AN ORDINANCE introduced by Mayor James A. McClinton relating to sewer and sewage disposal, repealing Topeka City Code §§ 146-237, 146-241, 146-257, 146-347, 146-348, 146-349, 146-350, 146-351, 146-352, and 146-353, amending Topeka City Code Chapter 146, Article III, Division 8, and §§ 146-196, 146-240, 146-251, 146-256, 146-283, 146-341, 146-342, and 146-343, and repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Topeka City Code § 146-196, Definitions, is hereby amended to read as follows:

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:

Act or the act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 US 1251 et seq.

Approval authority means the Environmental Protection Agency (EPA) or if the pretreatment program has been formally delegated to the state department of health and environment (KDHE), it shall mean the director of the division of environment of KDHE.
Authorized representative means:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a cooperation corporation;

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

(3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates; or

(4) A duly authorized representative responsible for the operation of a facility owned and/or operated by the state, federal or local government.

Beneficial uses means uses of the waters of the state that may be protected against quality degradation which include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.

BOD or BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building sewer means a sewer conveying wastewater from the premises of a
user to a community sewer.

*City* means the City of Topeka, Kansas, for the purpose of administering this article represented by the superintendent of the water pollution control division.

*Combined sewer* means a sewer receiving the combination of surface runoff, wastewater, sewage and/or industrial wastes.

*Community sewer* means a sewer owned and operated by the city or other public agency, tributary to a treatment facility operated by a public agency.

*Composite sample* means a combination of individual samples of water or wastewater taken at selected intervals (generally hourly or some similar specified period), to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportional to the flow at time of sampling.

*Contamination* means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health. "Contamination" shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

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

*Department* means the public works department of the city.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.
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 duly authorized official of such agency.

Foundation drain means a perforated pipe or a pipe with open joints or porous material installed either outside exterior foundation walls or inside exterior foundation walls or beneath a basement floor for the purpose of preventing the buildup of water pressure and water capillarity beneath the floor.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Hazardous waste means a hazardous waste as defined within the Code of Federal Regulations (40 CFR 261.3).

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank truck.

Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

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

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore it is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with statutory provisions and regulations or permits issued thereunder by the state or federal government.

*Mass emission rate* means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the "mass emission rate" means pounds per day of a particular constituent or combination of constituents.

*Municipal sewer system* means sanitary sewers, pumping stations, sewage treatment plants, main sewers, interceptor sewers, outfall sewers, and works for the collection, transportation, pumping and treating of wastewater, sewage or industrial waste thereto, necessary in the maintenance and operation of the same.

*National categorical pretreatment 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), which applies to a specific category of industrial users.

*National pollution discharge elimination system 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 standard means any regulation developed under the authority of section 307(b) of the act.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that such building, structure, facility or installation meets the criteria outlined by 40 CFR 403.3(k) of the general pretreatment regulations.

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or other legal representatives, agents or assignees.

PH means the negative logarithm of the reciprocal concentration of hydrogen ions measured in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological material, radioactive
material, heat wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. "Pollution" may include contamination.

Premises means a parcel of real estate including any improvements thereon which is determined by the department to be a single user for the purpose of receiving, using and paying for service.

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 or process changes by other means, except by dilution as prohibited by federal regulation.

Pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act which applies to industrial users.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the act (33 USC 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility.
providing treatment. For the purpose of this article, "POTW" also includes any sewers
that convey wastewaters to the POTW from persons outside the city who are users of
the city's POTW.

Sanitary sewer means a sewer which carries wastewater, sewage and/or
industrial wastes, and to which storm, surface and ground waters are not intentionally
admitted.

Sewage means a combination of the water-carried wastes from users together
with such groundwaters, surface waters and stormwaters as may be present.

Sewer means a pipe or enclosed conduit through which sewage is transported to
the POTW treatment plant.

