180, 14.04.190, 14.04.200, 14.04.210, 14.04.220, 14.04.280, 14.04.285, 14.04.290, 14.04.300, 14.04.320, 14.04.350, 14.04.370, 14.06.010, 14.08.010, 14.08.020, 14.08.030, 14.08.040, 14.08.041, 14.08.042, 14.08.050, 14.08.060, 14.08.070, 14.08.080, 14.08.090, 14.08.100, 14.08.110, 14.08.120, 14.08.125, 14.08.140, 14.08.150, 14.10.010, 14.12.010, 14.12.020, and 14.12.040, AND REPEALING THE EXISTING SECTIONS AND SECTIONS 14.04.100, 14.04.230, 14.04.240, 14.04.270, AND 14.08.130.

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

SECTION ONE: Section 14.01.010 of the Olathe Municipal Code is hereby amended to read as follows:

“14.01.010 Purpose.

The purpose of this ordinance is to provide for the maximum possible beneficial use of the City’s ~~a wastewater collection and treatment facilities~~ Publicly Owned Treatment Works through adequate regulation of sewer construction, sewer use and industrial wastewater discharges; to provide for equitable distribution of the City’s costs; to provide procedures for complying with requirements placed upon the City by tother regulatory bodies; to protect the public’s investment; and to protect the local environment.

NEW SECTION TWO: Section 14.04.011 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.011 Act, Clean Water Act.

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.”

NEW SECTION THREE: Section 14.04.012 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.012 Authorized or Duly Authorized Representative of User.

(1) If the User is a corporation:

(A) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions of the corporation; or

(B) The manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permitting (optional)] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative is the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.”

NEW SECTION FOUR: Section 14.04.018 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.015 Best Management Practices.

“Best management practices” (herein abbreviated as BMPs) means the schedules of activates prohibitions of practices, maintenance procedures, and other management practices to prevent the introduction of pollutants which cause interference or pass through. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, sludge or waste disposal, or drainage from on-site materials storage.”

SECTION FIVE: Section 14.04.080 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.080 Director.

“Director” means the Director of ~~Municipal Services the Department of Public Works~~ Infrastructure or his or her ~~his~~ delegated representative.”

NEW SECTION SIX: Section 14.04.082 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.082 Fats Oil and Grease.

“Fats oil and grease” (herein abbreviated as FOG) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.”

NEW SECTION SEVEN: Section 14.04.083 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.083 Food Service Facility.

“Food Service Facility” means any User that prepares and/or packages food for sale or consumption, on or off site, with the exception of private residences. Food Service Facility shall include, but is not limited to: food courts, food manufacturers, food processors, food packagers, restaurants, grocery stores, cafeterias, delicatessens, bakeries, lounges, hospitals, hotels, nursing homes, churches, and schools. For the purpose of this Title, Food Service Facility shall not include a facility that only prepares beverages; a facility that only sells prepackaged foods; or a facility that is currently permitted through an industrial wastewater discharge permit.”

SECTION EIGHT: Section 14.04.085 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.085 Imminent Endangerment.

““Imminent Endangerment” means a reasonable potential to cause harm to human health or welfare, or the environment or the operation of the ~~wastewater treatment system~~ POTW.”

NEW SECTION NINE: Section 14.04.113 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.113 Indirect Discharge or Discharge.

“Industrial Discharge or Discharge” means the introduction of pollutants into the POTW from any nondomestic source.”

SECTION TEN: Section 14.04.120 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.120 Industrial User.

“Industrial User” means ~~any user contributing industrial wastes to the municipal sewer system POTW~~ a source of indirect discharge.”

SECTION ELEVEN: Section 14.04.140 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.140 Interference.

“The term “interference” or “interfering” means an inhibition or disruption of the ~~wastewater treatment system or sewer collection system~~ POTW; conveyance of waste in the collection system; its treatment process or operation; its sludge processes, or sludge disposal which contributes alone or in conjunction with:

- (A) A violation of any standards or regulations set by this Title, including an increase in the magnitude or duration of a National Pollutant Discharge Elimination System (NPDES) Permit violation or
- (B) Violations of any local, state or federal laws, rules or regulations applicable to the method of disposal or use by the City.”

SECTION TWELVE: Section 14.04.160 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.160 ~~MG~~mg/L.

“~~MG, mg/l and~~ mg/L” means milligrams per liter; sometimes referred to as parts per million (ppm).”

SECTION THIRTEEN: Section 14.04.170 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.170 New Source.

(A) “New Source” means any building structure facility or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, and in accordance with 40 CFR 403.3 (m)(1).~~With~~ provided that:

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether 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

(B) 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 of Section (1)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

(C) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program

(a) Any placement, assembly, or installation of facilities or equipment; or

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement assembly, or

installation of New Source facilities or equipment; or

(2) Entered a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.”

SECTION FOURTEEN: Section 14.04.180 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.180 Pass Through.

