ARTICLE III. STORMWATER DISCHARGE CONTROL REGULATIONS

Sec. 61-50. Title and authority.

This article shall be known as the Kansas City, Missouri stormwater discharge control regulations and may be cited as stormwater discharge control regulations or regulations. The director of water services shall be responsible for the administration and enforcement of this article.

(Ord. No. 120551, § 1, 6-28-12)
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Sec. 61-51. Purpose.

(a) The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of stormwater and non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

(b) The objectives of this article are:

1. To regulate the contribution of pollutants to the storm drainage system by stormwater discharges by any user;
2. To prohibit illicit connections and discharges to the storm drainage system;
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-52. Definitions and rules of construction.

(a) Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

1. Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
3. Combined sewer system (CSS) means a sewer system designed and operated to carry both stormwater and wastewater.
4. Construction activity means activities subject to NPDES land disturbance permits or city land-disturbance permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
5. Dechlorinated water means water containing not more than one milligram per liter of chlorine.
6. Director means the director of water services for Kansas City, Missouri or the director's authorized representative(s).
7. Discharge means material directly or indirectly released to the city's storm drainage system or the act of releasing material directly or indirectly to the city's storm drainage system or to a watercourse within the boundaries of a premises.
8. Discharger means any person that discharges to the city's storm drainage system.
9. Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
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(10) **High-risk discharge** means any discharge or release from any premises to the storm drainage system that contains or may contain pollutants at concentrations that would cause or contribute to a violation of water quality standards.

(11) **Illicit connection** means any of the following:
   
   a. Any drain or conveyance, whether on the surface or subsurface, which allows a prohibited discharge to enter the storm drainage system including, but not limited to, any conveyances which allow any non-stormwater discharge including wastewater, process wastewater, and wash water to enter the storm drainage system and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the director except that discharge of wastewater not otherwise prohibited may be discharged to the combined sewer system;
   
   b. Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by the director;
   
   c. Any drain or conveyance, whether surface or subsurface that delivers stormwater to the sanitary sewer system, unless allowed under the city’s current building code;
   
   d. Any connection from a roof drain, sump pump, area drain or yard drain that delivers stormwater to the buildings sanitary sewer (which conveys the buildings wastewater and connects to the public sewer) or to the sanitary sewer system unless specifically authorized by the director.

(12) **Industrial activity** means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

(13) **Industrial user** means any source of discharge into the storm drainage system from hazardous waste treatment, disposal, and recovery facilities; industrial facilities subject to SARA Title III Section 313; and other industrial or commercial facilities that the director determines is contributing or has the potential to contribute a substantial pollutant loading to the storm drainage system.

(14) **Missouri Clean Water Law** means Chapter 644 of the Revised Statutes of Missouri and any subsequent amendments thereto.

(15) **Municipal separate storm sewer system (MS4)** means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(16) **National pollutant discharge elimination system (NPDES) storm water discharge permit** means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(17) **Non-stormwater discharge** means any discharge to the storm drainage system that contains pollutants or hazardous materials or that is a high-risk discharge.

(18) **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.

(19) **Pollutant** means generally, any substance introduced into the environment that adversely affects the usefulness of a resource or the health of humans, animals, or ecosystems or that
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has the potential to violate water quality standards. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(20) Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

(21) Prohibited discharge means any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted in section 61-56 of this article.

(22) Storm drainage system means the combined network of the MS4 and those portions of the public infrastructure designed to convey stormwater to the CSS.

(23) Stormwater means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation.

(24) Stormwater pollution prevention plan means a document which describes the best management practices and activities to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, the storm drainage system, and/or receiving waters to the maximum extent practicable.

(25) Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(26) Watercourse means any surface drainage way, natural or manmade, including any creek, culvert, ditch, stream or river which carries stormwater.

(27) Waters of the state means all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common. These waters also include waters of the United States lying within or adjacent to the state.

(b) Rules of construction. Unless the context specifically indicates otherwise, the construction of terms used in this article shall be as follows:

(1) "Shall" is mandatory; "may" is permissive or discretionary.