Significant industrial user means:

(1) Users whose average wastewater strength cannot be established
because of seasonal or other variations and/or operations;

(2) Users whose wastewater strength exceeds the normal range of
wastewater strength;

(3) Users using an unmetered source of water;

(4) Users who fall under those guidelines set forth for federal
categorical industries;

(5) Users discharging an amount greater than twenty-five thousand
(25,000) gallons per day of process wastewater for any day during the preceding
twelve(12-)month period;
(6) Users whose average discharge, measured either by volume of flow, weight of suspended solids, biochemical oxygen demand, or chemical oxygen demand, exceeds two percent (2%) of the average loading on the applicable treatment facility; and

(7) Other users determined by the superintendent to require special regulation or source control.

Significant noncompliance or SNC means and refers to any violation of pretreatment requirements (limits, sampling, analysis, reporting and meeting compliance schedules and regulatory deadlines) and is an instance of noncompliance for which the industrial user is liable for enforcement, including penalties. Instances of SNC are industrial user violations which meet one or more of the following criteria:

(1) Violations of wastewater discharge limits:
   a. Chronic violations: Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six- (6) month period (any magnitude of exceedance).
   b. Technical review criteria or "TRC" violations: Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six- (6) month period.
There are two (2) groups of TRCs: BOD, TSS, fats, oil, and grease, where the TRC is 1.4; and group II for all other pollutants, where the TRC is 1.2.

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

d. 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.

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

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

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the city considers to
be significant.

Silver associated process means any process, manufacturing or service related
business which falls within any of the following standard industrial classifications: 2711,
2721, 2731, 2732, 2741, 2751 to 2754, and 8062.

Slug means any discharge of wastewater, sewage or industrial waste which, in
concentration of any given constituent or in quantity of flow, exceeds for any period of
duration longer than fifteen (15) minutes more than five (5) times its average twenty-four
(24-) hour concentration or flows during normal operation.

Standard industrial classification or 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.

State means the "State of Kansas."

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

Stormwater Collection System shall include all piping, channels, ditches,
streams, or any other manmade or natural structure that conveys stormwater runoff.

Superintendent means the superintendent of the city water pollution control
division of the city public works department, or designated representative.

Total suspended solids means solids that either float on the surface of or are in
suspension with water, sewage or other liquids; and which are removable by laboratory
filtering.
Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(a)(1) of the act.

Unpolluted water means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable for disposal to storm or natural drainages or directly to surface waters.

User means any person that discharges, directly or indirectly, causes or permits the discharge of wastewater into a community sewer.

Waste means substances, whether liquid or solid, associated with human habitation or of human origin or from any producing, manufacturing or processing operation of whatever nature, whether treated or untreated, discharged into or permitted to enter a community sewer.

Wastewater means waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Waters of the state means any water, surface or underground, within the boundaries of the state.

Section 2. Topeka City Code § 146-240, Authorized connections; fees, is hereby amended to read as follows:

Authorized connections; fees. Sanitary Sewer Failures and Repair Responsibilities.
(a) Upon application as provided in this division, the city engineer may allow connection of building sites to any of the following:

(1) An established sanitary sewer district for which there is no remaining special assessments or other bonded indebtedness due and owing.

(2) An established sanitary sewer district for which there remains outstanding special assessments or other bonded indebtedness.

(3) An established sanitary sewer district for which the sewage system was paid for by the developer/owner at the time of development.

(b) The city engineer shall determine, after review of the application under this division, which of the three types of sewer districts listed under subsection (a) is involved and shall use the following criteria to establish the costs of the sewer connection:

(1) Connections to a district which has completed all sanitary sewer assessments obligations, or a developer district, shall have a connection fee established. The fee shall be based on the average of the three median values of the average district costs of all city sewer projects completed in the previous five calendar years. This connection fee will be adjusted at the end of the first quarter of the calendar year to update the average district costs. This connection fee will be paid to the water pollution control division capital fund account.

(2) Connection fees for any building site which connects to a district which is currently being assessed will be as follows:
a. A connection fee equivalent to assessment already paid by property in the district. This connection fee will be paid to the water pollution control division capital fund account.

b. A benefit fee which shall be due at the time the property begins being served by the improvement. The amount of such benefit fee shall not exceed the amount of assessment, including principal and interest, which would have been levied against the property had it been included in the original sewer improvement district, less the connection fee paid to the water pollution control division capital fund account. Such benefit fees shall be applied to the remaining outstanding principal and outstanding interest on the bonds issued to financing the improvement, with a resolution pro rata reduction of the assessments against property originally included in the improvement district for such improvement.