“Pass Through” means a discharge which exits ~~the~~ a wastewater treatment ~~plant-facility~~ into waters of the State of Kansas in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of a ~~the City’s~~ wastewater treatment ~~plant-facility’s~~ National Pollutant Discharge Elimination System Permit (including an increase in the magnitude or duration of a violation).’

SECTION FIFTEEN: Section 14.04.190 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.190 Person, Establishment, User or Owner.

“Person”, “Establishment”, “User” or “Owner” means individual, firm, partnership or company, corporation, society, ~~or~~ group or connection to the POTW that contributes, causes, or allows the contribution of waste into the City’s POTW including any federal, state, county or city agency.”

SECTION SIXTEEN: Section 14.04.200 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.200 pH.

“pH” means the logarithm of the reciprocal of the hydrogen ion concentration of a solution. It indicates the intensity of acidity and alkalinity on a scale running from 0 to 14 Standard Units. A pH of 7.0 represents neutrality, pH values above 7.0 represents alkalinity and pH values below 7.0 represents acidity.”

NEW SECTION SEVENTEEN: Section 14.04.205 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.205 Pollutant.

“Pollutant” means the manmade or man-induced alteration of the physical, chemical, biological or radiological properties of water including changes in temperature, taste, odor, turbidity, or color of the water.”

SECTION EIGHTEEN: Section 14.04.210 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.210 Pollution

“Pollution” means the manmade or man-induced alteration of the chemical, physical, biological ~~and~~ radiological ~~integrity~~ properties of water including changes in temperature, taste, odor, turbidity, or color of the water.

SECTION NINETEEN: Section 14.04.220 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.220 Pretreatment.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the ~~POTW sanitary sewer system.~~ The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by another means, except by dilution as prohibited by 40 CFR Part 403.6 (d) and this Title. Where wastewater from a regulated process is mixed with unregulated wastewater or with wastewater from another regulated process, the wastewater discharge from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Part 403.6(e).”

NEW SECTION TWENTY: Section 14.04.222 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.222 Pretreatment Requirement.

“Pretreatment Requirement” means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.”

NEW SECTION TWENTY-ONE: Section 14.04.223 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.223 Pretreatment Standards or Standards.

“Pretreatment Standards” or “Standards” means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.”

NEW SECTION TWENTY-TWO: Section 14.04.245 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.245 Publicly Owned Treatment Works.

“Publicly Owned Treatment Works” (herein abbreviated as POTW) means a treatment works which is owned by the City. This definition includes any devices or systems (including biological treatment systems) used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.”

SECTION TWENTY-THREE: Section 14.04.280 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.280 Significant Industrial User.

“Significant Industrial User” shall mean:

(A) All Categorical Industrial Users;

(B) Any noncategorical Industrial User or Commercial User that:

- (1) Discharges an average of 25,000 gallons per day or more of process wastewater (“Process Wastewater” excludes sanitary, noncontact cooling and boiler blowdown wastewaters), or
- (2) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment ~~plant~~ facility, or
- (3) Has a reasonable potential, in the opinion of the Director, to adversely affect the ~~wastewater collection or treatment~~

~~system~~ POTW, cause inhibition, pass-through of pollutants, sludge contamination, or endangerment of City employees.

(4) Upon Finding that a User meeting the criteria in paragraph (b)-(3) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Director may at any time, on his or her own initiative or in response to a petition received from a User, determine that such User is not considered a significant Industrial User."

SECTION TWENTY-FOUR: Section 14.04.285 of the Olathe Municipal Code is hereby amended to read as follows:

"14.04.285 Significant Non-Compliance.

Instances of significant non-compliance (SNC) are Industrial User violations which meet one or more of the following criteria:

(A) Violations of wastewater discharge limits.

- (1) Chronic violations defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter (except pH) during a 6-month reporting period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits. ~~Pollutants whose concentrations or masses exceed the daily maximum permit limit amount or the monthly average limit for sixty-six (66%) or more of the total number of pollutant tests in a six (6) month period (any magnitude of exceedance).~~
- (2) Technical Review Criteria (TRC) violations defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month reporting period equal or exceed the product of the numeric permit limit, or pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants (except pH)) ~~Pollutants whose concentrations or masses exceed the daily maximum permit limit or the monthly average limit by at least twenty percent (20%) for thirty-three (33%) or more of the total number of pollutant tests in a six (6) month period.~~

- (3) Violations of wastewater discharge pH limits, defined here as those in which 33 percent or more of all of the discharge pH measurements taken during a 6-month reporting period are less than 6.0 or greater than 10.5 Standard Units;
- (~~34~~) Any other violation(s) of ~~an effluent limit (average daily maximum) that a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that~~ the Director believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the ~~sewage treatment~~-POTW personnel or the public.
- (~~45~~) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (B) ~~Failure to meet, within~~ Violations of ninety (90) days after the schedule date, a compliance scheduled milestones contained in a ~~local control mechanism wastewater discharge permit~~ or enforcement order for starting construction completing construction ~~and or~~ attaining final compliance ~~by (90) days or more after the scheduled date.~~
- (C) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports and periodic self-monitoring reports, and reports on compliance with compliance schedules, ~~self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within thirty (30) days from the date.~~
- (D) Failure to accurately report non-compliance.
- (E) Any other violation or group of violations, which may include a violation of Best Management Practices that the Director considers to be significant.