(2) The singular shall be construed to include the plural and the plural shall include the singular as indicated by the context.

(3) The masculine shall be construed to include the feminine.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-53. Abbreviations.

For the purposes of this article, the following abbreviations shall have the designated meanings:


CSS—Combined Sewer System

EPA—United States Environmental Protection Agency.
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MS4—Municipal Separate Storm Sewer System

NPDES—National pollutant discharge elimination system.

USC—United States Code.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-54. Applicability.

This article shall apply to all water entering the storm drainage system and to stormwater discharge entering the sanitary sewer system unless explicitly exempted by the director.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-55. Minimum standards.

(a) The standards set forth herein and promulgated pursuant to this article are minimum standards. Compliance with this article does not ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(b) This article or any administrative decision made under it does not exempt any person from any other requirements of this code, state or federal laws, or from procuring any required permits, or limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or for damages against any person arising from the activity regulated under this article.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-56. Prohibitions.

(a) Prohibited discharges.

(1) No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any prohibited discharges.

(2) No person shall commence, conduct or continue any prohibited discharge to the storm drainage system except as described as follows:

a. The following discharges are not prohibited discharges:

1. Water line flushing or other potable water sources,
2. Landscape irrigation or lawn watering,
3. Diverted stream flows,
4. Rising ground water,
5. Ground water infiltration to storm drains,
6. Uncontaminated pumped ground water,
7. Foundation or footing drainage (not including discharges from active groundwater dewatering systems),
8. Discharges from crawl space pumps,
9. Air conditioning condensation,
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10. Springs,
11. Discharges from non-commercial washing of vehicles,
12. Natural riparian habitat or wet-land flows,
13. Dechlorinated water from swimming pools,
14. Water from fire fighting activities,
15. Any water not containing pollutants
16. Discharges specified in writing by the Director as being necessary to protect public health and safety.

b. Dye testing is an allowable discharge if written notification is provided to the director prior to the time of the test.

c. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of EPA is exempt from discharge prohibitions established by this article provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

(b) Illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drainage system or sanitary sewer system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-57. Monitoring of discharges.

(a) Applicability. This section applies to all dischargers to the city's storm drainage system, including construction activity.

(b) Access to premises and facilities.

(1) Any person shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(2) The director shall have the right to conduct monitoring and/or sampling of any premises stormwater discharge prior to its entry into the storm drainage system.

(3) If the director is not allowed to conduct monitoring and/or sampling of a premises stormwater discharge, the director may suspend system access in accordance with the provision of this article.

(c) Monitoring of discharges.
(1) The director may require a discharger to install monitoring equipment and conduct sampling of its discharges to the storm drainage system as necessary and in a manner acceptable to the director. Sampling and monitoring equipment installed pursuant to this section shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(2) When the director requires a discharger to conduct sampling under this section, all stormwater discharge samples shall be collected in accordance with 40 CFR 122.21(g)(7), as may be amended from time to time, and pollutant analyses shall be performed in accordance with 40 CFR Part 136, as may be amended from time to time. If 40 CFR Part 136 does not specify analytical techniques for the pollutant in question, analyses must be performed in accordance with procedures approved in writing by the director.

(3) Any discharger required to collect samples pursuant to this section shall maintain the following records and information for all such samples:
   a. The date, exact place, method and time of sampling;
   b. The name(s) of the person(s) collecting the samples;
   c. The date the analyses were performed;
   d. Who performed the analyses;
   e. The analytical protocols, techniques, and methods used; and
   f. The results of such analyses.

(4) The records of any sampling or monitoring conducted pursuant to this section shall be maintained by the discharger for a period of at least 3 years, unless the discharger has been specifically notified of a longer retention period by the director. The three-year retention period shall be extended automatically for the duration of any litigation concerning compliance with this article.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-58. Requirement to prevent, control, and reduce stormwater pollutants.

Dischargers shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system. Any person responsible for premises, which is, or may be, the source of a prohibited or high-risk discharge or has an illicit connection, may be required to implement, at said person's expense, BMPs to prevent the further discharge of pollutants to the storm drainage system. For those facilities required by state or federal law to have an NPDES stormwater discharge permit, compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-59. Industrial users.

