

(First published in The Wichita Eagle, February 16, 2006)

ORDINANCE NO. 46-888

AN ORDINANCE OF THE CITY OF WICHITA PERTAINING TO PROHIBITED DISCHARGES TO THE MUNICIPAL SEWER SYSTEM; AMENDING SECTIONS 16.22.040 AND 16.22.060 OF THE CODE OF THE CITY OF WICHITA; AND REPEALING THE ORIGINAL OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. Section 16.22.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Definitions. Unless otherwise indicated by specific context, the meanings of the terms in this chapter are as follows:

(1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.

(2) "Approval authority" means the Environmental Protection Agency (EPA), or if the pretreatment program has been formally delegated to the Kansas Department of Health and Environment (KDH&E), it shall mean the Director of the Division of Environment of KDH&E.

(3) "Authorized representative" shall be:

(a) A responsible corporate officer, if the industrial user is a corporation. For the purpose of this subsection (3), a responsible corporate officer means:

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

(ii) The manager of one or more manufacturing, production, or operations facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

(c) A duly authorized representative of the individual designated in subsection (3)(a) or (3)(b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (3)(a) or (3)(b) of this section,

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility of environmental matters for the company, and

(iii) The written authorization is submitted to the control authority;

(d) Such representative of a governmental entity as may be authorized by law.

(4) "Bioassay test" means a test used to evaluate the toxicity of a sample by comparing its effect on a living organism with the effect of a standard chemical preparation on the same type of organism.

- (5) "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.
- (6) "Building sewer" means the extension from the building drain to the publicly owned sewer system or other place of disposal.
- (7) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
- (8) "City" means the city of Wichita, Kansas, which is the control authority for the purpose of administering this chapter, represented by the director of the water and sewer department, as approved by the EPA Regional Administrator or the State Director.
- (9) "Chemical oxygen demand" or "COD" means the oxygen-consuming capacity of inorganic and organic matter present in wastewater expressed as the amount of oxygen consumed from a chemical oxidant as under standard laboratory procedure in milligrams per liter.
- (10) "Combined sewer" means a sewer receiving the combination of surface runoff, wastewater, sewage and/or industrial wastes.
- (11) "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.
- (12) "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.
- (13) "Daily Discharge Flow" means the average volume of water discharged to the sanitary sewer by the industrial user. For the purposes of this Chapter, the average volume is calculated by taking the average monthly-metered wastewater recorded in a calendar year and divide by the industrial user average days of operation in a calendar month. At the discretion of the Director, in lieu of a calibrated wastewater meter, the average volume of water discharged may be calculated using the source water metered at the industrial user location.
- (14) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state.
- (15) "Director" means the director of the water and sewer department.
- (16) "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 said agency.
- (17) "Four-day average" means the mathematical average of daily sampling values for four consecutive monitoring days.
- (18) "Governing body" means the city council of the city.
- (19) "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.
- (20) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (21) "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 Section 1317), into the POTW (including holding tank waste discharged into the system).
- (22) "Industrial user" means any user contributing industrial wastes to the municipal sewer system.
- (23) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge, processes, use or disposal; or
- (b) (i) 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 (ii) prevents the use or disposal of sewage sludge in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent state or local regulations.
- (24) "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.
- (25) "National categorical pretreatment standard" or "pretreatment standard" means any (present or future) regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC Section 1317) which applies to a specific category of industrial users.
- (26) "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 Section 1342).
- (27) "National prohibitive discharge standard" or "prohibitive discharge standard" shall mean any (present or future) regulation developed under the authority of Section 307(b) of the Act.
- (28) "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:
- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production of wastewater generating process of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (29) "Pass through" means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (30) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
- (31) "pH" means a negative logarithm of the hydrogen ion concentration measured in grams per liter of solution.
- (32) "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

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

(34) "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.

(35) "Pretreatment requirements" means any substantive or procedural requirement (present or future) relating to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(36) "Pretreatment standard" means any (present or future) 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.

(37) "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act (33 USC Section 1292), which is owned or operated 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 purposes of this chapter, "POTW" also includes any sewers that convey wastewaters to the POTW from persons outside the city who are users of the city's POTW.

(38) "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.

(39) "Sanitary sewer" means a sewer which carries wastewater, sewage and/or industrial wastes; and to which storm, surface and groundwaters are not intentionally admitted.

(40) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.

(41) "Sewage" means a combination of the water-carried wastes from users together with such ground, surface and stormwaters as may be present.

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

(43) "Shall" is mandatory. "May" is permissive.

