I. Call to Order / Roll Call

II. Approval of standing committee minutes from October 14, 2013.

III. Committee Agenda

Item No. 1 - ORDINANCE: FOG CONTROL PROGRAM

Synopsis:
Ordinance establishing the framework and implementing a Fats, Oil, and Grease (FOG) Control Program, submitted by Misty Brown.

On October 14, 2013, a presentation was made to the Public Works and Safety Standing Committee providing current and future information as it relates to this program.

Tracking #: 130390
Item No. 2 - RECOMMENDATIONS: SOLID WASTE MANAGEMENT

Synopsis:
Communication requesting approval of the review and recommendations of the Solid Waste Planning Committee, submitted by Mike Tobin, Public Works. The Kansas Department of Health and Environment (KDHE) requires that the Solid Waste Plan be reviewed on an annual basis by the committee and approved by the Board of County Commissioners.
Tracking #: 130388

Item No. 3 - RECOMMENDATION: FAIRFAX INDUSTRIAL DISTRICT IMPROVEMENTS

Synopsis:
Communication requesting approval of the Fairfax Industrial Association's recommendation to use 2014 Fairfax Improvement Funds of $100,000 for curb and sidewalk replacements and repair along Sunshine Road, from the western end near Levee Road to the eastern end at Fairfax Tfwy., submitted by Bill Heatherman, County Engineer.
Tracking #: 130386

IV. Outcomes

V. Adjourn
The meeting of the Public Works and Safety Standing Committee was held on Monday, October 14, 2013, at 5:00 p.m., in the 6th Floor Human Resources Training Room of the Municipal Office Building. The following members were present: Commissioner Kane, Chairman; Commissioners, Markley, Philbrook; and BPU Board Member Bryant. Commissioners Maddox and Walker were absent.

Chairman Kane called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for September 16, 2013. On motion of Commissioner Markley, seconded by Commissioner Philbrook, the minutes were approved. Motion carried unanimously.

Committee Agenda:
Item No. 1 – 130346… Presentation on current and future information as it relates to Fats, Oil & Grease (FOG) program, presented by Jim Larkin, Water Pollution Control.

Bob Roddy, Public Works Director, said Jim Larkin was going to make this presentation but he couldn’t be here so I said I would step in. We bring this to you tonight because it will impact the community, and undoubtedly there will be communications that will occur with the people that generate. FOG stands for Fats, Oil and Grease. We thought it would be good to share the future events with the commissioners so that they are aware of what’s going to be going on.
FOG History

- Fats Oil and Grease dumped down the sewer have caused sewer blockages and overflows
- FOG & Septic waste has been received for years at Kaw Point WWTP at a receiving station
- Partial Consent Decree (PCD)-requires formal and documented FOG Program

Just to bring you up to date, fats, oil and greases are generated by industry and residents. When it is done in an excessive manner, it can cause blockages in the sewers and results in overflows and potential violations to our NPDS permit. For many years, the Unified Government provided a septic waste station to receive fats, oils and greases and we did this as much as anything to provide a legal outlet for this waste product. We prefer to at least control it at our plant as opposed to not having an illegal disposal site. We didn’t want people dumping it in manholes. We did that for much of the metropolitan area. We were about the only one providing that service for many years. Times have changed, and we will get into that in a minute.

Who’s in the FOG Program?

- FOG Generating Businesses, including:
  - Restaurants, food courts, delis, snack bars
  - Food processing and packaging plants
  - Schools, hospitals, nursing homes
As far as the reason why this is a current subject today is that our partial consent decree required us to improve our program and to take steps to make sure that our system is well managed in this regard.

As we mentioned earlier, the people that generate the greases are primarily restaurants, snack bars, and anyone that is handling excessive amounts of food are potential developers.

**Program Purpose**

- Require FOG Generators to have grease interceptors (GIs) and follow Best Management Practices (BMPs) to minimize FOG Discharges
  - FOG materials plug sewers, cause overflows and basement backups

The basic purpose of the program is to require the people that generate grease interceptors to follow practices to make sure they clean the grease interceptors on a regular basis. Many of our businesses that were built many years ago unfortunately do not have grease interceptors or they have a rudiment type system; however, many of them manage their sites quite well so it does have isolated problems but it is something that we need to try to mange better in the future. As we mentioned, it can cause backups which could involve peoples’ basements which is obviously awful.
FOG Program Basics

- FOG generators required to have:
  - FOG Permit (no cost initially)
  - Grease Interceptor (GI)-New FOG generators only
  - Submit Annual Grease Report- (O&M of GI)

- Existing FOG generators w/o GI:
  - Granted conditional waiver
  - GI not required until traceable grease problem occurs

What is our program? We are trying to develop a program that works but it doesn’t create an unnecessary burden on the community. We have basically two groups of people. We have the people that are current generators and what we are asking of them is to fill out a permit. That is really just to get a database so we know where all of them are located and to find out what the nature of their business is. There is no cost for this permit. The new generators are going to require to have a grease interceptor. We already do this as part of the normal building code so if any restaurant was going to come here, we would require this automatically anyway so this is nothing new. One of the new items, we would have them submit an annual report to make sure that they, in fact, did haul their grease away, and to make sure they are not just having a grease trap that is cleaned by hot water once a week.