(1) The maintenance and repair of a building service line and its connection with the city sewer main is the responsibility of the owner of the property it serves. It is therefore the responsibility of the property owner to make repairs if there is a failure in the building service line or the wye connection to the city sewer main and the responsibility of the city if there is a failure in the city sewer main. The first indication of sewer failure or potential failure may vary. It is the intention of the water pollution control division to cooperate with the individual property owners and the plumbers in the resolution of these sanitary failures within the following guidelines.

(2) Sewer Failure - Excavation
(a) Settlement of Ground Surface

In some cases failure of a sewer line is first indicated by settlement of the ground surface near a failure. This can happen before there is any apparent malfunction in either the building service line or the city sewer main. When this occurs over or near the connection of the building service line to the city sewer main, it is not always possible to determine before excavation whether the failure is in the building service line, the city sewer main, or both. If there is no indication at this time that the building service line has failed, the water pollution control division will make an attempt to determine the problem by inspection of the city sewer main. If the problem is with the city sewer main, or if the city is unable to inspect the city sewer, the division will make the initial excavation to determine the source of the problem.

(b) Sewer Stoppage/Backup

If the backup of sewage is the first indication of failure, the water pollution control division will assist by investigating to determine if there is a stoppage in the city sewer main.

(1) If the city sewer main has deteriorated to the point where it appears to be the source of the problem or if the city sewer main contains a stoppage that cannot be removed by conventional methods, then the water pollution control division will make the initial excavation to determine the extent of the failure.
(2) If the city sewer main is not obstructed, but is open and flowing, and the private sewer line has failed, it then becomes the responsibility of the property owner to make the necessary repairs within seven (7) days. In this case, the water pollution control division will not make the initial excavation.

(c) Excavation Requirement

It shall be the total responsibility of the party making the excavation to make it of adequate size for water pollution control division personnel to work safely for inspection of the sewer and/or repairing of the wye connection.

(3) Sewer Repairs

(a) City Sewer is Broken

If the city sewer main is broken or in such poor condition that it is impractical to make a new wye connection (except where the city sewer main was broken during excavation by others), then the water pollution control division will provide the following services:

(1) Make the additional excavation required to remove the damaged pipe and replace the broken section(s) of pipe.

(2) Install a new wye connection thereto and pour a concrete base under the city sewer or provide adequate support.

(3) If the material removed from the hole is unacceptable for
backfilling, the water pollution control division will furnish new backfill material.

(4) Haul off any excess dirt or other material unacceptable for backfill.

(5) Remove any debris left on city property.

(6) Replace the surfacing.

(7) If the initial excavation was made by the property owner(s), the water pollution control division may share in the cost, depending upon the reason for the initial excavation.

(b) Broken Wye

If the wye connection itself is broken at the city sewer main, the private sewer line has also failed and the city sewer is in good condition, the water pollution control division will also haul off any excess dirt or other material unacceptable for backfill and remove any debris left on city property. The water pollution control division may participate in the cost of additional items of work where the cost is excessive due to surfacing or deep sewers. It is the responsibility of the property owner(s) to hire a plumber to install the private sewer line(s), replace the backfill material and compact it in accordance with engineering department standards.

(c) City Sewer Intact

(1) If the city sewer main and the wye connection itself are intact
and only the private sewer line(s) is damaged, the water pollution control division has no responsibility and therefore will not assist in or pay for any portion of the repair work. In such cases, the water pollution control superintendent or designee shall direct the property owner, from which the building service line extends, to repair the service line within seven (7) days.

(2) The property owner may, through written request, authorize the water pollution control division to cause the private sewer line to be repaired and reimburse the water pollution control division for any cost and expenses incurred therewith.