(a) Applicability. The following additional requirements shall apply to all industrial users.

(b) Self-monitoring and self-inspections. The director may require industrial users to conduct self-inspections, self-monitoring of stormwater discharges, and provide reports of such activities to the director in a manner deemed appropriate by the director.
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(c) **Records maintenance and retention.** Industrial users shall maintain the following records and shall retain such records for a period of at least three years, unless the discharger has been specifically notified of a longer retention period by the director. The three-year retention period shall be extended automatically for the duration of any litigation concerning compliance with this article:

1. Date and time, volume and methods of removal and disposal and location of disposal site(s) for solids, sludge, grease, filter backwash, or other pollutants removed in the course of treatment or control of wastewater. Records of receipt by the disposal facility of all such wastes removed from the industrial users premises shall also be maintained;

2. Material safety data sheets, incoming hazardous waste manifests, outgoing hazardous waste manifests, records of sludge and other residual waste disposal, sampling records, analytical reports, production records, purchase records, reports submitted to regulatory agencies and other related records;

3. Any permit applications, reports, and other records concerning industrial user discharges.

(d) **Pollution prevention plans.** The director may require industrial users to prepare, submit for review and comment, and implement stormwater pollution prevention plans as set forth in this section. The submitted pollution prevention plans shall be modified in accordance with the director's comments within the timeframe established by the director. Review of such plans shall not relieve the industrial user from responsibility for modifying its facility as necessary to meet the requirement of this article. Such pollution prevention plans shall address the following items:

1. Description and location of stored chemicals, raw materials and other significant materials;

2. Prevention of exposure of significant materials to precipitation;

3. On-site stormwater treatment;

4. Spill prevention, including:
   a. Selection and construction of equipment;
   b. Equipment operation, maintenance, and inspection procedures;
   c. Personnel training and supervision; and
   d. Security measures to prevent vandalism;

5. Spill containment;

6. Procedures for immediate notification to the water services department of any spill or accidental discharge of significant materials to the storm drainage system, and procedures for follow-up written notification.

7. Procedures to prevent adverse impacts of any spill. Such procedures include, but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, measures for containing materials, and emergency response procedures and equipment;

8. Such other practices, facilities, or methods as required by the director.

(e) **Monitoring and control of discharges.** The director may require industrial users to monitor and control their contribution of pollutants to the storm drainage system. The director may require industrial users to implement BMPs where deemed necessary by the director to achieve the objectives of the city's stormwater management program. The director may establish monitoring requirements, pollutant limitations and other restrictions on industrial user discharges to the storm drainage system. Such monitoring requirements, pollutant limitations, or other restrictions may be as stringent as or more stringent than requirements set forth in an NPDES permit issued by the state or EPA to the
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industrial user for such discharge, if deemed necessary by the director to achieve the objectives of
the city's stormwater management program.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-60. Industrial users outside of city.

The city may enter into agreements with other jurisdictions to require industrial user sampling, obtain
information, and monitor and control the quality of indirect discharges to the city's storm drainage system
from industrial users located outside the city.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-61. Industrial or construction activity discharges.

(a) Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall
comply with all provisions of such permit. Proof of compliance with said permit may be required, in a
form acceptable to the director, prior to discharge to the storm drainage system.

(b) In addition to subsection(a) above, management of stormwater and stormwater discharges resulting
from construction activity shall be conducted in accordance with City Code.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-62. Suspension of system access.

(a) Suspension due to prohibited discharges in emergency situations. The director may, without prior
notice, suspend storm drainage system discharge access for a person when such suspension is
necessary to stop an actual or threatened discharge which presents or may present imminent and
substantial danger to the environment, or to the health or welfare of persons, or to the storm
drainage system or waters of the state. If a person fails to comply with such suspension order, the
director may take such steps as deemed necessary to prevent or minimize damage to the storm
drainage system or waters of the state, or to minimize danger to persons.

(b) Suspension due to the detection of prohibited discharge or illicit connection.