As I mentioned, the existing FOG generators will be granted a conditional waiver. We are not going to require them to install a grease trap; however, if we find that their particular site causes problems, we will require them to install grease traps. We have at least one location where that is currently occurring.
Change to Hauled Waste Policy

- On Jan. 1, 2014, UG still accepting septic waste, but not grease at Receiving Station
- Grease is a revenue source, however:
  - O&M costs are making it revenue neutral
  - Local KCK business is actively seeking grease for recycling beneficial use
  - JOCO accepting grease for beneficial reuse

As part of this program, we are also recommending to the community that we close down our grease receiving station at the treatment plant. The grease is a revenue source, but handling grease is a difficult issue and at best, it is a break even function and times have changed. We now have a local KCK business that is actually seeking to take the grease for recycling beneficial use, but in order to make his program financially viable, we have to get out of the business so we are supportive of that effort. In addition, Johnson County is now taking grease for beneficial use. I believe they use it to cogenerate and basically they generate electricity from the grease they receive.

**BPU Board Member Bryant** asked will we be notifying the companies that have been using that service about the name of the company that will be able to accept it. **Mr. Roddy** said yes. I think most of the haulers are aware that this is coming. I believe we only have one hauler in Wyandotte County.
In order to support this program, you will see some changes in the ordinance to more clearly define the efforts we are undertaking. I believe it is anticipated that these changes will come to the commission by the end of the year.

Future actions, we will be sending out letters to the restaurants and people who we believe are potential generators. We will meet with the generators and we will also notify the appropriate people that we will be discontinuing the accepting of grease and recommend that they pursue other locations including the one that is located within KCK. As part of the compliance program,
we are required to educate the people about grease and where it is properly disposed, so you will see flyers that come out occasionally.

Chairman Kane said on our goal statement it says environment, public works and safety, protect natural resources, comply with state and federal regulations in the most cost effective manner to improve the environment of our region. How are we doing that? Mr. Roddy said that is a broad subject, but we are going to get into the goals. As far as the commission strategic plan and compliance with environmental rules, buy in large I think we are doing an excellent job. I mentioned the other night that our consent order on the CSO is going exceedingly well. Five of our treatment plants received awards this year for excellent compliance in their discharge. We are doing well on ADA ramp construction. We are not doing well on ADA investments in our buildings and that is really just a question of funding. I am not aware of any environmental areas right now that we are deficient in. As a matter of fact, I think we are doing quite well in most programs. Chairman Kane said perfect. We’ll all be tuned in for this Saturday. Is it this Saturday that we are all going to meet? Commissioner Philbrook and Mr. Roddy said yes. Chairman Kane asked are you going to be there. Mr. Roddy said unfortunately, yes. Chairman Kane said I’m sorry, did you say unfortunately. Mr. Roddy said no, I said yes with a smile.
Commissioner, since you got on goals, obviously there is the environmental goal which we were talking about a minute ago. One of the goals obviously is public works and infrastructure. This is a map of all of the 2013 major construction projects. We broke them into different groupings so there is a section on bridges, CNIP road projects, sidewalks, and trails.

When you look at the goals of the commission, those that deal with infrastructure, you asked for different components and how we are doing on neighborhood issues, how are we doing on investments, how are we doing on public/private investment and all those related to different projects so we thought we would share this 2013 map with you. By and large, most of those projects are going well and are on schedule. We have this in a larger map and I know that the map I am giving you is quite difficult to read, but I believe this is a tool we can use to talk about if you have question about one specific project as to how it relates to commission goals. We believe that this map by and large contains those elements that the commission wanted to see a report on or at least be knowledgeable as to what we are doing within the community.

Commissioner Philbrook asked on one and two on the bridges, when are those due to be worked on. I know you put new sides on there so they wouldn’t crumble. The ones over Turner Diagonal. Mr. Roddy said Bill Heatherman is here and he has an answer right on the tip of his tongue. Bill Heatherman, County Engineer, said the complete replacement of those is not in the CMIP. One and two was for the emergency repair. Project Socrates discussion would have kind of led to an immediate plan of action for the Riverview Avenue Bridge. Commissioner Philbrook said right now with the new sides on there that you guys put on, that is pretty much it for now. Mr. Heatherman said that is correct. That’s it until we are ready to knock the whole thing down and put a new one up on both of them. Commissioner Philbrook said that is just what I wanted to know. That’s fine. Thanks. Chairman Kane said tell her how much it cost. Mr. Heatherman said Riverview Ave., we told Doug to set aside $10M. We think we can do it for that. Now Riverview was a special case because the bridge itself just can’t be put in exactly as it was. Commissioner Philbrook asked how much did those little sides cost, just to knock that down and put the little sides on there. Mr. Heatherman said I think about $200,000 to $250,000 a piece. Commissioner Philbrook said thank you, that gives me a little to go from. Mr. Roddy said as you are looking at this, if you have questions about any of these projects; feel free to call Bill or me. We will try to give you an answer.
Commissioner Philbrook asked Bill, on that number four, was that the one that you guys redid, that culvert on 51st St. Mr. Heatherman said yes, and it is largely wrapped up.