SECTION TWENTY-FIVE: Section 14.04.290 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.290 Slug Load or Slug Discharge”

“Slug Load” or “Slug Discharge” means any discharge of sanitary or industrial wastewaters of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which in concentration of any given constituent or in quantity of flow has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits or Permit conditions.”

SECTION TWENTY-SIX: Section 14.04.300 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.300 Standard Methods

“Standard Methods” means ~~The examination of water and wastewater shall mean samplings and analysis performed in accordance with the techniques prescribed in~~ most recent edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, American Water Works Association, the Water Environment Federation and 40 CFR, Part 136 and amendments thereto. Analysis must be performed by a laboratory certified by the Kansas Department of Health and Environment.”

SECTION TWENTY-SEVEN: Section 14.04.320 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.320 Stormwater.

“Stormwater” means water resulting from precipitation, which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation and which flows over the surface ~~the excess water running off from the surface of a drainage area during and immediately following a rain.~~”

SECTION TWENTY-EIGHT: Section 14.04.350 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.350 Toxic Substances.

“Toxic Substances” means any substance, gaseous, liquid or solid, which when discharged to a sewer or drain may tend to interfere with any waste treatment process, or to constitute a hazard to human

beings or animals, or to inhibit aquatic life or to create a hazard to recreation in the receiving water of the effluent from the wastewater treatment ~~plant~~ facility or from the storm sewer into which wastes may be discharged.”

NEW SECTION TWENTY-NINE: Section 14.04.355 of the Olathe Municipal Code is hereby added to read as follows:

“14.04.355 Waste.

“Waste” means the liquid and water-carried domestic or nondomestic waste whether treated or untreated.”

SECTION THIRTY: Section 14.04.370 of the Olathe Municipal Code is hereby amended to read as follows:

“14.04.370 Wastewater Treatment Facility ~~Plant~~.

“Wastewater Treatment Facility ~~Plant~~” means any arrangement of structures and devices for treating wastewaters or industrial wastes and for handling the sludge resulting from such treatment.”

SECTION THIRTY-ONE: Section 14.06.010 of the Olathe Municipal Code is hereby amended to read as follows:

“14.06.010 City May Terminate Services.

- (A) The Director shall have the power and right, after giving notice, to close up any sewer or sewer connection, or to remove any building sewer pipe or to cut off said public sewer pipe from any unused sanitary sewer connection or connections and to properly close up the public sewer pipe; and the cost and expense of such work shall be charged to the person, firm or corporation failing or refusing to comply with the notice as aforesaid.
- (B) The Director may immediately revoke any wastewater discharge permit or terminate or cause to be terminated the potable water supply service and/or wastewater collection, treatment and disposal service to any premise, if a violation of any provision of this Ordinance is found to exist or if a discharge of wastewater appears to present an imminent endangerment to the health or welfare of persons. This provision is in addition to other statutes,

rules or regulations authorizing termination of service for delinquency in payment. The Director may also halt or prevent any discharge which presents or may present an endangerment to the environment, any discharge that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment, any discharge that is in violation of an industrial wastewater discharge permit or a special agreement between the city and the User, or any discharge which threatens to interfere with the operation of the ~~wastewater treatment system~~ POTW.

- (C) Determination of whether a discharge presents an imminent endangerment to the health or welfare of persons or an endangerment to the environment or a potential for interference with the operation of the ~~wastewater treatment system~~ POTW shall made by the Director.
- (D) ~~The Director may petition the courts for the issuance of a preliminary or permanent injunction or both as may be appropriate, whenever there is a discharge or non-discharge violation of the provisions of this ordinance.~~
- (E) Any person ~~who is found by the Olathe Municipal Court to have violated an order of the City issued pursuant to this Chapter, or~~ who willfully or negligently failed to comply with any provisions of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall be subject to enforcement actions and penalties pursuant to Chapter 14.12. ~~tupon conviction, subject to a penalty not exceed Three Hundred Dollars (\$300.00) per offense in addition to paying for damages and restoration thereof."~~

SECTION THIRTY-TWO: Section 14.08.010 of the Olathe Municipal Code is hereby amended to read as follows:

"14.08.010 Use of Public Sewers.

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

may be admitted to the ~~sewers~~ POTW by issuance of wastewater discharge permit or with the written permission of the Director.