(3) The water pollution control division shall exercise diligence, including sending a certified letter, return receipt requested, in attempting to locate and direct the property owner to repair the service line. However, if said property owner cannot be located or if said property owner fails to secure the service of a contractor to repair the private sewer service line within seventy-two (72) hours of having received notice from the superintendent, then the water pollution control division shall cause the private sewer line, situated in the public right-of-way, to be repaired and excavation backfilled. The said property owner shall be responsible for any cost and expenses incurred in connection with said repair.

(4) The water pollution control division shall submit a bill to the
owner of any property for which it caused a private sewer line to be repaired. In the event the owner of any property for which the water pollution control division has caused replacement or repair of a private sewer service line shall neglect, fail or refuse to pay the cost or expenses incurred by the water pollution control division, such charges shall constitute a lien upon the real estate from which the private sewer line extends, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectable. 

(5) The officials of the department of public works shall be authorized to inspect any sewer repair work done in public right-of-way or easement pursuant to the provisions of this section.

Section 3. Topeka City Code § 146-251, Approval of connections by engineer; compliance with applicable laws, is hereby amended to read as follows:

Approval of connections by engineer; compliance with applicable laws.

Sewer house-lines service to property outside of the city may be connected to the city sewage system or to sewers belonging to another but emptying into the city sewage system only with the approval of the city engineer. Such sewer house-lines service connections shall comply with all applicable ordinances, specifications, rules and regulations of the city.

Section 4. Topeka City Code § 146-256, City not liable for construction or
repair, is hereby amended to read as follows:

City not liable for construction or repair. Annexation and Funding of Sewer Service and Extensions.

Nothing in this division shall be construed to place any obligation or liability on the city to construct, reconstruct or relocate any sewer or appurtenant equipment outside of the limits of the city, nor shall the city be obligated to repair damages to any sewer outside of the limits of the city, which damage was or may be caused by road or other equipment publicly owned and operated or operated under a public contract.

It is the desire of the City of Topeka to conform to the Community Goals Statement adopted as part of the 1986 Shawnee County Wastewater Management Plan, as amended. Specifically the Statements include:

(1) Direct new growth to developable areas served by existing public facilities.
(2) Use the community’s provision of public facilities as a method of guiding growth.
(3) Identify environmentally sensitive areas and guide development away from areas of greatest adverse environmental impact.
(4) Identify and strive to preserve prime agricultural land for production of food and fiber.
(5) Encourage residential development near existing essential services, facilities, and centers of employment.
The Shawnee County Wastewater Management Plan designates service areas into four (4) categories. These include: urban, primary urban, secondary urban, and rural-agriculture. Urban areas are those which are currently within the City of Topeka limits. Primary urban are those areas which are anticipated to become urbanized by 2005. Secondary urban are those areas which are expected to become urbanized by 2025. Rural-agriculture areas include the remainder of Shawnee County. It is the City of Topeka's intent to serve urban and primary urban service areas, and in some cases, to serve secondary urban service areas. In order to provide new services to expected growth areas, water pollution control will identify annual capital improvement expenditures as well as revenue from connection fees to facilitate the orderly expansion of the City of Topeka and its wastewater utility. The relationship of funding and annexation in these service areas will conform to the following policies:

1. New or redeveloped parcels that are adjacent to the existing city limits requiring sewer service shall require annexation prior to service being provided.

2. New or redeveloped parcels that are contained within the primary service area as defined in the Shawnee County Wastewater Management Plan, as amended, and the current Municipal Services Boundary map maintained by the City of Topeka public works and planning departments shall require annexation prior to service being provided. The cost to design and construct the major interceptors necessary to serve these areas will be paid through the City of Topeka water pollution control fund depending on priority and if sufficient capital improvement funding is available.
(3) New or redeveloped parcels that are contained within the current Municipal Services Boundary map from the City of Topeka public works and planning department shall require annexation prior to service being provided. The cost to design and construct the major interceptors necessary to serve these areas will be paid through the City of Topeka water pollution control fund depending on priority and if sufficient capital improvement funding is available.