Commissioner Philbrook asked what is the one on five. I can’t tell from this one. Mr. Heatherman said actually that is the first phase of a two phase project that ultimately replaces all four large culverts on 55th St. north of Leavenworth Rd. leading up to the Nearman Power Plant. The first two are the two larger culverts that were actually federal aid eligible, and those are under construction right now. You’ll notice it because they have automatic one-way traffic signals in place, so basically automated flaggers. The other two culverts will be under construction by next year.

Action: No action required.

GOALS AND OBJECTIVES FOLLOW-UP

Item No. 1 – 120155...The Unified Government Commission conducted a strategic planning process resulting in specific goals and objectives adopted by the commission on May 17, 2012. Commission has directed that the goals and objectives appear monthly on respective standing committee agendas to assure follow-up and action toward implementation.

a. Infrastructure. Improve and finance infrastructure to comply with federal regulations, encourage private investment, and build community.

b. Environment. Ensure natural resources are protected to the maximum extent possible; opportunities for additional natural areas are pursued; and the park system is enhanced.

c. Public Safety. Provide the public's safety through best practices with results in lower crime rate, safer dwellings and businesses, and efficient court services.

d. Multimodal Transportation. Create a transportation system that moves people to where they want to go including work, services, and amenities.

Adjourn

Chairman Kane adjourned the meeting at 5:16 p.m.

October 14, 2013
Staff Request for Commission Action

Tracking No. 130390

☐ Revised  ☐ On Going

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 11/18/2013

(If none, please explain):

Proposed for the following Full Commission Meeting Date: Confirmed Date: 12/5/2013

12/5/2013

☐ Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>Misty Brown</td>
<td>573-5060</td>
<td><a href="mailto:mbrown@wycokck.org">mbrown@wycokck.org</a></td>
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Item Description:

An ordinance establishing the frame work and implementing a Fat Oil and Grease (FOG) Control Program in compliance with the Unified Government's partial consent decree with the EPA.

Action Requested:

Forward to the full commission for approval.

☑ Publication Required

Publication Date: 

Budget Impact: (if applicable)

Amount: $

Source:

☑ Included In Budget  Cost impacts sewer enterprise fund.

☐ Other (explain)

File Attachment

File Attachment

File Attachment
ORNANCE NO. __________

AN ORDINANCE relating to the fats, oils, and grease (FOG) Control Program; amending original sections 23-15, 30-4, 30-124, and 30-127; creating a new ordinance, Chapter 30, Article IX of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas has entered into a federal consent decree with the US Environmental Protection Agency and the State of Kansas; and

WHEREAS, the cooperative agreement addresses enhanced operation and maintenance of Unified Government’s sewer systems as well as the development of a comprehensive plan to address wet weather-related sewer overflows; and

WHEREAS, the partial consent decree requires the Unified Government to implement a Fats, Oil and Grease (“FOG”) Control Program Plan to reduce the potential for grease accumulations which may impact Sewer System capacity and contribute to Sewer System Overflows, and

WHEREAS, additional legal authority is required to establish the FOG program framework.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 23 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and it is hereby amended to read as follows:

Sec. 23-15. Complaints; how used; issuance of warrant; refusal to issue; effect.

(a) If the complaint is signed by a law enforcement officer or by any of the following officials of the unified government: chief counsel, assistant counsel, fire marshal, fire inspector, health inspector, building official, code enforcement officer, zoning enforcement officer, warrant officer, animal control officer, parking control officer, weights and measures inspector, right-of-way manager or right-of-way inspector, environmental compliance officer, sheriff or sheriff deputy, park ranger or license inspector, it may be served, together with a notice to appear, upon the accused person and then filed with the municipal court, or it may be filed with the municipal court and then served together with a notice to appear upon the accused
person. If a complaint is signed by someone other than a law enforcement officer or by one of the officials specified in this subsection, it shall be filed initially with the municipal court, and if so filed, delivered to the chief counsel, who may cause a notice to appear to be issued. If the chief counsel has good reason to believe that the accused person will not appear in response to a notice to appear, the chief counsel or his designee may request that a warrant be issued. Such warrant will be issued if the compliant is positively sworn to and the municipal judge has probable cause to believe that:

(1) There has been the commission of a violation of a municipal ordinance;
(2) The accused person committed such violation; and
(3) The accused person will not appear in response to a notice to appear.

(b) If the chief counsel fails either to cause a notice to appear or to request a warrant to be issued on a complaint initially filed with the municipal court, the municipal judge may, upon affidavits filed with the court alleging the violation of an ordinance, order the chief counsel to institute proceedings against any person. Any municipal judge entering such an order shall be disqualified from sitting in the case and is further prohibited from communicating about such case with the municipal judge appointed to preside therein.