(B) Unless authorized by the Director, no person shall discharge any substances directly into a manhole or other opening in the POTW other than through an approved building sewer. If such authorization is issued for such direct discharge, the User shall pay the applicable charges and fees and shall meet such other conditions as required by the Director.

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

(D) Should the owner of such an illegally connected premise fail to remove the illegal connection, the Director may cause the connection to be removed and the cost thereof to be billed to the owner of the premises."

SECTION THIRTY-THREE: Section 14.08.020 of the Olathe Municipal Code is hereby amended to read as follows:

"14.08.020 Measurement of Discharges to Sanitary Sewers.

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

(B) Where the required data and information cannot be provided, the Director may require installation of facilities for measuring flow and concentration of the discharge and will establish regulations,

agreements and charges based upon the results of these measurements prior to the discharge. The costs of the installation shall be paid by the Industrial User. The Director shall control through the issuance of industrial wastewater discharge permits or other administrative action provided by this Ordinance the contribution to the ~~wastewater treatment facility~~ POTW by each Industrial User.”

SECTION THIRTY-FOUR: Section 14.08.030 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.030 Permit for Industrial Wastewater Discharge.

- (A) All Significant Industrial Users and New Sources must apply for and receive ~~a~~ an industrial wastewater discharge permit before discharging any industrial wastewater to the ~~sanitary sewer system~~ POTW.
- (B) All Industrial Users must complete and submit an industrial wastewater discharge permit application on a form provided by the Director before discharging any industrial wastewater to the POTW.
- (C) No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge.”

SECTION THIRTY-FIVE: Section 14.08.040 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.040 Discharge Reports

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

applications and self-monitoring reports. Information requests apply to all such Users of the ~~municipal sewer system~~ POTW whether or not the User is subject to national categorical pretreatment or any other national state or local pretreatment standards or requirements.

- (C) In addition to these information requests, industries subject to noncategorical or categorical standards must file a baseline monitoring report, a ninety (90) day compliance report and periodic continued compliance reports in accordance with 40 CFR, Part 403.12 (b, d, and e).
- (D) All Significant Industrial Users must submit no less than twice per year (January and July) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User Periodic continued compliance reports shall be submitted to the Director at least semiannually on forms provided or approved by the Director.
- (E) If a User subject to the reporting requirement in this Title monitors any regulated pollutant at the appropriate sampling location more frequently than required by Director or industrial wastewater discharge permit using the procedures prescribed in Chapter 14.08 if this ordinance, the results of this monitoring shall be included in the report.”

SECTION THIRTY-SIX: Section 14.08.041 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.041 Signatory Requirements of Reports

All reports and applications for industrial wastewater discharge permits submitted to the Director by an Industrial User must be signed and certified by an authorized representative of the industry; either an owner, corporate officer or manager, or departmental manager who supervises more than two hundred fifty (250) employees. One of these officials may also appoint any other company representative to be authorized to sign the certification, but only after giving written notice to the Director in the form prescribed by the Director.”

SECTION THIRTY-SEVEN: Section 14.08.042 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.042 Signatory Certification Statements

Certification statements of all applications for industrial wastewater discharge permits and required reports shall, in accordance with 40 CFR 403.6 (a) (2) (ii), read: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violation.”

SECTION THIRTY-EIGHT: Section 14.08.050 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.050 Industrial Wastewater Discharge Permits

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

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

- (1) Name, address and Standard Industrial Classification or North American Industrial Classification System number of the applicant including the name of the operator and owner(s);
- (2) Volume of wastewater to be discharged;

- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 14.08.130, as determined by a laboratory certified by the Kansas Department of Health and Environment;
- (4) Time and duration of discharge;
- (5) Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged
- (7) A list of any environmental permits held by or for the facility;
- (8) A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- ~~(79)~~ Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

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

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

- (1) The average and maximum wastewater constitutes and characteristics
- (2) Limits on rate and time of discharge or requirements for flow regulations and equalization
- (3) Requirements for installation and inspection and sampling facilities
- (4) Pretreatment requirements.
- (5) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedules. Sampling and analysis shall be performed in accordance with the techniques prescribed in the Standard Methods and in 40 CFR, Part 136 and amendments thereto. [If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA;](#)
- (6) Requirements for submission of technical reports or discharge reports;
- (7) Requirements for maintaining plant records relating to wastewater discharge and affording the ~~City~~-[Director](#) access and right to copy thereto;
- (8) Mean and maximum mass emission rates, or other limits which incompatible pollutants (as defined herein) are proposed or present in the User's wastewater discharge;
- (9) Compliance schedules;
- (10) Requirements for disposal of sludges floatables and skimmings;
- (11) Requirements for amended application if discharge is significantly changed;
- (12) Requirements to control slug discharges if determined by the Director to be necessary. If the Director determines that a slug control plan is needed, the plan shall contain at a minimum the following elements:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 14.08.120 (40 CFR 403.5(b)), with procedures for follow-up written notification within five (5) days.

(1342) Other conditions as deemed appropriate by the director to ~~insure~~ ensure compliance with this Ordinance.”

SECTION THIRTY-NINE: Section 14.08.060 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.060 Duration of Permits.

Industrial Wastewater Discharge Permits shall be issued for a specific time period, not to exceed ~~three (3)~~ five (5) years. A permit may be issued for a period of less than a year ~~or may be stated to expire on a specific date. If the user is not notified by the City (30) days prior to the expiration date, the permit shall be extended on additional year.~~ The terms and conditions of the permit may be subject to modification and change by the City Director during the life of the permit as limitations or requirements as identified in Section 14.08.050 are modified or changed. The User shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Industrial Wastewater Discharge permits shall be issued to a specific User for a specific operation and shall not be reassigned, transferred or sold to a new User or changed operation without the approval of the Director.”

SECTION FORTY: Section 14.08.070 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.070 Revocation of Permit.

Any Industrial User who violated the following conditions of the ir industrial wastewater discharge permit or this ordinance or applicable state and federal regulations, is subject to having ~~his~~ their permit revoked:

- (A) Failure of an Industrial User to factually report the wastewater constituents and characteristics of their discharge;
- (B) Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics;
- (C) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring including sampling and copying records related to chemical storage and/or industrial wastewater discharges; or
- (D) Violation of conditions of the permit. If a Significant Industrial User's permit is revoked, that User will be considered to be in violation of Section 14.08.030 of this Ordinance. Violators will be subject to the enforcement process outlined in Chapter 14.12 of this Ordinance."

SECTION FORTY-ONE: Section 14.08.080 of the Olathe Municipal Code is hereby amended to read as follows:

"14.08.080 Sampling, Self-monitoring and Flows.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (A) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab

- (C) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 14.08.040 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, total cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Chapter 14.08 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- (AD) The Director shall require the Industrial User to provide results of periodic measurements of his discharge which is to include chemical analysis and flow. The Director may require a monitoring facility to be furnished and operated at the Industrial User's expense. All Industrial Users making periodic measurements shall furnish and install at an appropriate location, calibrated flume, weir, flow meter or similar device suitable to measure flow rate and total volume approved by the Director. In lieu of wastewater flow measurement, the Director may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.
- (BE) The monitoring facility should normally be situated on the User's premises, but the Director may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (EF) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Director; unless a time extension is granted by the Director.
- (DG) Those industrial wastewater dischargers required by the Director to make periodic measurements of industrial wastewater flows and constituents shall annually make the minimum number of such measurements as required in the industrial wastewater discharge permit. When required by the Director, dischargers shall install and maintain in proper order automatic analysis and recording equipment.

- (~~E~~H) Persons in charge or occupants of premises where industrial wastewater is generated or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for purpose of sampling or in performance of any other duties. For the purpose of this Section, reasonable times shall be any time when a wastewater discharge could be occurring due to active operations. The Director shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling or metering operations. Where an industrial User has security measures in force, the Industrial User shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, the Director ~~or his staff~~ shall be permitted to enter without delay.
- (~~F~~I) All sampling, analysis and flow measurement procedures, equipment, results and records shall be subject at any time to inspection by the Director.
- (~~G~~J) Retention of Records. Any Industrial User subject to the reporting requirements in accordance with 40 CFR 403.12(o) shall retain for a minimum of three (3) years, ~~any-all~~ records of monitoring activities and documentation associated with Best Management Practices. Monitoring records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. ~~This-The retention~~ period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance or where the Industrial User has been specifically notified of a longer retention period by the Director. Any records relating to compliance of pretreatment standards shall be made available to officials of the Environmental Protection Agency, the Kansas Department of Health and Environment, and the Director upon request."

SECTION FORTY-TWO: Section 14.08.090 of the Olathe Municipal Code is hereby amended to read as follows:

"14.08.090 Pretreatment.

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

The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the Director at least ninety (90) days before the change. No Industrial User shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any local, state or federal discharge standard.”

SECTION FORTY-THREE: Section 14.08.100 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.100 Accidental Discharge.

- (A) All categorical industries with an industrial wastewater discharge permit, and all noncategorical industries discharging wastewater to the ~~City sewer system~~ POTW but not required to have a permit, must notify the Director immediately of all discharges that could cause problems to the ~~sewer collection system or wastewater treatment facility~~ POTW, or which might result in a violation of a wastewater discharge permit or any other provision of this Ordinance.
- (B) All Industrial Users shall notify the Director of any substantial changes in the Industrial User’s wastewater discharge at least ninety (90) days before the change is made.
- (C) All Industrial Users with pretreatment facilities must verbally notify the Director within twenty-four (24) hours of an unanticipated wastewater bypass of the facility. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director; if possible, at least ten (10) days before the date of the bypass. A bypass is only allowable if it will not cause National Pretreatment Standards or any other provision of this Ordinance to be violated, and is essential for proper maintenance of the facility to assure its efficient operation. Otherwise, the bypass of any pretreatment facility is strictly prohibited unless unavoidable to prevent loss of life, personal injury or severe property damage, and there were no feasible alternatives to the bypass.
- (D) Each ~~person~~ Industrial User shall provide protection from accidental discharge of prohibited materials from other substances regulated by this Ordinance, and from discharges which exceed permit limitations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the ~~person’s~~ Industrial User’s own cost

and

expense.