(4) New or redeveloped parcels that are contained within the primary service area as amended and not in the current Municipal Services Boundary map shall require consent to annexation prior to service being provided. Major interceptors necessary to serve proposed development in this area shall conform to approved sizing and routing as determined by the city engineer. The total cost of extending city sewer service, including interceptors and service lines, shall be borne by the developer without any participation by the City of Topeka.

(5) New or redeveloped parcels that are contained within the secondary urban service area as amended shall require consent to annexation prior to service being provided. Major interceptors necessary to serve proposed development in this area shall conform to approved sizing and routing as determined by the city engineer. The total cost of extending city sewer service, including interceptors and service lines, shall be borne by the developer without any participation by the City of Topeka.
Section 5. Topeka City Code § 146-283, Use of grease traps, is hereby amended to read as follows:

Use of grease traps.

Grease traps shall be installed in accordance with the requirements of article VIII of chapter 26 of this Code to ensure compliance with the effluent limitations contained in this article. The owner or operator of each establishment shall be responsible for servicing and routine cleaning of the grease trap to maintain it in satisfactory operating condition. The owner or operator shall also be responsible for removing the cover of the grease trap for inspection at the request of any representative of the public works department. Any existing establishments not currently using a grease interceptor shall be required to install such if future data (laboratory data and/or preventive maintenance data) show a need for waste pretreatment requirements regulated by the water pollution control division.

Section 6. Topeka City Code Article III, Division 8, Sewage disposal service charges, is hereby amended to read as follows:

SEWAGE CONNECTION AND DISPOSAL SERVICE CHARGES

Section 7. Topeka City Code § 146-341, Calculation of charges and classification of users, is hereby amended to read as follows:

Calculation of charges and classification of users. Connection Fees and Monthly rates/charges established.

All industrial users shall be classified by assigning each one to a standard
classification category according to the principal activity conducted on the premises.

The purpose of such classification is to facilitate the regulation of wastewater
discharges based on quality, quantity and rate of flow to provide an effective means of
source control, and to establish a system of wastewater service charges and fees which
will ensure an equitable recovery of the department's cost. The elements of quality may
include but are not limited to the following: Suspended solids, BOD, COD, oil and
grease and chlorine demand.

(1) Rates and charges for customers inside/outside the city operating under
the terms of this division for sewer maintenance, sewage transportation, and sewage
treatment shall be as now or hereafter established by ordinance of the city and such
rates shall be sufficient to pay costs and expenses of the following three (3) general
classifications:

(a) Sewage disposal and treatment; and

(b) Sewage transportation; and

(c) Sewer operation and maintenance.

All such rates shall be reviewed at least every five (5) years or more frequently at
the discretion of the city, except rates for sewage disposal and treatment which rates
shall be reviewed, altered, or amended as other rates within the city limits.

(2) At the discretion of the chief administrative officer (CAO) or city council,
the connection fees listed in this section may be waived for economic development
projects which, due to their unusual nature or magnitude, offer extraordinary benefits to
the community. The CAO may waive up to twenty-five percent (25%) of the fees. City
council approval shall be required for approval for any waiver in excess of twenty-five
percent (25%).

(3) The public works director shall determine the system connection fee for
each consumer making application for a new service connection. The system
connection fee shall be paid prior to connection as part of the application process. Such
system connection fees shall be based on the system's value, total capacity, and
associated water meter size. Applications for sewer connections for which there is no
associated water service application shall have a sewer connection fee which is
calculated on the basis of projected flows from other sources approximating the water
service size. System connection fees are in addition to other rates, charges, deposits,
or fees established by law. The system connection fees for all classifications and meter
sizes shall be paid prior to connection. These fees shall include all materials and labor
by city personnel.

The system connection fees for meters larger than eight (8) inches shall be
determined by the public works director based on projected flows.

(4) The following are established as the monthly sewer rates and charges to
be paid to the city for discharging wastewater into the sanitary sewer system for bills
rendered on or after January 1, 2004:

(a) Residential and multifamily residences.

The rate shall be based on a calculated average water volume determined
in accordance with Topeka City Code §§ 146-137 and 146-142 for water used in
the months of December, January, and February. The average water volume
determined by this method shall be referred to as the three (3) month winter
average. The three (3) month winter average water volume shall be recalculated
each year following the three (3) month winter period and shall be in effect for the
following twelve (12) month period. For a customer who has not established an
average, the charge shall be the average of the residential three (3) month winter
average for the applicable meter reading route.

(b) Commercial and industrial.

The volume shall be based on the lesser of water volumes determined in
accordance with Topeka City Code § 146-137 or actual metered sewer
discharges. Credit shall be given for those metered flows which do not enter the
sewer collection system. Those customers who discharge wastewater with a
biological oxygen demand in excess of three hundred (300) milligrams per liter
and/or suspended solids in excess of three hundred (300) milligrams per liter will
be assessed the excess strength charge in accordance with the schedule of
rates and charges in this subsection.

(c) Schedule of rates and charges.

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### Adjustment of bills

The monthly rate and charge on a bill may be adjusted administratively by the water pollution control division to the actual or estimated volume or strength provided a significant change from normal conditions of discharge of waste or strength during the billing period can be demonstrated. In no event shall an adjusted monthly charge be less than the minimum rate as established in this
section.

(e) Implementation.

Rates and charges shall become effective with bills rendered on or after the effective dates shown in the schedule of rates and charges.

Section 8. Topeka City Code § 146-342, Standard classification charges, is hereby amended to read as follows:

Standard classification charges. Calculation of charges and classification of users.

(a) For the purpose of calculating wastewater service charges, the minimum standard classification charge shall be based upon the average strength of domestic wastewater, and for this purpose the average strength of domestic wastewater is hereby defined as containing not more than the following:

- 300 mg/l suspended solids (SS)
- 400 mg/l chemical oxygen demand (COD)
- 300 mg/l biochemical oxygen demand (BOD)
- 50 mg/l oil and grease (O&G) (animal or vegetable origin)
- 10 mg/l phosphorous (P)
- 30 mg/l Kjeldahl nitrogen
- 700 mg/l total solids (TS)

Additional elements of wastewater strength as may be deemed necessary by the director.
(b) Any person desiring to discharge wastewater to the city sewage collection system having a concentration greater than 300 mg/l suspended solids or 300 mg/l biochemical oxygen demand shall receive written permission from the director before allowing such discharge.

All industrial users shall be classified by assigning each one to a standard classification category according to the principal activity conducted on the premises. The purpose of such classification is to facilitate the regulation of wastewater discharges based on quality, quantity, and rate of flow to provide an effective means of source control, and to establish a system of wastewater service charges and fees which will ensure an equitable recovery of the city's cost. The elements of quality may include but are not limited to the following: Suspended solids, BOD, COD, oil and grease, and chlorine demand.

Section 9. Topeka City Code § 146-343, Monthly charges established, is hereby amended to read as follows:

Monthly charges established. Standard classification charges. The following are established as the monthly sewer rates and charges to be paid to the city for discharging wastewater into the sanitary sewer system for bills rendered on and after the effective date of this ordinance but prior to July 1, 1992:

1. Single and multifamily residences: The volumes shall be based on water volumes determined in accordance with section 146-137 and section 146-142 for those meters read in the months of November, December, January, February, and March.
Volumes for the remaining months shall be the lessor of (1) the actual water volume reading or (b) a monthly amount established based on volumes utilized during November through March. For those who have not established an average of at least three months of the November through March usage, the charge shall be the lessor of (a) the actual water volume reading or (b) the average residential volume for the applicable meter reading route established during the preceding November through March period. Methods of calculations shall be determined administratively by the water pollution control department. For the purpose of calculating wastewater service charges, the minimum standard classification charge shall be based upon the average strength of domestic wastewater, and for this purpose the average strength of domestic wastewater is hereby defined as containing not more than the following:

- 300 mg/l suspended solids (SS)
- 400 mg/l chemical oxygen demand (COD)
- 300 mg/l biochemical oxygen demand (BOD)
- 50 mg/l oil and grease (O&G) (animal or vegetable origin)
- 10 mg/l phosphorous (P)
- 30 mg/l Kjeldahl nitrogen
- 700 mg/l total solids (TS)

Additional elements of wastewater strength as may be deemed necessary by the director.