Section 2. That Chapter 30 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

Sec. 30-4. Enforcement.

It is the duty of the Director to enforce the provisions of this chapter. The Director shall have the right to disconnect from the city sanitary sewer system and/or the city water system any premises upon which a violation of this chapter is found. Before any such disconnection, the Director shall first serve a notice in writing on the owner, agent for the owner or tenant in possession of such premises, which notice shall specify the violation(s) existing and provide a period of fifteen days from the date thereof within which the owner, agent for the owner or tenant in possession may abate such violation(s).

Sec. 30-124. Prohibited discharges.

(a) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the municipal sewer system (including treatment facilities). These general prohibitions apply to all such users of the municipal sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances:
(1) Any liquids, solids or gases which by reason of their nature and quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal sewer system or to the operation of the sewage treatment works; any petroleum oil, nonbiodegradable oil, or products of mineral oil origin in amounts that will cause interference or pass through; or any pollutant resulting in the presence of toxic gases, vapors or fumes within the sewers or POTW sufficient to cause worker health and safety problems. Any noxious or malodorous liquids, solids, or gases which, singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any other substances which are a fire hazard or a hazard to the system and waste streams containing substances with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified by EPA.

(2) Any solids, natural or manmade fibers, insoluble or emulsified oils, fats, or greases, slurries or viscous materials of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewage treatment works such as, but not limited to, ashes, cinders, sand, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, hides, paunch manure, hair and fleshings, entrails, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, asphalt residues, residues from the refining or processing of fuels or lubricating oils, glass grinding or polishing wastes, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(3) Any waters, waste, material or substances which are corrosive or irritating to human beings or animals, or are toxic or noxious or which contain toxic, poisonous or conventional pollutants that are solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, and cause interference or pass through or otherwise injure or interfere with the sewage treatment process, including by not limited to sludge use and disposal, or which constitute a hazard to humans or animals, or which create a public nuisance, or which create any hazard in the receiving waters of treated effluent or the sewage treatment works.
(4) Health department permitted wastes, except at selected locations as designated by the director.

(5) Acetylene generation sludge.

(6) Any waters or wastes containing fats, waxes or total oil and grease as determined by an EPA approved method shall not exceed 250 mg/l. For facilities that manufacture biodegradable and food grade emulsified and dissolved oils, the director may establish mass-based limits. Waters or wastes containing substances that may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit are prohibited, except at selected locations as designated by the director.

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

(8) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits established by the director as necessary, after treatment of the composite sewage, to meet the requirements of local, state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of radiation (μCi/ml) established by the director in compliance with applicable local, state or federal regulations.

(10) Any waters or wastes having a pH less than 5.5 standard units (SU) or in excess of 10.5 SU.

(11) Materials that exert or cause a significant load on the sewage treatment works or a discharge of any pollutant that is sufficient to cause or is likely to cause interference and pass through, such as:
   a. Concentrations of inert suspended solids (such as, but not limited to, diatomaceous or Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
   b. BOD, COD, chlorine.
   c. Volumes of flow or concentration of wastes constituting "slugs" as defined herein.
Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment works effluent or any other product of the municipal sewer system such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the municipal sewer system cause the sewage treatment works to be in noncompliance with sludge uses or disposal criteria, guidelines, or regulations developed under section 405 of the act (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or state criteria applicable to the sludge management method being used.

Any waste exceeding the following limits:

a. Arsenic (As): 0.27 mg/l.
b. Cadmium (Cd): 4.16 mg/l.
c. Chromium (Cr): 4.01 mg/l.
d. Copper (Cu): 5.15 mg/l.
e. Cyanide (CN): 0.29 mg/l.
f. Lead (Pb): 0.81 mg/l.
g. Nickel (Ni): 4.10 mg/l.
h. Mercury (Hg): 0.02 mg/l.
i. Silver (Ag): 1.03 mg/l.
j. Zinc (Zn): 5.16 mg/l.
k. Total petroleum hydrocarbon: 100 mg/l.
l. MBAS:
   1. Daily maximum: 90 mg/l.
   2. Monthly average: 70 mg/l.
m. BTEX (total): 16 mg/l.

Equivalent mass limits may be allocated to industrial users for any of the limits set out in this subsection at the director's discretion. In no case shall a wastewater discharge permit limit for discharge to the municipal sewer system be less stringent than the federal or state limit, if it exists. This would apply to categorical industries and may apply to specific industries identified by the unified government or state.
(14) Any wastes contributed by users of the POTW that, either singly or in conjunction with other significant industrial users, cause the POTW influent to exceed the following limits (lbs./day):

a. Arsenic: 15.91.

b. Cadmium: 162.43.

c. Chromium: 156.61.

d. Copper: 201.16.

e. Cyanide: 11.21.

f. Lead: 31.80.


h. Mercury: 201.35.

i. Silver: 1.66.

j. Zinc: 40.08.