- (E) For the purpose of this Section, “accidental discharge” means an exceptional incident in which there is unintentional and temporary noncompliance with the standards for industrial discharge or sewer use promulgated in this Ordinance or in the Significant Industrial User’s Industrial wastewater discharge permit. An accidental discharge does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation. Any person who wishes to establish the affirmative defense of accidental discharge shall demonstrate through properly signed operating logs or other relevant evidence that:
- (1) The accidental discharge occurred and the User can identify the specific cause of the accidental discharge;
 - (2) The facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - (3) The Industrial User has submitted the reports required in Section 14.08.100(F).
- (F) In the case of an ~~alleged~~ accidental discharge, it is the responsibility of the Industrial User to immediately notify the Director of the incident verbally. For the purpose of this section, “immediately” ~~In no cases shall this notification be given more than~~ means within twenty-four (24) hours ~~after of~~ the Industrial User’s knowledge that the incident occurs~~ed~~. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.

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

discharge are advised of the emergency notification procedures.

- (G) The Industrial User shall be required to reimburse the City for the costs of any sampling or analysis necessitated by the accidental discharge in addition to any other fines, damages, penalty or costs that may be assessed by any provision of this Ordinance.
- (H) It shall be unlawful for any ~~person~~ Industrial User to fail to notify the Director as required by this section and upon conviction thereof shall be subject to the penalties provided in chapters 14.12 of this Title.
- (I) If samplings performed by an Industrial User indicates a violation, the Industrial User shall notify the Director within twenty (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation.

(J) Significant Industrial Users shall notify the Director immediately of any charges at its facility affecting the potential for a Slug Discharge.”

SECTION FORTY-FOUR: Section 14.08.110 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.110 Special Agreements.

Special agreements and arrangements between the City and any persons or agencies may be established when in the opinion of the Director unusual or extraordinary circumstances compel special terms and conditions. ~~National or~~ Federal Standards may not be waived by special agreements.”

SECTION FORTY-FIVE: Section 14.08.120 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.120 Prohibited Waste Discharge

At the discretion of the Director, and in accordance with this Title and other applicable regulations, ~~the an significant~~ Industrial User’s wastewater discharge permit will contain limits and prohibitions governing discharge materials.

It shall be unlawful for any User ~~person~~ to exceed the limits set by permit, Federal or State standards or any provisions of this Title, whichever is most restrictive, and any ~~person~~ User ~~convicted of~~ committing such violations shall be subject to the penalties provided in chapter 14.12 of this Title. No ~~persons~~ User, with or without a wastewater discharge permit shall discharge

or cause to be discharged to ~~a public sewer which directly or indirectly connects to the City's wastewater system~~ the POTW, the following wastes:

- (A) Any gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the wastewater system.
- (B) Any wastes containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other wastes ~~substances~~ may create a health hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, causes a public nuisance, or cause any hazardous condition to occur in the POTW ~~wastewater system~~.
- (C) Any waste having a pH lower than 6.0 or higher than 10.5 Standard Units or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to ~~structures, equipment or other physical facilities of the wastewater system~~ the POTW.
- (D) Any solids or viscous substances of such size or in such quantity that they may cause obstruction to flow in the sewer or be detrimental to ~~proper wastewater treatment plant operations~~ the POTW. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, stone dust, FOG (fats, oil and grease), mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground.
- (E) Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water, except as permitted under Section 14.08.010.
- (F) Having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or any wastewater having a temperature which will inhibit biological activity in the ~~wastewater treatment plant~~ POTW resulting in interference. In no circumstances shall wastewater have a temperature at the introduction of the wastewater treatment plant greater than 104 degrees Fahrenheit (40 degrees Celsius).
- (G) Containing more than 100 mg/L of oil or grease.
- (H) Any strongly odorous waste tending to create odors.