(1) Any person discharging to the storm drainage system in violation of this article may have their
storm drainage system access suspended if such suspension would abate or reduce a
prohibited discharge.

(2) Any person having an illicit connection to the sanitary sewer system in violation of this article
may have their sanitary sewer system access suspended if such suspension would abate the
prohibited discharge.

(3) The director shall provide notification of the proposed suspension of storm drainage system
access prior to such suspension. Any person receiving such notice may petition the director for
a reconsideration and hearing.

(c) Suspension due to refusal to allow monitoring and/or sampling.

(1) Any person who does not allow the director to conduct monitoring and/or sampling of any
premises stormwater discharge before the discharge enters the storm drainage system may
have their storm drainage system access suspended.
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(2) The director shall provide notification of the proposed suspension of storm drainage system access prior to such suspension. Any person receiving such notice may petition the director for a reconsideration and hearing.

(d) No person shall reinstate storm drainage system access to premises suspended pursuant to this section, without the prior approval of the director.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-63. Notification of spills.

(a) Notwithstanding other requirements of law, notification must be made as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in prohibited discharges into stormwater, the storm drainage system, or waters of the state. Said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) In the event of a release of hazardous materials, a person responsible for a facility or operation, or responsible for emergency response for a facility or operation shall immediately, but no later than two hours after discovery of the release, notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the director in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three business days of the phone notice. Such notification shall be in addition to any other notification responsibility mandated by state or federal law.

(c) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain, on-site, a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years and be made available to the director upon request.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-64. Notice of violation.

Whenever the director shall have determined that a violation of this article has occurred on any premises within the city's corporate limits, he shall serve a written notice of violation upon the owner or occupant having control thereof, or their agent, to abate such violation. The notice of violation shall:

(1) Be in writing.

(2) State the nature of such violation and that such condition constitutes a violation.

(3) Describe the premises where the violation is alleged to exist or to have been committed.

(4) Specify a period of 15 days for the abatement of the violation and that owner or occupant shall submit documentation of the abatement to the director within that period.

(5) State that, unless such violation is abated without unnecessary delay, it may be abated by the city and the costs of such abatement may be specially assessed and shall be deemed a personal debt against the owner and constitute a lien against the premises from which abated.

(6) State that failure, neglect or refusal to abate such violation within 15 days specified renders the owner or occupant prosecutable in municipal court, and, upon a finding of guilty, punishable by
a fine of not more than $500.00 or imprisonment of not more than 180 days, or by both such fine and imprisonment. Each day of continuing violation shall be considered a separate offense.

(7) Be served upon the owner or occupant of the premises by delivery to him personally or by leaving such notice at his usual place of abode with a member of the family over the age of 15 years, or by mail addressed to the owner, occupant or agent. If a person to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person by posting the notice on or about the premises described in the notice, or by causing such notice to be published in a newspaper of general circulation. If the owner or occupant is a corporation, notice shall be served upon an officer, a person in charge of any local business office, or its registered agent or any other agent authorized by appointment or required by law to receive service of process.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-65. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of director. The notice of appeal must be received within ten days from the date of the notice of violation in a form prescribed by the director. The director shall hold a hearing on each duly filed appeal and decide whether to affirm, amend or reverse the notice of violation appealed. The decision of the director or his designee shall be final.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-66. Abatement.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the decision of the director, then representatives of director may take any and all measures necessary to abate the violation and/or restore the premises.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-67. Cost of abatement of the violation.

Within 60 days after abatement of the violation by the city, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the director or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-68. Violations deemed a public nuisance.

Any condition caused or allowed to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is hereby declared to constitute a nuisance.

(Ord. No. 120551, § 1, 6-28-12)
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Sec. 61-69. Penalty.

(a) Any person convicted of a violation of this article shall be punished for that violation by a fine of not less than $50.00 but not more than $500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment.

(b) Every day that a violation continues shall be considered a separate offense.

(Ord. No. 120551, § 1, 6-28-12)

Sec. 61-70. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law or in equity. The director has the power to seek any available remedy, at his discretion.

(Ord. No. 120551, § 1, 6-28-12)

Secs. 61-71—61-99. Reserved.