(15) No user using silver in manufacturing or as part of a process operation, including, but not limited to, the development and/or printing of photographic pictures or X-rays, precious metal plating, or any operation where silver is reasonably expected to be found in the facility's wastewater, shall discharge silver bearing wastewater to the public sewer without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process. Requirements listed in best management practices (BMPs) that have been approved by the director will be enforceable by the water pollution control division. The use of an approved BMP by an industrial user shall be governed by the policies established by the director. These include but are not limited to the provisions for sampling and inspection by the unified government and sampling and reporting requirements for the facility. It shall be unlawful for an industrial user to discharge a silver-rich solution from a photographic processing facility or otherwise introduce such solution into the municipal sewer system, unless such silver-rich solution is managed by the photographic processing facility in accordance with the Code of Management Practice for Silver Dischargers, as identified in section 30-1, prior to its introduction into the municipal sewer system. The Code of Management Practice for Silver Dischargers is a fully enforceable element in the unified government's industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. If a photographic facility does not comply with the requirements in the Code of Management Practice for Silver Dischargers, the numeric limitation for silver (Ag) per subsection (14) (13) of this section will be enforced.

(16) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the
POTW Treatment Plant exceeds 40°C (104 °F), unless alternate temperature limits are approved by the director.

(b) The Director may remove parameters from identified categorical industrial users or other permitted industrial users which are not present at the facility and have not been detected in the most recent three (3) years of sampling performed by the industrial user and the UG.

The industrial user must petition the Director to have the parameter(s) removed from the industrial user’s wastewater discharge permit. The petition must include the certification that the analyte is not present on the property. The industrial user will be required to certify the absence of the parameter with each periodic compliance report is submitted to the UG.

The UG may continue to sample for the parameter. If any sampling detects the presence of the removed parameter, the wastewater discharge permit will be modified to include the parameter for future testing.

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

Grease, oil, and sand traps/interceptors shall be provided when deemed necessary by sections 30-124 and 30-294 and 30-352 for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts, except that such traps/interceptors shall not be required for residential users. Users shall maintain records and documentation indicating adequate operation and maintenance and upon request of the director shall supply such record within 24 hours.

Section 3. That a new Chapter 30, Article IX, entitled “Fat, Oil and Grease Control Program,” is hereby created to read as follows:

Sec. 30-150. Definitions.

In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Automatic Grease Recovery Unit (AGRU) means an electro-mechanical device designed to separate grease from wastewater within the unit and automatically discharge accumulated grease material to a separate container for disposal. The automatic grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

Black Water means wastewater containing human waste, from sanitary fixtures such as toilets and urinals.
Board of Public Utilities (BPU) means an administrative agency of the Unified Government of Wyandotte County/ Kansas City, Kansas.

Brown Grease means fats, oil and grease that are discharged to the grease control equipment originating from kitchen or food prep wastewater.

Common Grease Interceptor means an external device to which grease wastes are directed from more than one food service facility or establishment, such as a food court or shopping center. The device functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity. For common grease interceptors, it is the responsibility of the Responsible Party to ensure compliance for all those FSFs that discharge to a common grease interceptor.

Contact Person means the individual responsible for overseeing daily operation of the FSF or the FOG generator and who is responsible for overseeing the compliance with the FOG Control Program as established herein.

FOG means the abbreviation for Fats, Oil & Grease typically derived from animal or vegetable origins that may interfere with the operation of the collection system or publicly-owned treatment works (POTW), or become a removal problem at the POTW. FOG shall include all pollutants identified as FOG by an EPA-approved testing method OR originate from mineral and petroleum-based products such as motor oil and industrial sources.

FOG Control Equipment (FCE) means the properly and legally installed and operated FOG removal equipment including, but not limited to, indoor and outdoor grease interceptors, grease and solids trap combination units, and/or AGRUs as approved by the Unified Government.

FOG Program Administrator means the individual who will be directly responsible for managing, coordinating and overseeing the FOG Control Program for the Unified Government.

FSF or FSE means food Service Facility or Establishment that uses food preparation processes and includes, but is not limited to those facilities that are registered and licensed by the State of Kansas Department of Agriculture. These facilities include, but are not limited to, restaurants, hotel/motel kitchens, hospitals, school kitchens, bars, factory cafeterias, clubs, delis, kiosks, snack bars, grocery stores, convenience stores, food processing and packaging plants, ice cream shops, food courts, coffee shops, cafeterias, bakeries, nursing homes, multiple family dwellings, dairies, mobile food cantinas, churches, diners and any other facility to produce fats, oil and grease originating from animal or vegetable sources.

Grease Generator means any facility or business that generates grease from an animal or vegetable origin that may interfere with the operation of the collection system or POTW. This also includes grease that may be generated from mineral and/or petroleum products such as motor oil and industrial sources.