- (I) ~~Reserved~~ Any waste that if otherwise disposed of would be hazardous waste under 40 CFR Part 261.
- (J) Any substance promoting or causing the promotion of toxic gases.
- (K) Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes.
- (L) Any excessive amounts of deionized water, stream condensate, distilled water or single pass cooling water.
- (M) Any radioactive waste of such half-life or concentrations as may exceed limits established by the Director in compliance with applicable state or federal regulations,
- (N) Any waste producing excessive discoloration of wastewater or treatment plant effluent.
- (O) Any pollutants, including oxygen demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (P) The discharge of toxic or nontoxic materials including, but not limited to, all heavy metals, cyanide, phenols, chlorinated hydrocarbons, and other organic compounds shall be limited to that concentration which complies with all state and federal discharge limitations, and which does not interfere with the operation of the wastewater treatment ~~plant,~~ facility nor cause pass through, or which might otherwise cause the wastewater treatment facility to violate its NPDES Permit.
- (Q) Any waste prohibited by current federal or state regulations or City industrial wastewater discharge permits.
- (R) Any waste discharged by a categorical industry that is greater in concentration than limitations specified by the National Categorical Standard that applied to that industry.
- (S) Any pollutant which creates a fire or explosion hazard, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade).
- (T) Any pollutant that result in toxic gases, vapors and fumes in a quantity that may cause acute worker health and safety problems.
- (U) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that cause pass through, interference or inhibition

at wastewater treatment ~~plant~~ facility.

(V) Trucked or hauled pollutants, except at discharge points designated by the Director.”

SECTION FORTY-SIX: Section 14.08.125 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.125 Local Limits.

In accordance with this ordinance the General Pretreatment Standard 40 CFR Part 403.5 (a)(1). No ~~industrial~~User shall discharge pollutants that cause pass through or interference at the City’s wastewater treatment ~~plant~~ facilities. Where applicable ~~significant~~Industrial ~~user~~wastewater discharge permits will contain local numerical limits of discharge concentrations or mass for parameters that must be regulated by the ~~city~~City to prevent pass through and interference. The Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 14.08.120.”

SECTION FORTY-SEVEN: Section 14.08.140 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.140 Public Notification.

The ~~C~~eity shall at least annually publish notification, in ~~the official city~~ a newspaper, a list of of general circulation that provides meaningful public notice, of the Industrial Users which, during the previous twelve (12) months, were in significant noncompliance with applicable ~~significantly violating~~ local or federal pretreatment requirements or standards. For the purpose of public notification, the Director will use the definition of significant non-compliance as stated in Section 14.04.285 to determine which ~~the significant violations and~~ violations are subject to publication.

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Director’s inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of

submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.”

SECTION FORTY-EIGHT: Section 14.08.150 of the Olathe Municipal Code is hereby amended to read as follows:

“14.08.150 Falsifying of Information.

It shall be unlawful for any User ~~person~~ to knowingly make any false statement, representation, record, report, plan or other document filed with the Director, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Title and upon conviction thereof shall be subject to the penalties provided by Chapter 14.12.”

SECTION FORTY-NINE: Section 14.10.010 of the Olathe Municipal Code is hereby amended to read as follows:

“14.10.010 Waste Matter.

- (A) Food waste grinders are prohibited at new food service facilities. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing food waste grinders in accordance with Subsection C. Food waste grinder waste shall be defined as:
 - (1) Wastes generated in preparation of food normally consumed, or processed in any way, on the premises ~~at a commercial or institutional~~ of a food ~~establishment~~ service facility, ~~or in public or private schools.~~
- (B) This section does not apply to waste from residential or non-commercial dwellings
- (C) Owners of food ~~establishments~~ service facilities with existing food waste grinders, installed prior to February 15, 2010, may continue to use the grinders in accordance with the following requirements:

- (1) Food waste grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the sanitary sewer.
- (2) Food waste grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.
- (3) Prohibited waste as defined in Section 14.08.120 shall not be discharged into the sanitary sewer.
- (4) Food waste grinders may be used until their use causes problem in the food ~~establishment~~service facility or in the sanitary sewer or until a grease interceptor is required. Any person or establishment found to be violating this subsection shall be subject to the penalties provided in Chapter 14.12.

Owners of food establishments with existing food waste grinders may choose to cease using the grinders and remove all solids material from the food processing operation to the solid waste collection dumpster.”

SECTION FIFTY: Section 14.12.010 of the Olathe Municipal Code is hereby amended to read as follows:

“14.12.010 Access to Property; Inspection, Monitoring, and Sampling.

(A) Access to properties and facilities directly or indirectly connected to the POTW shall be given to the Director at all reasonable times, including those occasioned by emergency conditions. The Director ~~or his/her designees~~ shall be permitted access to any part of any property where access is necessary for the purpose of inspecting, observing, measuring, sampling or testing to determine compliance with the provision of this Ordinance. No person shall interfere with, delay, resist or refuse entrance to the Director attempting to inspect any chemical storage or wastewater generation, conveyance or treatment facility connected directly or indirectly to the City’s wastewater system. If any person should refuse to permit access to the Director, the Director may, with the assistance of the City Attorney, obtain the necessary court orders to obtain access.

(B) Refusal of reasonable access to a permitted Industrial User’s premises for the purpose of inspection or monitoring including sampling and copying records related to chemical storage and/or industrial wastewater discharges may result in revocation of their industrial wastewater discharge permit. During any inspection by the City, the

Director will have explicit authority to copy Industrial User records as deemed pertinent and necessary.

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

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

SECTION FIFTY-ONE: Section 14.12.020 of the Olathe Municipal Code is hereby amended to read as follows:

“14.12.020 Notice of Violation.

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

- (A) Disconnect water service and sewer service to the premises.
- (B) Bring appropriate court action to enforce compliance.
- (C) Start court action for the levy of a fine for violation of this ~~chapter-Title~~.”

SECTION FIFTY-TWO: Section 14.12.040 of the Olathe Municipal Code is hereby amended to read as follows:

“14.12.040 Appeals to City Council.

Any person aggrieved by any ~~Decision~~decision of the Director pursuant to the hearing under the provisions of this Section may appeal to the City Council. The appeal shall be by notice in writing stating the nature of the decision of the Director, and stating briefly the reasons for the appeal, that is the reason why the owner or User believes that the decision of the Director should be overturned or modified. The appeal must be filed within fifteen (15) days after the person’s hearing with the Director is completed and notified by the Director of his decision. The appeal will delay the effective date of the Director’s order until after the appeal.”

NEW SECTION FIFTY-THREE: Section 14.12.080 of the Olathe Municipal Code is hereby added to read as follows:

“14.12.080 Injunctive Relief.

Whenever the Director finds that there is a violation of the provisions of Title 14, the Director may petition the courts for injunctive relief, including but not limited to the issuance of a preliminary or permanent injunction to cease or remedy the violation, or for other legal and/or equitable relief as appropriate, including but not limited to environmental remediation.”

NEW SECTION FIFTY-FOUR: Section 14.12.090 of the Olathe Municipal Code is hereby added to read as follows:

“14.12.090 Remedies Non-Exclusive.

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City’s enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.”

NEW SECTION FIFTY-FIVE: Section 14.12.100 of the Olathe Municipal Code is hereby added to read as follows:

“14.12.100 Supplemental Enforcement Actions.

A penalty of \$50 may be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the Director to collect late reporting penalties shall not limit the Director’s authority to initiate other enforcement actions that may include penalties for late reporting violations.”

SECTION FIFTY-SIX: Existing Sections 14.01.010, 14.04.080, 14.04.085, 14.04.100, 14.04.120, 14.04.140, 14.04.160, 14.04.170, 14.04.180, 14.04.190, 14.04.200, 14.04.210, 14.04.220, 14.04.230, 14.04.240, 14.04.270, 14.04.280, 14.04.285, 14.04.290, 14.04.300, 14.04.320, 14.04.350, 14.04.370, 14.06.010, 14.08.010, 14.08.020, 14.08.030, 14.08.040, 14.08.041, 14.08.042, 14.08.050, 14.08.060, 14.08.070, 14.08.080, 14.08.090, 14.08.100, 14.08.110, 14.08.120, 14.08.125, 14.08.130, 14.08.140, 14.08.150, 14.10.010, 14.12.010, 14.12.020, and 14.12.040, are hereby repealed.

SECTION FIFTY-SEVEN: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

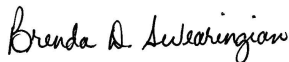
PASSED by the Governing Body this 16th day of August, 2022.

SIGNED by the Mayor this 17th day of August, 2022.

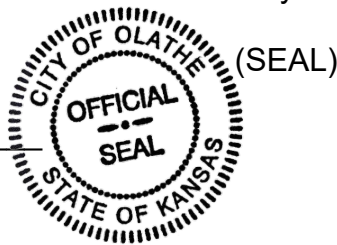

John W Bacon (Aug 17, 2022 09:44 CDT)

Mayor

ATTEST:



City Clerk



APPROVED AS TO FORM:


Ron Shaver (Aug 17, 2022 11:00 CDT)

City Attorney

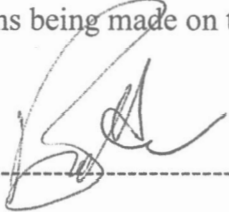
Publish and return the Proof of Publication to the City Clerk and City Attorney.

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on : 24-Aug-22
Publications being made on the following .

EDITOR -----

SUBSCRIBED AND SWORN TO ME THIS: August 24, 2022
NOTARY PUBLIC -----

MY COMMISSION EXPIRES Oct/14/2023

ADAM HOLMES
Notary Public-State of Kansas
My Appt. Expires Oct/14/2023

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

PUBLICATION SUMMARY OF ORDINANCE NO. 22-42, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 16th DAY OF AUGUST 2022.

SUMMARY

On August 16, 2022, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 22-42 making amendments to Title 14 of the Olathe Municipal Code pertaining to sewer use regulations. The amendments conform the regulations to current United States Environmental Protection Agency requirements.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 16th day of August 2022.

/s/ Christopher M. Grunewald
Christopher M. Grunewald
Deputy City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

Public Notice

First published in *The Gardner News* Wednesday, Aug. 24, 2022

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