(44) "Significant industrial user" means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I Subchapter N, Parts 400 -- 471;

(b) Any noncategorical industrial user that:

(i) Discharges twenty-five thousand gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling, and boiler blowdown wastewater), or

(ii) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the POTW, or

(iii) Has a reasonable potential in the opinion of the city or approval authority to adversely effect the POTW (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers) or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6) and amendments thereof).

(45) "Slug" means any discharge of wastewater of a non-routine or episodic nature, including but

not limited to an accidental spill or noncustomary batch discharge which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen minutes, and/or more than five times its average twenty-four hour concentration of flows, during normal operation.

(46) "Significant noncompliance" means that an industrial user meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical review criteria (TRC) violations defined as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) alone or in combination with other discharges, that the city determines has caused interference or pass through (including endangering the health of POTW personnel or general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 16.22.070.

(e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in the industrial user's wastewater discharge permit, or enforcement order for starting construction or attaining final compliance;

(f) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the pretreatment program.

(47) "Spill prevention and control plan (SPCP)" means a plan prepared by the industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

(48) "State" means state of Kansas.

(49) "Standard industrial classification (SIC)" means a classification pursuant to the most recent edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

(50) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes wastewater, sewage, and industrial wastes other than unpolluted cooling water.

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

(52) "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

(53) "Total toxic organics" means the summation of all quantifiable values greater than 0.01 mg/L for the organic compounds listed in 40 CFR, Part 433.11(e).

(54) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in (present or future) regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a)(1) of the Act.

(55) "User" means any person who contributes, causes, or allows the contribution of wastewater into the city's POTW.

(56) "Wastewater" means the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments either treated or untreated, together with such ground, surface, and stormwaters which are contributed into or permitted to enter the POTW.

(57) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(58) Unless the context of usage indicates otherwise, the meaning of terms in this chapter not defined in this section shall be as defined in the "Glossary: Water and Wastewater Control Engineering" prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1969.

(59) Abbreviations have these designated meanings:

(a) BOD -- Biochemical oxygen demand (five-day, unless otherwise noted as "Ultimate BOD")

(b) CFR -- Code of Federal Regulations

(c) COD -- Chemical oxygen demand

(d) EPA -- Environmental Protection Agency

(e) KDHE -- Kansas Department of Health and Environment

(f) L -- Liter

(g) lbs/day -- Pounds per day

(h) mg -- Milligrams

(i) mg/L -- Milligrams per liter

(j) NPDES -- National Pollutant Discharge Elimination System

(k) POTW -- Publicly owned treatment works

(l) SPCP -- Spill prevention and control plan

(m) TRC -- Technical review criteria

(n) TSS -- Total suspended solids.

Section 2. Section 16.22.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Prohibited Discharges. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewage collection and 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 or 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 plant, or which reasonably appear to present an imminent endangerment to the health or welfare of POTW workers and general public. 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, hexane, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;

(2) Any solids, natural or man-made 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 works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, bones, spent lime, stone and marble dust, grass clippings, rags, spent grains, spent hops, asphalt residues, residues from refining or processing of fuel or lubricating oils, and polishing wastes;

(3) Any waters, wastes, material or substances which are corrosive or irritating to human beings and/or animals, toxic or noxious, or which contain toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of treated effluent or the sewage treatment plants;

(4) Substances, material, waters, or wastes, listed below, if it appears likely in the opinion of the director that such matter can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the POTW, and other pertinent factors which reasonably appear to present an imminent endangerment to the health or welfare of POTW workers and general public;

(5) The substances prohibited are:

(a) Any wastewater having a temperature which shall inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater from an indirect discharge with a temperature exceeding one hundred fifty degrees Fahrenheit (sixty-five degrees Centigrade), or which exceeds one hundred four degrees Fahrenheit (forty degrees Centigrade) at the POTW treatment plant,

(b) Any water or wastes which contain fats, wax, grease or oils, whether emulsified or not, or containing substances which may solidify, or become viscous, at temperatures between thirty-two degrees Fahrenheit and one hundred fifty degrees Fahrenheit (zero degrees to sixty-five degrees Centigrade), in quantities determined by the director that have a deleterious effect upon the POTW conveyance system, processes, and/or equipment, or in quantities which will pass through the POTW to the receiving waters, or impact the storage or disposal of the POTW biosolids. In addition, it is prohibited to discharge these substances in quantities that cause a sewer line blockage resulting in untreated sewage discharging to waters of the United States. The discharge must not be in quantities that present an imminent endangerment to the health and welfare of persons, or otherwise create or constitute a public nuisance. Wastewater contaminated with oils which include, but are not limited to, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, shall not exceed concentrations of one hundred mg/L of oil and grease,

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

(d) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the treatment works exceeds the limits

established by the director for such materials, as shown in the table of limits, subsection (13) of this section,