Grease Interceptor means an external device designed for flows in excess of fifty gallons per minute (>50 GPM). The device is installed outside of the building and functions to separate and retain grease from the normal sewage flows while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.
**Grease Recovery Unit (GRU)** means all active indoor mechanical systems designed to remove fats, oils and grease by physical separation from flowing wastewater. The grease recovery unit shall be certified by and conform to applicable Uniform Plumbing Code (UPC) standards.

**Grease Trap** means an indoor device designed for smaller quantities of flow, typically designed for flow up to fifty gallons per minute (<50 GPM) installed to separate and retain all fats, oil and grease from wastewater flow while allowing the balance of the liquid wastewater to discharge to the collection system by gravity.

**Hauler or Grease Hauler** means a company, person or contractor who pumps, cleans and collects the contents of a grease interceptor or trap and transports it to a septage receiving station or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a FSF or FOG generating facility.

**Renderable FOG container** means a closed, leak-proof container for the collection and storage of yellow grease.

**Responsible Party** means the owner or party that pays the bills for water pollution abatement and is listed on the BPU bill as the party responsible for paying the monthly bill. In the case of a common grease interceptor, the contact person shall be the person(s) named to be responsible in a signed and legal document for operation and maintenance of a common grease interceptor.

**Total flow-through rating** means the total flow-through rating shall be calculated as the total draining fixture unit (DFU) sum for all fixtures draining to the interceptor equal to the flow in gallons per minute (1 DFU =1 GPM).

**Yellow Grease** means fats, oils and grease that have not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.

**NAICS** means the North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

### Sec. 30-351. FOG discharge permit required.

(a) All FSFs, FSEs and FOG generating businesses shall have a valid FOG discharge permit.

(b) Application for a FOG discharge permits shall be on forms provided by the Unified Government. Applications shall be verified and shall include the following information:

1. Business Name and Address;
2. FOG Control Equipment type;
3. FOG Control Equipment size or capacity;
4. Cleaning/Maintenance Frequency.

(c) FOG discharge permits shall be issued annually or as otherwise determined by the Director. The facility owner/operator shall apply for a FOG discharge permit reissuance
no less than 30 days prior to the expiration of the facility owner/operator’s existing FOG discharge permit. The terms and conditions of the FOG discharge permit may be subject to modification by the Director during the term of the FOG discharge permit as limitations or requirements as identified in this article are modified or other just causes exist. The facility owner/operator shall be informed of any proposed changes in the FOG discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the FOG discharge permit shall include a reasonable time schedule for compliance.

(d) A FCE pumping/maintenance log shall be maintained for each FCE device. This log shall include the date, type of service, service provider, disposal site (if known), volume pumped and service comments. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

(e) An employee Best Management Practices (BMP) Training Log shall be maintained for each FSE and FOG generating business employee. This log shall include the facility name, facility location, employee’s name, initial training date and subsequent follow-up training dates. This log shall be kept in an accessible and known location for inspection. This log shall be made immediately available to any WPC representative upon request.

Sec. 30-152. FOG Control Equipment’s (FCE) installation.

(a) On or after the effective date of the ordinance, all FSFs, FSEs and FOG generating businesses which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to have an approved FCE for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts.

(b) On or after the effective date of the ordinance, all existing FSFs, FSEs and FOG generating businesses shall receive a conditional waiver and not be required to install a FCE unless the Director determines that the installation of FCE is necessary for the proper handling of liquid wastes containing grease, oil, sand or other harmful ingredients in excessive amounts.

(c) Failure to install a FCE within the time required by the Director shall result in the assessment of an administrative penalty of not less than $1,000.00, water and sewer services to the facility may be disconnected, and the Director may take any other remedies as are available by law.

Sec. 30-153. FOG Control Equipment’s (FCE) maintenance.
(a) All FCEs shall be properly maintained by the user at the user’s expense. Maintenance shall include, but is not limited to, the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the FEC from which the waste was removed or any other FEC, for the purpose of reducing the volume to be disposed, is prohibited.

(b) FCEs must be pumped out completely a minimum of once every ninety (90) days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system. Any request to extend the pumping frequency past ninety (90) days must be done in writing to the Director. Approval shall not be granted unless it can be adequately demonstrated to the Director that extending the pumping period past ninety (90) days will not adversely affect the municipal sewer system.

(c) All waste removed from each FCE must be disposed of at a treatment facility designed to receive such wastes. In no way shall the FCE wastes be returned to any private or public portion of the collection system or sewage treatment plants, without written approval from the Director.

(d) Users shall maintain records and documentation indicating adequate operation and maintenance and, upon request of the Director, shall supply such record within 24 hours.

Sec. 30-154. FSF Reporting.

(a) Each FSF shall submit an annual FCE report to the director for the previous calendar year. The FCE report will be in a format acceptable to and supplied by the director. The annual report will include, at a minimum, a summary of all FCE maintenance and operation activities for the facility, additions to or reductions to the size and type of FCE, employee BMP training log and general or site-specific BMPs utilized to minimize or eliminate the amount of FOG entering the sewer system.

(b) If the FSF does not have any FCE, the annual FCE report will indicate the absence of the FCE and include submission of the FSF Questionnaire, the employee BMP training log and adherence to the remaining conditions in the FOG Program.

Sec. 30-155. Inspections and entry.

Authorized personnel of the Unified Government, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.
Sec. 30-156.  Enforcement.

(a) Any FSF with a permitted FCE which causes a partial or complete blockage in the Sewer System shall be subject to the following enforcement:

(1) Upon the first violation, a Notice of Violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than $250.00 will be assessed to the FSF.

(2) If an additional blockage occurs in the following twelve (12) month period, a Notice of Violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than $1,000.00 will be assessed to the FSF. The FSF shall have the FCE cleaned on a frequency determined by the Director for a minimum of twelve (12) months. Documentation of the cleanings shall be sent to the Director within five (5) business days of the cleaning. If no further blockages occur within the twelve (12) month period, the frequency of cleaning and reporting shall revert to the previous permitted schedule upon the request of the FSF and approval of the Director.

(b) Any FSF without permitted FCE and which heretofore has not been required to have permitted FCE which causes a partial or complete blockage in the Sewer System shall be subject to the following enforcement:

(1) Upon the first violation, a Notice of Violation shall be issued and the costs associated with removing the blockage and an administrative penalty of not less than $250.00 will be assessed to the FSF. The FSF may elect to install a FCE within forty-five (45) calendar days of the Notice of Violation in lieu of paying for the cost associated with removing the blockage. If the FSF elects to install a FCE, documentation of the installation shall be sent to the Director within five (5) business days of completion of the installation.

(2) If an additional blockage occurs in the following twelve (12) month period, a Notice of Violation shall be issued, the costs associated with removing the blockage and an administrative penalty of not less than $1,000.00 will be assessed to the FSF, and the FSF shall be required to install the FCE within forty-five (45) calendar days. Documentation of the installation shall be sent to the Director within five (5) business days of completion of the installation. If a FSF is reasonably unable to install an outside grease interceptor, the FSF may submit a written request for a variance to the Director for consideration. All requests shall contain such information as the Director may require. The Director may grant a variance on a case-by-case basis after consideration. No variance shall authorize the creation or maintenance of a nuisance or any danger to public health or safety. No variance granted by the Director shall be construed to authorize any activity in violation of any state or any federal pollution control regulation or requirement.
Sec. 30-157. Emergency suspension of services.

The Director may suspend water or sewer service when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which:

1. Presents or may present an imminent or substantial endangerment to the public welfare or safety of persons or the environment;

2. Causes stoppages, or excessive maintenance to be performed to prevent stoppages, in the municipal sewer system;

3. Causes interference to the sewage treatment works; or

4. Causes the Unified Government to violate any condition of its NPDES permit. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. The Director shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Director within fifteen days of the date of occurrence.

Sec. 30-158. Appeal.

An appeals process is available to any person aggrieved by an action of the Director or his designee pursuant to Section 30-5.

Sec. 30-159. Prohibitions

Devices which grind solid food waste (such as, but not limited to, in-sink garbage disposal units) shall not be connected to any FCE. Floor drains shall not be connected to any FCE.

Section 4. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.
PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CIYT, KANSAS

THIS _______ DAY OF ____________________, 2013.

____________________________________
Mark Holland
Mayor/CEO

ATTEST:

_____________________________________
Unified Government Clerk

Approved as to form:

_____________________________________
Misty S. Brown
Assistant Counsel
Type: Standard  
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 11/18/2013

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 12/5/2013

Confirmed Date: 12/5/2013

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>11/12/2013</td>
<td>Mike Tobin</td>
<td>573-5700</td>
<td><a href="mailto:mtobin@wycokck.org">mtobin@wycokck.org</a></td>
<td></td>
<td>Public Works</td>
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Item Description:
The Kansas Department of Health and Environment (KDHE) requires each county to have a Solid Waste Planning Committee. It is also required by KDHE that the Solid Waste Master Plan be reviewed on an annual basis by the Committee and be approved by the Board of County Commissioners. The review should address any changes in the Solid Waste Management System since the last plan review and also include the recommendations of the committee.

The attached document include the minutes of the Solid Waste Planning Committee yearly review. After review of the plant there were no recommendation for changes.

Action Requested:
It is requested that the Standing Committee report and approve the review and recommendations of the Solid Waste Planning Committee and forward to the Full Commission for approval.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☑ Other (explain) For information only.

File Attachment
Wyandotte County Solid Waste Management Committee
March 21, 2013 Annual Meeting Minutes

Attending: Rita Hoag, Tim Nick, Mike Clagett, Jim Murray, Patrick Cassidy, Ingrid Setzler, Pam Curtis, and Kirk Suther.

1. Approval of October 31, 2012 Minutes. Rita made a motion to accept the October 31, 2012 Minutes. Tim seconded the motion. Motion carried.

2. Review of Solid Waste Plan. A Power Point presentation giving an overview of the Wyandotte County Solid Waste Plan was presented. The infrastructure of the systems in place to manage solid waste were discussed such as residential trash services, curbside recycling services, drop off recycling centers, glass recycling, business recycling options, tree waste diversion, and business disposal and diversion of solid waste. In addition, there was discussion of special wastes such as household hazardous waste, electronics recycling, and prescription drug take back projects.

The Johnson County Board of Commissioners’ ban on yard waste taken to the Deffenbaugh Landfill scheduled to start on January 1, 2012 was extended to June 30, 2013 for the Unified Government, Bonner Springs, and Edwardsville.

For the second year in a row, the Kansas House of Representatives have introduced a bill which would limit the authority of one county to make restrictions on another county such as legislating a ban of yard waste. On March 1, 2013 the House passed #2074 as amended passed with a vote of 102 yes to 9 no. On March 6, 2013 the Senate received and introduced House Bill #2074. On March 7th, the Senate referred HB #2074 to the Senate Committee on Ethics, Elections, and Local Governments.

If House Bill #2074 passes there will not be a ban on Wyandotte County taking yard waste to the Johnson County Landfill. Current operations will not change. If House Bill #2074 does not pass, Wyandotte County will not be able to take yard waste to the Johnson County Landfill. If that is the case, one option for residents in Kansas City and Bonner Springs, Kansas will be a subscription service where yard waste is collected by Deffenbaugh for an additional fee. Other programming will also be available to residents for yard waste.

3. Review of Goals and Strategies. As part of the Power Point presentation there was also discussion about the Solid Waste Plan’s adopted goals and strategies.

Reduce and Reuse Strategies:

1. Continuation of Unified Government’s Green team.
2. Encourage schools and businesses to adopt Green Team programs.
3. Continue operation of the Unified Government SWAP: Surplus with a Purpose. This program collects extra office supplies and has them available for reuse by other departments.
4. Put together a program to educate residents and businesses about waste reduction ideas.
5. Promotion of reuse facilities, e.g. thrift shops etc.
6. Development and implementation of an educational program to encourage a grass cycling program.
7. Investigate if businesses can donate food instead of disposing of it.
8. Encourage government, schools, and business procurement policies for promoting source reduction.

**Recycling Strategies:**

1. Continue on-going efforts to educate residents about solid waste disposal and diversion services available to them.
2. Continue and promote the curbside recycling program in Kansas City and Bonner Springs.
3. Continue to promote drop off recycling centers.
4. Continue providing containers for special events recycling.
5. Continue on-going office recycling program for the Unified Government.
6. Continue working with schools with educational materials about recycling.
7. Encourage and promote the participation of residents and businesses with the new glass recycling drop off containers of Ripple Glass.
8. Encourage the expansion of apartment and business recycling.

**Composting Strategies:**

1. Johnson County has implemented a ban on yard waste in the Johnson County Landfill. Programming for yard waste is being developed.
2. Development of a publicity plan to inform residents about changes in trash pickup dealing with yard waste and inform residents of changes in service, if applicable.
3. Development and implementation of an educational program about yard waste diversion strategies.
4. Encourage residents, businesses, and government to dispose of tree waste to be mulched or composted.
5. Investigate to see what type of infrastructure and/or programming is available to address food waste in the business waste stream.

4. **Other.** After review of the Solid Waste Plan there were no recommendations for changes.
Type: Standard  
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 11/18/2013
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 12/5/2013
Confirm Date: 12/5/2013

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>11/7/2013</td>
<td>Bill Heatherman</td>
<td>5416</td>
<td>bheatherman@wycokck....</td>
<td></td>
<td>Public Works</td>
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Item Description:
2014 Fairfax Industrial Area Improvements  
The Governing Body has set aside funds in the CMIP for reinvestment of infrastructure in the Fairfax Industrial District. Locations are to be recommended by the Association and approved by the Commissioner. For 2014, the Fairfax Industrial Association recommends work on Sunshine Road, as described in the attached letter. Action is requested to approve the locations.

Action Requested:
Forward to the Board of Commissioners for approval.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source: The CMIP has already provided $100,000 debt funding in 2014 for this item.

Included In Budget
Other (explain)
November 5, 2013

Dear Commissioner Townsend,

After considering our capital improvement needs, the Fairfax Industrial Association requests that the 2014 Fairfax Improvement funds of $100,000 be targeted for curb and sidewalk replacements and repair along Sunshine Road, from the western end near Levee Road to the eastern end at Fairfax Trafficway.

We understand that the desirable work in this area likely exceeds the 2014 budget available, and that staff will present a detailed plan for 2014 expenditure, including options for future year expenditures. We also note that the second listed priority in Fairfax, for future considerations, would be curb and sidewalk improvements along Fiberglass Road, from Kindleberger to Stanley.

Thank you for your attention to this matter.

Sincerely,

Chuck Schlittler
Executive Director
Fairfax Industrial Association, Inc.

Cc: Dennis Hays, County Administrator
    Doug Bach, Deputy County Administrator
    Bob Roddy, Director of Public Works
    Bill Heatherman, County Engineer