(2) Commercial and industrial uses: The volumes shall be based on the lesser
of water volumes determined in accordance with section 146-137 or actual metered sewer discharges. Credit shall be given for those metered flows which do not enter the sewer collection system. Those customers who discharge wastewater with a biochemical oxygen demand in excess of 300 milligrams per liter and/or suspended solids in excess of 300 milligrams per liter will be charged for the excess strength as shown below:

<table>
<thead>
<tr>
<th>Schedule of Rates and Charges:</th>
<th>Jan. 1, 1992</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Inside city:</strong></td>
<td></td>
</tr>
<tr>
<td>Domestic-strength wastewater:</td>
<td></td>
</tr>
<tr>
<td>- First 200-cf (minimum)....</td>
<td>$5.78</td>
</tr>
<tr>
<td>- All over 200-cf, per Ccf....</td>
<td>1.08</td>
</tr>
<tr>
<td><strong>b. Outside city:</strong></td>
<td></td>
</tr>
<tr>
<td>Domestic-strength wastewater:</td>
<td></td>
</tr>
<tr>
<td>- First 400-cf (minimum)....</td>
<td>13.50</td>
</tr>
<tr>
<td>- All over 400-cf, per Ccf....</td>
<td>1.84</td>
</tr>
<tr>
<td><strong>Excess strength charges (a):</strong></td>
<td></td>
</tr>
<tr>
<td>- BOD, per mg/l, per Ccf....</td>
<td>0.001969</td>
</tr>
<tr>
<td>- Suspended solids, per mg/l, per Ccf....</td>
<td>0.000427</td>
</tr>
</tbody>
</table>

mg/l: milligrams per liter
cf: cubic feet
Ccf: 100 cubic feet
The schedule of rates as set forth, to become effective with the first billing on or after the above specified dates. Any person desiring to discharge wastewater to the city sewage collection system having a concentration greater than 300 mg/l suspended solids or 300 mg/l biochemical oxygen demand shall receive written permission from the director before allowing such discharge.

(3) **Surcharge rates for maintenance in Montara and Montara North Subdivisions:** For users in the Montara and Montara North Subdivisions, there shall be a charge of $5.10 per month in addition to the outside city charge specified for single-family and multifamily users, and the charge for commercial and industrial users shall be computed by multiplying the outside city charge by 1.917.

The following are established as the monthly sewer rates and charges to be paid to the city for discharging wastewater into the sanitary sewer system for bills rendered on or after July 1, 1992:

(4) **Residential and multifamily residences.** The rate shall be based on a calculated average water volume determined in accordance with sections 146-137 and 146-142 for water used in the months of December, January, and February. The average water volume determined by this method shall be referred to as the three-month winter average. The three-month winter average water volume shall be recalculated each year following the three-month winter period and shall be in effect for
(5) Commercial and industrial. The volume shall be based on the lesser of water volumes determined in accordance with section 146-137 or actual metered sewer discharges. Credit shall be given for those metered flows which do not enter the sewer collection system. Those customers who discharge wastewater with a biological oxygen demand in excess of 300 milligrams per liter and/or suspended solids in excess of 300 milligrams per liter will be assessed the excess strength charge in accordance with the schedule of rates and charges in subsection (6).

(6) Schedule of rates and charges:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Inside city</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic strength wastewater:</td>
<td>$8.07</td>
<td>$8.43</td>
<td>$8.81</td>
<td>$9.16</td>
</tr>
<tr>
<td>First 1,500 gallons (minimum),</td>
<td>2.32</td>
<td>2.42</td>
<td>2.53</td>
<td>2.63</td>
</tr>
<tr>
<td>Over 1,500 gallons, per Mgal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excess strength charges (a):</td>
<td>0.002129</td>
<td>0.002225</td>
<td>0.002325</td>
<td>0.002430</td>
</tr>
<tr>
<td>BOD, per mg/l per Mgal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspended solids, per mg/l per Mgal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>per Mgal</td>
<td>0.004092</td>
<td>0.001144</td>
<td>0.001192</td>
<td>0.001246</td>
</tr>
</tbody>
</table>

b. Outside city:             |             |             |             |             |
### Domestic strength wastewater:

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>First 3,000 gallons (minimum),</td>
<td>18.56</td>
<td>19.40</td>
<td>20.27</td>
<td>21.08</td>
<td></td>
</tr>
<tr>
<td>Over 3,000 gallons, per Mgal</td>
<td>3.94</td>
<td>4.12</td>
<td>4.31</td>
<td>4.48</td>
<td></td>
</tr>
</tbody>
</table>

### Excess strength charges (a):

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD, per mg/l per Mgal</td>
<td>0.003618</td>
<td>0.003784</td>
<td>0.003951</td>
<td>0.004129</td>
<td></td>
</tr>
<tr>
<td>Suspended solids, per mg/l per Mgal</td>
<td>0.001858</td>
<td>0.001942</td>
<td>0.002029</td>
<td>0.002120</td>
<td></td>
</tr>
</tbody>
</table>

---

**mg/l:** milligrams per liter  
**cf:** cubic feet  
**Ccf:** 100 cubic feet  
Applicable to commercial and industrial uses with a wastewater strength in excess of 300 mg/l.
<table>
<thead>
<tr>
<th></th>
<th>Outside city:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic strength wastewater:</td>
<td></td>
</tr>
<tr>
<td>First 3,000 gallons (minimum)...</td>
<td>14.20 14.92 16.36 17.76 17.76</td>
</tr>
<tr>
<td>Over 3,000 gallons, per Mgal,...</td>
<td>2.79 3.14 3.44 3.77 3.77</td>
</tr>
<tr>
<td>Excess strength charges (a):</td>
<td></td>
</tr>
<tr>
<td>BOD, per mg/l-per Mgal,...</td>
<td>0.004591 0.004707 0.005051 0.005440 0.003462</td>
</tr>
<tr>
<td>Suspended solids, per mg/l-per Mgal,...</td>
<td>0.001221 0.001469 0.001642 0.001778 0.001778</td>
</tr>
</tbody>
</table>

c. Metropolitan Topeka Airport Authority (21219, 27220). The Metropolitan Topeka Airport Authority (MTAA) shall pay for the wastewater discharged into the sanitary sewer system at a rate of 100 percent of the inside city rate, based upon metered water usage, until December 31, 2004. In the event of annexation of the MTAA area, the provisions of city contract no. 21219 shall govern.

(a): Applicable to wastewater strength in excess of 300 mg/l.

mg/l: milligrams per liter

Mgal: 1,000 gallons
(7) **Adjustment of bills.** The monthly rate and charge on a bill may be adjusted administratively by the water pollution control division to the actual or estimated volume or strength provided a significant change from normal conditions of discharge of waste or strength during the billing period can be demonstrated. In no event shall an adjusted monthly charge be less than the minimum rate as established in this section.

(8) **Implementation.** Rates and charges shall become effective with bills rendered on or after the effective dates shown in the schedule of rates and charges. The initial three-month winter average water volume shall be determined as described in subsection (1) of this section for bills rendered on and after July 1, 1992. Volume expressed as units of 1,000 U.S. gallons shall be effective May 1, 1993.

**Section 10.** That Topeka City Code Chapter 146, Article III, Division 8, and §§ 146-196, 146-237, 146-240, 146-241, 146-251, 146-256, 146-257, 146-283, 146-341, 146-342, 146-343, 146-347, 146-348, 146-349, 146-350, 146-351, 146-352, and 146-353, are hereby specifically repealed.

**Section 11.** This Ordinance shall take effect and be in force from and after passage, approval and publication in the official City newspaper.

Passed and approved by the City Council [June 22, 2004]

(ATTEST:)

[Signature]
James A. McClinton, Mayor

[Signature]
Iris E. Walker, City Clerk

VYORD/SEWER 06/2004