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

(f) Any waters or waste containing dissolved sulfide in excess of one mg/L at the point of discharge into the municipal sewer system;

(6) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable local, state, or federal regulations;

(7) Any wastewater having a pH less than 5.5 or in excess of 12.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW,

(8) Any pollutants, including oxygen-demanding pollutants, (BOD, TSS, etc.) released at a flow rate and/or pollutant concentration which will cause interference with the POTW;

(9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(10) Any wastewater of unusual volume of flow or concentration of wastes constituting "slugs";

(11) Pollutants which will cause a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Centigrade) using the test methods specified in 40 CFR 261.21, or amendments thereof;

(12) Waters and 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 plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters, or any substance which may cause the sewage treatment plant 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 plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;

(13) Any wastes contributed by users of the POTW which either singly or in conjunction with other significant industrial users cause the POTW influent to exceed the following limits:

Parameter Daily Maximum (lbs/day)

Cyanide, total 7.23
Copper 56.21
Nickel 36.50
Chromium 84.72
Silver 24.26
Zinc 162.70
Lead 1.65

Parameter Daily Maximum (lbs/day)

Cadmium 3.95
Mercury .310
Arsenic 5.316
Molybdenum 5.39
Phenol compounds 80.5

Any waste exceeding the following limits:

Parameter Daily Maximum (mg/L)

Sulfide 1.0

(14) The amounts of the listed pollutants calculated in pounds shall be allocated to each industrial user based on the industrial user's average daily discharge flow volume contributed to the municipal sewer system. The average shall be based upon the industrial user's daily discharge flow. It shall be calculated twice per year using the first six months average daily flow for the second half, and the last six months of the year for the following year. Concentration limits in milligrams per liter (mg/L) shall be applied to each industrial user based on the following discharge flow categories.

**Industrial User
Daily Discharge Flow
Category (gals/day)**

1 0 - 10,000
2 10,001 - 20,000
3 20,001 - 30,000
4 30,001 - 60,000
5 60,001 - 100,000
6 100,001 - 200,000
7 200,001 - 500,000
8 Greater than 500,000

At least annually, the director shall determine which category applies to each industrial user and distribute the amounts of pollutants, calculated in pounds, applying a concentration limit in the industrial users wastewater discharge permit. If an industrial user significantly changes the amount of wastewater discharged to the sanitary sewer, causing the user to change categories, the user must notify the director at least thirty days prior to implementing the change;

(15) Any wastes which exhibit toxicity characteristics based on the bioassay test that causes a fifty percent reduction of the luminescent microorganisms light output (EC50). When using the Microtox bioassay test, the wastewater must not exhibit an EC50 toxicity value of less than 1.9 within the five minute test period, in two consecutive tests taken in a forty-eight hour period;

(16) All industrial and commercial facilities using silver in manufacturing or as a 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 facilities' wastewater, shall not discharge silver bearing wastewater to the POTW without first treating the wastewater to remove the silver or subjecting the wastewater to a silver recovery process, or disposing the silver bearing wastewater at an approved disposal location;

These facilities shall follow the guidelines listed in the *City of Wichita Code of Management Practices for Silver and Mercury Dischargers*.

(17) Any substances, materials, water or wastes which will cause interference with or pass through the POTW;

(18) Substances, materials, water or wastes which are hazardous as defined by 40 CFR: Part 261.21 (ignitable), Part 261.22 (corrosive), Part 261.23 (reactive), Part 261.24 (EP toxic), Part 261.31 (hazardous waste from nonspecific source), and Part 261.32 (hazardous waste from specific source);

(19) Any trucked or hauled wastewater, except at discharge points designated by the POTW. All waste haulers shall conform to the regulations set forth in Chapter 7.08 of this Code;

(20) All industrial and commercial facilities using mercury in manufacturing, or as a part of a process operation, including but not limited to, the replacing and restoring dental amalgam fillings, using mercury compounds in laboratory reagents, or using mercury bearing measuring devices such as thermometers and sphygmomanometers, or any operation where mercury is reasonably expected to be found in the facilities' wastewater, shall not discharge mercury bearing wastewater to the POTW without first treating the wastewater to remove the mercury, or disposing the mercury-bearing wastewater at an approved disposal location; These facilities shall follow the guidelines listed in the *City of Wichita Code of Management Practices for Silver and Mercury Dischargers*;

(21) Any wastes containing Aqueous Fire Fighting Foam in the amount that results in foam in the collection system or the treatment process in quantities that result in POTW interference and or pass through and inhibits the nitrification process at the POTW.

SECTION 3. The originals of Sections 16.22.040 and 16.22.060 of the Code of the City of Wichita are hereby repealed.

SECTION 4. This Ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this date February 14, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney