

**EXPLANATORY COVER SHEET**

COUNCILMAN'S BILL NO. CB-1607

SPONSOR: COUNCIL MEMBER MARTIN

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 15 OF CHAPTER 16 OF THE NORTHGLENN MUNICIPAL CODE REGARDING INDUSTRIAL PRETREATMENT.

PURPOSE: INCORPORATE THE CHANGES TO 40 CFR PARTS 9, 122, AND 403 STREAMLING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION.

ADDITIONAL EXPLANATORY REMARKS:

THE US ENVIRONMENTAL PROTECTION AGENCY FINALIZED CHANGES TO 40 CFR PARTS 9, 122, AND 403 ON OCTOBER 14, 2005. THE CITY IS REQUIRED TO INCORPORATE MANY OF THESE CHANGES INTO OUR LEGAL AUTHORITY UNDER THE FEDERAL PRETREATMENT PROGRAM. MOST NOTABLE AMONG THE CHANGES IS THE ADDITION OF BEST MANAGEMENT PRACTICES AS A REGULATORY DEVICE. IN ADDITION, REFERENCES TO THE DIRECTOR OF MAINTENANCE AND OPERATIONS HAVE BEEN CHANGED TO THE DIRECTOR OF WATER AND ENVIRONMENTAL SERVICES.

SPONSORED BY: COUNCIL MEMBER MARTIN

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1607  
Series of 2007

\_\_\_\_\_  
Series of 2007

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 15 OF CHAPTER 16 OF THE NORTHGLENN MUNICIPAL CODE REGARDING INDUSTRIAL PRETREATMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Article 15 of Chapter 16 of the Northglenn Municipal Code is hereby repealed and reenacted to read as follows

CHAPTER 16  
PUBLIC PROPERTY, UTILITIES AND SERVICES  
ARTICLE 15. PUBLIC SEWERS

Section 16-15-1. Purpose and Policy.

(a) This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Northglenn and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act (33 U.S.C. §1251 to 1387, as amended), and the General Pretreatment Regulations of the Environmental Protection Agency (40 CFR Part 403).

The objectives of this ordinance are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system; contaminate the resulting sludge; cause the treatment plant to violate its NPDES discharge permits; pass through the system, inadequately treated, into receiving waters or the atmosphere; pose a health threat to the City's employees at the treatment plant and the appurtenant system; or otherwise be incompatible with the system;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

(b) This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, assumes that existing customer's capacity will

not be preempted, and provides for the setting of permit fees for the equitable distribution of costs resulting from the program established herein.

(c) This ordinance shall apply to the RESIDENTIAL, BUSINESS, AND INDUSTRIAL WASTEWATER CUSTOMERS WITHIN THE City of Northglenn and to any persons outside the City who are, by contract or agreement with Northglenn, Users of the Northglenn wastewater treatment system. Except as otherwise provided herein, the Northglenn Director of ~~Maintenance and Operations~~ WATER AND ENVIRONMENTAL SERVICES shall administer, implement, and enforce the provisions of this ordinance.

Section 16-15-2. Definitions.

(a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

(1) **Act or "the Act"**. The Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. § 1251 to 1387, as amended.

(2) **Approval Authority**. The State Director in an NPDES state with an approved State Pretreatment Program ~~and~~ OR the Regional Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(3) **Authorized Representative of Industrial User**. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) **Average Strength Sewage**. Sewage containing wastes in amounts less than or equal to 200 mg/l BOD or 400 mg/l COD and 190 mg/l TSS.

(5) **BEST MANAGEMENT PRACTICE (BMP)**. A METHOD, ACTIVITY, STRUCTURAL FACILITY, MAINTENANCE PROCEDURE, OR OTHER MANAGEMENT PRACTICE THAT IS WIDELY RECOGNIZED TO BE THE MOST EFFECTIVE AND PRACTICAL MEANS OF REMOVING POLLUTANTS FROM A WASTE STREAM BEFORE DISCHARGE OR DISPOSAL.

~~(5)~~—(6) **Biochemical Oxygen Demand (BOD)**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

~~(6)~~—(7) **Building Drain**. That part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

~~(7)~~ (8) **Building Sewer**. The extension from the building drain to the public sewer. Also called building lateral or building connection.

~~(8)~~ (9) **Bypass**. The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

~~(9)~~ (10) **Categorical Industrial User or Categorical Contributor**. Any Industrial User which operates one of the processing or manufacturing industries specified in 40 CFR

parts 405 through 499, and any Industrial User subject to categorical pretreatment standards under 40 CFR 403.6.

~~(10)~~ (11) **Chemical Oxygen Demand (COD)**. The measure of the oxygen equivalent to the portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant under laboratory procedures, expressed in milligrams per liter.

~~(11)~~ (12) **City**. The City of Northglenn or the City Council of Northglenn.

~~(12)~~ (13) **Combined Sewer**. A sewer intended to receive both wastewater and storm or surface water.

~~(13)~~ (14) **Control Authority**. The term "control authority" shall refer to the "Approval Authority," defined herein above, or the Director of ~~Maintenance and Operations~~ WATER AND ENVIRONMENTAL SERVICES or his duly authorized representative.

~~(14)~~ (15) **Control Manhole**. A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

~~(15)~~ (16) **Control Point**. The point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

~~(16)~~ (17) **Cooling Water**. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

~~(17)~~ (18) **Direct Discharge**. The discharge of treated or untreated wastewater directly to the waters of the State of Colorado.

~~(18)~~ (19) **Director**. Unless otherwise specified, the Northglenn Director of ~~Maintenance and Operations~~ WATER AND ENVIRONMENTAL SERVICES, who is designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities of this article, or his duly authorized representative.

~~(19)~~—(20) **Domestic Wastes**. Liquid wastes: (a) from the non-commercial preparation, cooking, and handling of food, or (b) containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

~~(20)~~ (21) **Easement**. An acquired legal right for the specific use of land owned by others.

~~(21)~~ (22) **Environmental Protection Agency, or EPA**. 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.

~~(22)~~ (23) **Grab Sample**. 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.

~~(23)~~ (24) **Grease and Oil**. Any material recovered as a substance soluble in trichlorotrifluoroethane or an approved alternate solvent, expressed in milligrams per liter.

~~(24)~~ (25) **Harmful Contribution**. An actual or threatened discharge of water or wastes to the POTW which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES permit.

~~(25)~~ (26) **Holding Tank Waste**. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

~~(26)~~ (27) **Indirect Discharge.** The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

~~(27)~~ (28) **Industrial.** Meaning of or pertaining to industry, manufacturing, commerce, trade, or business as distinguished from domestic or residential.

~~(28)~~ (29) **Industrial Discharge Permit.** Permit description as set forth in Section 16-15-10 of this ordinance.

~~(29)~~ (30) **Industrial User.** A source CONTRIBUTOR of indirect discharge as defined in this section. NON-DOMESTIC POLLUTANTS FROM ANY SOURCE REGULATED UNDER SECTION 307(B), (C), OR (D) OF THE ACT, (33 U.S.C. 1317), INTO THE POTW (INCLUDING HOLDING TANK WASTE DISCHARGED INTO THE SYSTEM).

~~(30)~~ (31) **Industrial Wastes or Non-Domestic Wastes.** The water carried wastes from non-domestic sources such as industrial manufacturing, industrial processing or any other industrial or business activities producing non-domestic or non-residential sewage. Such wastes shall include the trade wastes produced by, but not limited to, restaurants, food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, industrial plants, factories and chemical treatment installations.

~~(31)~~ (32) **Interference.** A discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(i) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

(ii) Causes any violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with all applicable federal, state and local statutes, regulations or permits.

~~(32)~~ (33) **National Categorical Pretreatment Standard or Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in 40 CFR Chapter I, Subchapter N, Parts 405 through 499, which applies to a specific category of industrial users.

~~(33)~~ (34) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

~~(34)~~ (35) **National Pollution Discharge Elimination System or NPDES Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

~~(35)~~ (36) **Natural Outlet.** Any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface or ground water.

~~(36)~~ (37) **New Source.** Any building, structure, facility or installation of which the construction commenced after the publication of pretreatment standards under 33 U.S.C. § 1317, provided that,

(i) The construction site is a location at which no other source is located;

or

(ii) The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or

(iii) The production or wastewater generating processes substantially independent of an existing source at the same site.

~~(37)~~ (38) **Overload.** The imposition of organic or hydraulic loading on the POTW in excess of its engineered design capacity.

~~(38)~~ (39) **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

~~(39)~~ (40) **Person.** 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.

~~(40)~~ (41) **pH.** The intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

~~(41)~~ (42) **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water or the environment.

~~(42)~~ (43) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

~~(43)~~ (44) **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.

~~(44)~~ (45) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR 403.6(d).

~~(45)~~ (46) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

~~(46)~~ (47) **Pretreatment Standard.** Any local limit or 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. This term includes prohibitive discharge limits established pursuant to § 403.5.

~~(47)~~ (48) **Priority Pollutants.** Means any of the toxic compounds designated by EPA, pursuant to 307(a) of the Act, that can reasonably be expected in the discharges from industries.

~~(48)~~ (49) **Publicly Owned Treatment Works (POTW).** A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant,

but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are by contract or agreement with the City, users of the City's POTW.

(49) (50) **Public Sewer.** The common sewer controlled by a governmental agency or public entity.

(50) (51) **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(51) (52) **Severe Property Damage.** Any substantial physical damage to property, any damage to the treatment facilities which causes them to become inoperable, or any substantial and permanent loss of natural resources. Severe property damage does not include economic losses caused by delays in production.

(52) (53) Shall is mandatory. May is permissive.

(53) (54) **Significant Industrial User or Significant Contributor.** Any Industrial User which either:

(i) Discharges 25,000 gallons or more of process wastewater each day; or

(ii) Discharges 5% or more of the POTW's average dry weather hydraulic or organic loading; or

(iii) Any industrial user which, in the opinion of the Director, by the nature of its discharge, has a potential to affect the POTW adversely or to endanger the safety of workers; or

(iv) Any industrial user which operates one of the processing or manufacturing industries specified in 40 CFR parts 405 through 499, and any industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N

(54) (55) **Significant Violation or Significant Noncompliance.** An industrial user commits a significant violation or is in significant noncompliance whenever its conduct or operations satisfy one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, ~~meaning~~ (conditions in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed, by any magnitude, ~~the daily minimum limit or the average limit~~—A NUMERIC PRETREATMENT STANDARD OR REQUIREMENT INCLUDING INSTANTANEOUS LIMITS, AS DEFINED BY 40 CFR 403.3(L) ~~for the same pollutant parameter;~~) or

(ii) Technical review criteria (TRC) violations, ~~meaning~~ (conditions in which thirty-three percent (33%) or more of all the measurements taken during a six (6) month period equal or exceed the product of the ~~average limit~~ NUMERIC PRETREATMENT STANDARD OR REQUIREMENT INCLUDING INSTANTANEOUS LIMITS, AS DEFINED BY 40 CFR 403.3(L) multiplied by the applicable TRC. ~~The TRC For BOD, TSS, fats, oil and grease, TRC = IS 1.4. For all other pollutants except pH, THE TRC = IS 1.2;~~) or

(iii) Any other violation of a pretreatment ~~limit daily maximum or longer-term average~~—STANDARD OR REQUIREMENT AS DEFINED BY 40 CFR

403.3(L) (DAILY MAXIMUM, LONG-TERM AVERAGE, INSTANTANEOUS LIMIT, OR NARRATIVE STANDARD) that the ~~control authority~~ DIRECTOR determines has caused, alone or in combination with other discharges, an interference or pass through AT THE POTW (including endangering the health of POTW personnel or the general public); or

(iv) Any discharge of a pollutant that has caused or created an imminent hazard or danger to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under section 16-15-27 of this article to halt or prevent such a discharge; or

(v) Any failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; or

(vi) Any failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, or reports regarding compliance with compliance schedules; or

(vii) any other violation or group of violations, WHICH MAY INCLUDE A VIOLATION OF BEST MANAGEMENT PRACTICES, which the ~~control authority~~ DIRECTOR determines will adversely affect the operation or implementation of the local pretreatment program.

~~(55)~~ (56) **Slug or Slug Load.** Any discharge of a sewage or industrial waste that in concentration or mass of any given constituent exceeds, for any one period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour or normal working period concentration mass.

~~(56)~~ (57) **Slug Discharge.** Any discharge of a non-routine or episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

~~(57)~~ (58) **State.** State of Colorado.

~~(58)~~ (59) **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

~~(59)~~ (60) **Storm Drain.** The drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source, and into which domestic wastewater or industrial wastes are not intentionally passed.

~~(60)~~ (61) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

~~(61)~~ (62) **Total Organic Carbon (TOC).** The total quantity of organic carbon as measured by the amount of carbon dioxide formed. Expressed in milligrams per liter. Used in assessing the potential oxygen-demanding load of organic material.

~~(62)~~ (63) **Total Solids or Total Residue.** The sum of the homogenous suspended and dissolved materials in a sample, dried at 103 to 105 degrees centigrade. Expressed in milligrams per liter.

~~(63)~~ (64) **Total Suspended Solids (TSS).** The total suspended matter, expressed in milligrams per liter, that floats on the surface of, or is suspended in water, wastewater, or other liquids, and that is removable by laboratory filtering in accordance with procedures set



forth in EPA "Methods for Chemical Analysis of Water and Wastes" or a method provided in 40 CFR 136.

~~(64)~~ (65) **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in 40 CFR section 122, appendix D.

~~(65)~~ (66) **Trap.** A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

~~(66)~~ (67) **User.** A ~~source~~ CONTRIBUTOR of ~~indirect discharge~~. NON-DOMESTIC POLLUTANTS FROM ANY SOURCE REGULATED UNDER SECTION 307(B), (C), OR (D) OF THE ACT, (33 U.S.C. 1317), INTO THE POTW (INCLUDING HOLDING TANK WASTE DISCHARGED INTO THE SYSTEM).

~~(67)~~ (68) **Waste.** Any rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural or industrial activities.

~~(68)~~ (69) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

~~(69)~~ (70) **Watercourse.** A natural or artificial channel for the passage of water either continuously or intermittently.

~~(70)~~ (71) **Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(b) Abbreviations. The following abbreviations shall have the designated meanings:

ASTM	American Society Testing Materials
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	United States Code
TSS	Total Suspended Solids
WPCF	Water Pollution Control Federation

Section 16-15-3. Connection to Sewer. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other related purposes, situated within

the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required to install suitable toilet facilities therein. In addition, the owner must also connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this ordinance and with Northglenn Municipal Code, Section 16-11-3 within 120 days after date of official notice to do so. All facilities and connections required by this ordinance will be at owner's expense.

Section 16-15-4. Sanitary Sewers, Building Sewers and Connections.

(a) Disturbance of Public Sewer. No unauthorized person shall uncover, enter, make any connections with or opening into, use, alter, or disturb any public sewer or sanitary sewer or appurtenance thereof, without first obtaining a written permit from the Director.

(b) Owner Cost. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of any building sewer.

(c) Separate and Multiple Sewers. A separate and independent building sewer shall be provided for every building; except, with the approval of the Director where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In that case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. In case two or more users are supplied by the same service lines, if anyone of the parties fail to pay the water or sewer charges, when due, the City reserves the right to turn off the water until such charges are paid.

(d) Old Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this ordinance.

(e) Specifications. The size, slope, alignment and materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the building and plumbing code or other applicable rules and regulations of the City. In the absence of suitable code provisions or in applicant thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(f) Building Sewer Level. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity to flow to the public sanitary sewer, sanitary sewage by such building drain shall be lifted by an approved means and discharged to the building sewer.

(g) Runoff Connections Prohibited. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is specifically approved by the Director for purposes of disposal of polluted surface drainage.

(h) Connection of Buildings to Public Sewers. The connection of the building sewer into the public sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections

shall be made gastight and watertight and verified by proper testing by a plumber approved by the City. Any deviation from the described procedures and materials must be approved by the Director before installation.

(i) Inspection Prior to Connection. The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sanitary sewer. The connection and testing shall be made under the supervision of the Director.

(j) Protection and Restoration. All excavations for building sewer installation shall be adequately guarded with barricades, ~~and~~ lights, AND STEEL PLATES so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed with the course of the work shall be restored in a manner satisfactory to the City.

Section 16-15-5. Stormwater Discharge. No person shall discharge or cause to be discharged any ~~unpolluted waters such as~~ stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any public sanitary sewer. Such stormwater, ~~which may be polluted at times,~~ may be discharged to the sanitary sewer only by permission of the Director. Stormwater other than that exempted herein, and all other ~~unpolluted~~ drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director.

Section 16-15-6. Maintenance of Equipment. Any equipment or facilities necessitated by this ordinance, either expressly or implied, shall be maintained continuously in satisfactory condition and be effectively operated by the owner at his expense.

Section 16-15-7. Prohibited Discharges. It shall be unlawful to discharge any pollutant within any area under the jurisdiction of the City, including any City service area, except as authorized by the Director in accordance with the provisions of this Article.

When the Director determines that a User is contributing to the POTW, any of the following enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall:

- (1) Advise the User of the impact of the contribution on the POTW;
- (2) Develop effluent limitation(s) for such User to correct the interference with the POTW; and
- (3) Perform the actions listed in Section 16-15-31 (Legal Action), as he deems necessary.

(a) General Discharge Prohibitions.

(1) No User shall introduce any pollutant to the wastewater system which will interfere with the operation or performance of the POTW or cause a pass through. This prohibition applies to all sources, regardless of other Federal, State, or local requirements.

(2) No User shall discharge any pollutants which create a fire or explosion hazard in the POTW. More specifically, no User shall discharge any wastestream with a closed cup flashpoint of less than sixty (60) degrees centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21. No User shall discharge any wastestream which contains gasoline, fuel oil, lubricating oil, diesel fuel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, or sulfides. No User shall discharge any wastestream which contains liquids, solids, or gases that, by their nature or quantity, either singly or combined, cause or

create a hazard of fire or explosion. The Director may require Users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter.

(3) No discharge shall contain substances with corrosive or toxic properties capable of causing a public nuisance, structural damage or other hazard to the POTW system, damage or hazard to human, or animal, OR PLANT life, or of preventing entry into the sewers for authorized maintenance, repair, sampling, or monitoring. This prohibition shall include all herbicides, pesticides, fungicides, phenols, and hydrogen sulphide, and all discharges with a pH of less than 5.0 (unless the POTW are specifically designed to accommodate discharges with a pH of less than 5.0).

(4) No solid or viscous substances, which in quantity or size may cause obstructions in flow or interfere with the treatment process may enter the POTW. Examples of these are: garbage with particle size greater than one-half inch, grass, straw, hair, feathers, hides, fleshings, glass, fabric, mud, plaster, concrete, rocks, tar, paper, paint, or any other items determined by the Director to be outside the scope of domestic wastes.

(5) No pollutant shall be discharged at either a flow rate or concentration sufficient to impair the POTW's ability to meet NPDES or receiving water quality requirements. This provision shall include oxygen demanding pollutants as measured by BOD-5, COD and TOC tests.

(6) The temperatures of any discharges to the POTW shall not exceed 65.5 degrees centigrade (150 degrees Fahrenheit), cause the treatment plant effluent to exceed 40 degrees centigrade (104 degrees Fahrenheit), or inhibit biological activity at the POTW.

(7) No user shall discharge radioactive wastes or isotopes in any concentration.

(8) No user shall make a sewer connection which will allow water to enter the POTW from any of the following sources: storm water runoff, sump discharges, water accumulated in excavations or construction work, any underground drain (as in a foundation drain), or any water from refrigeration, air conditioning or similar use.

(9) Discharge to the POTW shall contain no substances which may cause the POTW's effluent, sludge, or residue to be unsuitable for, or interfere with, the reclamation and reuse process as determined by the Director, State, or Federal guidelines.

(10) Under no circumstances shall a User attempt to achieve compliance with the limitations developed by the City, State, or Federal governments by diluting its waste with tap water, unpolluted water, sanitary sewage, or any other diluent.

(11) No User shall discharge waste with concentration of suspended solids or total solids such that unusual expense or attention is required to treat or handle the material.

(12) The Director is entitled to review and approve the installation and operation of any garbage grinder with motor size 3/4 horsepower or greater.

(13) No person shall discharge sewage or polluted water from any premises within the City into or upon any public highway, land, public place, stream, watercourse, or into any cesspool, storm or private sewer, or natural water outlet, except where suitable treatment has been provided in accordance with Federal, State and local laws.

(14) In instances where investigation reveals the presence in the system of unacceptable wastes emanating from any lot, land, or structure, the owner or occupant shall, at his expense, convert the waste to the satisfaction of the Director into acceptable wastes. See Section 16-15-9.

(15) No User shall discharge "slug" loads as defined herein.

(16) No waste may be discharged containing dye waste, paint pigments, tanning solutions, or any objectionable color not removable by the treatment process.

(17) No User shall discharge petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(18) No User shall discharge pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute health and safety hazards for employees of the City employed at the POTW.

(19) No User shall discharge any trucked or hauled pollutants except as authorized by the director and only at discharge points designated by the director.

(20) In general, no User shall discharge pollutants which pass through the POTW with inadequate treatment.

(b) Specific Discharge Prohibitions.

MAX. CONTRIBUTION (mg/l)

POLLUTANT	SYMBOL	GRAB SAMPLE
Arsenic	As	0.63
Cadmium	Cd	0.50
Chromium	Cr	3.14
Copper	Cu	0.72
Lead	Pb	7.44
Mercury	Hg	0.02
Nickel	Ni	3.76
Selenium	Se	0.02
Silver	Ag	0.40
Zinc	Zn	6.06
Cyanide	CN	10.73
Nitrogen as Ammonia	NH <sub>3</sub> /NH <sub>4</sub>	50.00
pH	--	No less than 5.5
grease/oil		200.00

Section 16-15-8. Director Requirements.

(a) If any discharges or proposed discharges to the public sanitary sewers may:

(1) deleteriously affect the public sewers, the POTW treatment plant, or the waters of the state; or

(2) create a hazard to life or health; or

(3) create a public nuisance; or

(4) are otherwise contrary to this article, the Director may refuse to permit such discharges or require from a User any or all of the following:

(i) pretreatment to an acceptable condition for discharge to the public sewers; or

(ii) control over the quantities and rates of discharge; or

(iii) payment to cover the City's costs of handling and treating the User's wastes; or

(iv) other pretreatment, monitoring, sampling or operating conditions as are deemed appropriate by the Director to ensure the User's compliance with this article and all other applicable laws.

(b) When considering the above alternatives, the Director may give consideration to the economic impact of each alternative on the discharger. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director.

(c) The Director shall determine whether a discharge or proposed discharge is included under this Section.

(d) The Director shall reject wastes when he determines that a discharge or proposed discharge is included under this section; and the discharger does not meet the requirements of this section.

(e) Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the Director:

(1) install an accessible and safely located control manhole;

(2) install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and

(3) maintain the equipment and facilities.

#### Section 16-15-9. Pretreatment.

(a) A User shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Director shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the User's initiation of the changes.

(b) All records relating to compliance with the clean water act and its implementing regulations shall be made available upon request.

(c) The City shall annually publish in a newspaper of general circulation within the City a list of any Users which were out of compliance with any pretreatment Requirements or Standards

at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

Section 16-15-10. Industrial Discharge Permits.

(a) All Industrial Users proposing to connect to or to contribute to the POTW shall apply for an Industrial Discharge Permit before connecting to or contributing to the POTW. Application for such Permit shall be made at least ninety (90) days prior to the proposed date of connection or contribution to the POTW. All existing Industrial Users connected to or contributing to the POTW shall apply for an Industrial Discharge Permit within ninety (90) days after the effective date of this Ordinance.

(b) Users required to obtain an Industrial Discharge Permit shall complete and file with the Director an application in the form prescribed by the City, accompanied by the specific fee for the required classification (see Section 16-15-14). In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and a location, (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 16-15-7 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (9) Accidental OR SLUG discharge CONTROL plans as described in Section 16-15-20 shall be submitted.
- (10) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and

operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine months.

(ii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(11) Each product by type, amount, process or processes and rate of production;

(12) Type and amount of raw materials processed (average and maximum per day);

(13) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(14) Any other information as may be deemed by the Director to be necessary to evaluate the permit application;

(15) The following certification statement signed by an authorized representative of the Industrial User: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

After evaluation and acceptance of the data furnished, the Director may issue an Industrial Discharge Permit subject to terms and conditions provided in this article.

(c) Permits shall be issued for a specific time period, not to exceed two (2) years. The Industrial User shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the Industrial User's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 16-15-7 are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for the Industrial User to achieve compliance with such changes or new conditions.

(d) Industrial Discharge Permits are issued to a specific User for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit until a new permit is issued.





Section 16-15-11. Industrial Discharge Permit Modifications. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of Users subject to such standards shall be revised, if necessary, to require compliance with such standard within the time frame prescribed by such standard. Where a User subject to a National Categorical Pretreatment Standard has not previously submitted an application for an Industrial Discharge Permit as required by Section 16-15-10, the User shall apply for an Industrial Discharge Permit within one hundred eighty (180) days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Industrial Discharge Permit shall submit to the Director within one hundred eighty (180) days after the promulgation of the applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 16-15-12.

Section 16-15-12. Industrial Discharge Permit Conditions. Industrial Discharge Permits shall be expressly subject to all provisions of this Municipal Code and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged into a public sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics, including but not limited to, effluent limits based upon applicable pretreatment standards, categorical pretreatment standards, BEST MANAGEMENT PRACTICES, local limits and state and local law;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Self-monitoring, sampling, reporting, notification and record-keeping requirements, including but not limited to, identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable pretreatment standards in either 40 CFR Part 403, the categorical pretreatment standards, this article, or other state or local law;

(f) Compliance schedules, provided that such schedules do not extend the compliance dates beyond federal deadlines;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

(i) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) SLUG DISCHARGE CONTROL PLANS AND requirements for notification of slug discharges;

(k) Statements of applicable civil and criminal penalties for the violation of pretreatment standards and requirements;

(l) Other conditions as deemed appropriate by the City or the Director to ensure compliance with all applicable rules and regulations.

Section 16-15-13. Industrial User Classifications. Based on the potential to impact the POTW Industrial Users will be listed in one of the following three classes. The Director will

have final authority for the classification or reclassification for any Industrial. For each Industrial User classification, a permit fee may be charged to reflect costs incurred in handling and monitoring the permit. This is a nonrefundable fee due at the time the permit is issued which is set pursuant to Section 16-15-14. The Director has authority to waive permit fees if such a waiver is in the best interest of the City.

(a) Class I--Industrial User. A source of indirect discharge as defined.

(b) Class II--Significant Industrial User or Significant Contributor. Any Industrial user which either:

(i) Discharges 25, 000 gallons or more of process wastewater each day; or

(ii) Discharges 5% or more of the POTW's average dry weather hydraulic or organic loading; or

(iii) Any industrial user which, in the opinion of the Director, by the nature of its discharge, has a potential to affect the POTW adversely or to endanger the safety of workers; or

(iv) Any industrial user which operates one of the processing or manufacturing industries specified in 40 CFR parts 405 through 499, and any industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

(c) Class III--Categorical Industrial User. Any industrial user which operates one of the processing or manufacturing industries specified in 40 CFR parts 405 through 409, and any industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

Section 16-15-14. Industrial User Fees. Permit fees for each class of Industrial User are listed in the following table. The fee cost includes permit review and initial monitoring by the City.

Class I Industrial User	No Fee
Class II Significant Industrial User	\$300.00
Class III Categorical Industrial User	\$600.00

In addition, to recover the cost to the City of implementing the program established by this Article, the City may adopt charges and fees, including, but no limited to the following:

(a) Fees for monitoring, inspections and surveillance procedures;

(b) Fees for reviewing accidental discharge procedures and construction;

(c) Fees for permit applications;

(d) Fees for filing appeals;

(e) Fees for consistent removal by the City of pollutants otherwise subject to Federal Pretreatment Standards;

(f) Such other fees as the City may deem necessary to carry out the requirements contained herein.

Section 16-15-15. Promulgation of Standards.

(a) Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed by Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed by Ordinance. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(b) State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

(c) The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 16-15-1 of the Municipal Code.

(d) All analyses, including sampling results submitted in support of any application, in any required reports, or as otherwise required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as amended. If 40 CFR Part 136 does not specify an applicable sampling or analytical technique for the pollutant in question, such analysis or sampling shall be performed in accordance with procedures approved by the Director or by the EPA.

Section 16-15-16. Recordkeeping. All Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, permits and all other information and documentation required by this article. Users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the User's compliance with any provision of this article, or when the User has been specifically and expressly notified of a longer records retention period by the Director.

Section 16-15-17. Confidential Information.

(a) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for uses related to this Article, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or any Pretreatment Program. Such portions of a report shall also be available for use by any Federal, State, or local agency in judicial review or enforcement proceedings involving the User furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) If information accepted by the City as confidential is transmitted to any governmental agency by the City the user shall be notified within seven days.

Section 16-15-18. Special Agreements and Contracts. No statement contained in this ~~Chapter~~ ARTICLE shall be construed as prohibiting special written agreements between the City and any Industrial User allowing, industrial waste of unusual strength or character to be admitted

to the POTW system, provided the User compensates the City for any additional costs of treatment. The Director may execute an Agreement to exceed the specific limitations contained in Section 16-15-7 only if the Director finds that:

(a) Acceptance of the discharge does not adversely affect the wastewater utility nor cause violation of the City's NPDES discharge permit and applicable Federal and State laws;

(b) The agreement does not waive compliance with categorical pretreatment standards, approved City and State limits, and federally required general prohibitions; and

(c) The agreement does not apply to discharges of pollutants listed or described in Section 16-15-7(a) and (b).

Section 16-15-19. Standards of Analysis and Sampling. All measurements, tests, sampling, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of either the "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association or the "ASTM" Annual Book of Standards, or the "Methods for Chemical Analysis of Waters and Wastes," published by the Environmental Protection Agency. Sampling location, times, duration, and frequencies will be determined on an individual basis subject to approval by the Director, except as noted in Section 16-15-23.

Section 16-15-20. Accidental, Slug and Hazardous Waste Discharges.

(a) Prevention Plans. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or User's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director with the permit application for review. Such plans shall be approved by the Director before the issuance of a discharge permit pursuant to Section 16-15-10(c).

(1) No Industrial User shall be permitted to introduce pollutants into the POTW until such accidental discharge procedures have been approved by the Director. Review and approval of such accidental discharge plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facilities as necessary to meet the requirements of this article.

(2) In addition to the plans for accidental discharges, each significant Industrial User shall be required to submit spill prevention or slug discharge control plans when so ordered by the Director. The Director, or his designee, shall evaluate the procedures and facilities of each significant Industrial User at least once every two (2) years, and other Users as deemed necessary, regarding the need for, or sufficiency of, a slug discharge control plan for such User. The Director shall make the results of such evaluation available to the approval authority upon request. If the results of such evaluation indicate that a slug discharge control plan is needed, the significant industrial User shall submit a slug discharge control plan to the Director within ninety (90) days of notice by the Director. A slug discharge control plan shall contain, at minimum, the following elements:

(i) A description of the User's discharge practices, including non-routine batch discharges;

(ii) A description of stored chemicals, if any;

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for subsequent written notification to the POTW DIRECTOR within five (5) days; and

(iv) If necessary, procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, construction of containment structures or use of containment equipment, measures for containing toxic organic pollutants (including solvents), and other measures and equipment available for an emergency response.

(3) The Director may review the User's slug discharge control plan and order such changes and modifications as deemed necessary by the Director. Facilities or equipment necessary to implement spill prevention or slug discharge control plans shall be provided at the User's cost and expense. The Director shall approve the detailed plans for any facilities necessary under such plans before the User begins construction of those facilities. Approval of a spill prevention or slug discharge control plan shall not relieve the User of its obligation to comply with all other laws and regulations governing the use, storage and transportation of hazardous substances.

(b) Notification Requirements.

(1) Accidental and Slug Discharges. In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the POTW DIRECTOR of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, such User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Significant Industrial Users who have approved slug discharge control plans shall also notify the POTW DIRECTOR of slug discharges pursuant to the approved plans. A notification to the POTW DIRECTOR pursuant to this subsection (b) shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of severe property damage, other damage to the POTW, fish kills, or any other damage to person or property. A notification to the POTW DIRECTOR pursuant to this subsection (b) shall not relieve the User of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

(2) Hazardous Waste Discharges. Any Industrial User who commences the discharge of hazardous waste shall notify the POTW DIRECTOR, the EPA Regional Waste Management Division, and the Colorado Department of Health in writing of any discharge into the POTW of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall include the name of the hazardous waste as specified in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). All notifications shall occur no later than 180 days after the discharge commences. The User shall also certify to the POTW that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree determined by the Director to be economically practical. Any notification under this subsection (b)(2) need be submitted only once for each hazardous waste discharged. This notification requirement does not apply to pollutants already reported to the POTW pursuant to other provision of this article. This notification requirement does not relieve the User of any additional reporting or notification requirements of this article.

(i) If the User discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known to the User: An identification of the hazardous constituents contained in the wastes, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) calendar months.

(ii) Users who discharge hazardous waste are exempt from the notification requirements of subsection (b)(2) during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). The discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month or of any acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one time notification.

(iii) In the case of any new regulation under the Resource Conservation and Recovery Act ("RCRA") (42 U.S.C. § 6901 to 6992k, as amended) identifying additional characteristics of hazardous wastes, or listing additional substances as hazardous wastes, the User must notify the POTW DIRECTOR, the EPA regional waste management division, and the Colorado Department of Health in writing of any discharge of such substance within ninety (90) days of the effective date of such regulations.

(3) OPERATIONAL CHANGES AFFECTING THE POTENTIAL FOR SLUG DISCHARGES. SHOULD CHANGES OCCUR AT A FACILITY AFFECTING THE POTENTIAL FOR A SLUG DISCHARGE, THE INDUSTRIAL USER SHALL NOTIFY THE DIRECTOR IN WRITING WITHIN FOURTEEN (14) DAYS. THE DIRECTOR WILL THEN MAKE THE DETERMINATION AS TO WHETHER A NEW SLUG DISCHARGE CONTROL PLAN IS NECESSARY. CHANGES AFFECTING THE POTENTIAL FOR A SLUG DISCHARGE INCLUDE BUT ARE NOT LIMITED TO: CHANGES IN THE USER'S CHEMICAL INVENTORY, CHEMICAL STORAGE AMOUNTS, STRUCTURAL CHANGES TO CHEMICAL STORAGE AREAS, CHANGE OF LOCATION OF STORAGE AREAS, OPERATIONAL CHANGES AFFECTING THE WAY CHEMICALS ARE USED, TRANSPORTED, OR STORED, OR ANY CHANGE TO EITHER THE FACILITY OR OPERATIONS WHICH IN THE INDUSTRIAL USER'S DETERMINATION MAY AFFECT THE POTENTIAL FOR A SLUG DISCHARGE.

(c) Employee Training. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place on the Industrial User's premises advising employees whom to call in the event of a dangerous discharge as specified in this section. Industrial Users shall insure that all of their employees who may cause or suffer such a dangerous discharge to occur are properly trained and advised of the appropriate emergency notification procedures.

Section 16-15-21. Reporting Requirements for Industrial Users/Periodic Compliance Reports.

(a) Any classified Industrial User subject to a Pretreatment Permit after the compliance date of such Pretreatment Permit, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director every year, unless required more frequently in the Pretreatment Permit or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are regulated by the Pretreatment Permit. In addition, this report shall include a record of all daily flows which during the reporting period

exceeded the average daily flow. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

(b) The Director may impose mass limitations on Users in cases where the imposition of such limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards or requirements. The frequency of monitoring shall be as prescribed in Section 16-15-23.

(c) THE DIRECTOR MAY REQUIRE THE USE OF BEST MANAGEMENT PRACTICES AS PERMIT STANDARDS IN CASES WHERE THE IMPOSITION OF SUCH REQUIREMENTS ARE APPROPRIATE. IN SUCH CASES, THE REPORT REQUIRED BY SUBPARAGRAPH (a) OF THIS SECTION SHALL INCLUDE ALL NECESSARY INFORMATION REQUIRED TO DOCUMENT THE USE AND IMPLEMENTATION OF THE BEST MANAGEMENT PRACTICE OR PRACTICES. THE FREQUENCY OF MONITORING SHALL BE DETERMINED BY THE DIRECTOR.

Section 16-15-22. Monitoring Facilities of Permittee.

(a) The City may require to be provided and operated, at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parking vehicles.

(b) There shall be ample room in or near such sampling manhole of facility to allow accurate sampling and preparation of samples for analysis. The facility, samples, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

(c) Sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

Section 16-15-23. Monitoring Schedule for Industrial Users.

(a) The City will sample the effluent and make an analysis at least once per year according to the following table for the pollutants that could be discharged by a particular Industrial User. Subsequent sampling may be for only specific pollutants as determined by the Director.

Industrial Class	Self-Monitoring Sampling Frequency	City's Sampling Frequency
I	On Demand	As Needed
II	Twice per Year	Once per Year
III	Twice per Year	Twice per Year



(b) The City may randomly sample and analyze the effluent from Industrial Users and conduct other surveillance activities as needed in the opinion of the Director to identify, independent of information supplied by the Industrial Users, occasional and continuing noncompliance with pretreatment standards.

**Section 16-15-24. Right of Entry.**

(a) The Director and other duly authorized employees or agents of the City bearing proper credentials and identification shall be permitted to enter and shall be given ready access to all buildings, structures, facilities or properties of an Industrial User for the purposes of inspection, observation, measurement, sampling, and testing pertinent to the User's discharge to the public sanitary sewer system in accordance with the provisions of this article. The right of entry for agents of the City under this section is a condition both of the User's application for a discharge permit, and of the User's receipt of a discharge permit pursuant to this article.

(b) Anyone acting under the Director's authority pursuant to this section shall observe the User's established procedures, rules and regulations concerning safety, internal security, and fire protection, including but not limited to, the User's employee training and the wearing of the User's protective or special safety equipment. The User shall make necessary arrangements for training and equipment at the User's cost and expense to permit entries and inspections by authorized employees and agents of the City.

(1) Where an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, authorized agents of the City will be permitted to enter without delay to perform their specified functions.

(2) The City shall have the right to set up on the User's property, or require the installation of, such devices as are necessary to conduct sampling or monitoring of the User's operations. The City may also require the User to install monitoring equipment as necessary. The monitoring equipment installed at the User's facilities shall be maintained at all times in a safe and proper operating condition by the User at the User's expense. All equipment and devices used to make measurements and collect data shall be properly maintained and calibrated to ensure accuracy.

(3) Any temporary or permanent obstruction to safe and easy access to the User's facilities for purposes of inspection, monitoring or sampling shall be promptly removed by the Industrial User upon the oral or written request of the Director and shall not be replaced. The cost of such removal shall be born by the User.

(4) Unreasonable delays in permitting agents of the City access to the Industrial User's premises shall be a violation of this article.

(c) The Director and other duly authorized agents and employees of the City bearing proper credentials and identification are entitled to enter all private properties through which the City holds a negotiated easement. All activities authorized by the Director shall be conducted in full accordance with the terms and purposes of the negotiated easement pertaining to the property involved; such activities shall include the purpose of:

(1) Inspection, observation, measurement, sampling and repair;

(2) Maintenance of any portions of the public sewer or other wastewater facilities lying within the easements; and

(3) Conducting any other authorized activity.

(d) If the Director has been refused access to any building, structure, facility or property, or any part thereof, and if the Director has demonstrated either probable cause to believe that there may be a violation of this article, or there is a reasonable need for inspection as part of a routine inspection program of the City developed to verify compliance with this article or any permit or order issued under this article, or to protect the overall public health, safety and welfare, then upon application by the City Attorney, the Municipal Court or any other court of competent jurisdiction shall issue a search and seizure warrant. The application by the City Attorney shall be reviewed, and the Search and Seizure Warrant shall be issued, pursuant to Sections 16-3-301, 16-3-303 through 16-3-309, Colorado Revised Statutes, as amended, and Rule 41, Colorado Rules of Criminal Procedure, as amended. For purposes of this article, The Municipal Court shall have jurisdiction under the above-cited authorities to issue search and seizure warrants. A Warrant shall describe the location subject to the Warrant and specify what, if anything, may be searched, inspected or seized on the property or premises described. Such warrant shall be served at reasonable hours by the Director in the company of uniformed peace officers of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Section 16-15-25. Discharges Requiring a Trap.

(a) Discharges requiring a trap include: grease or waste containing grease in excessive amounts; oil; sand; flammable wastes; and other harmful ingredients, as determined by the Director.

(b) Any person responsible for discharges requiring a trap shall at his own expense and as required and approved by the Director;

(1) Provide equipment and facilities of a type and capacity approved by the Director; and

(2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and

(3) Maintain the trap in effective operating condition.

(c) In the maintenance of these traps, the owner or User shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by the owner or User must be performed by currently licensed waste disposal firms. Records of maintenance and service shall be kept on file for a minimum of three (3) years and shall be make available to the City upon request of the Director.

Section 16-15-26. Independent Disposal Facilities. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 16-15-27. Notification of Violation--Suspension of Service. Whenever the City finds that any User has violated or is violating this Article, Industrial Discharge Permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a

written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the User.

The City may suspend the wastewater treatment service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or cause the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Industrial Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The City may reinstate the Industrial Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measure taken to prevent any future occurrence shall be summoned to the City within five (5) days of the Date of occurrence.

Section 16-15-28. Revocation of Permit. Any User who violates the following conditions of this Article, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 16-15-27 of this Ordinance:

- (a) Failure of a User to report factually to the wastewater constituents and characteristics of his discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- (d) Violation of conditions of the Industrial Discharge Permit.

Section 16-15-29. Show Cause Hearing.

(a) The City may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the proposed action is to be taken, and directing the User to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or be registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The City Council may itself conduct the hearing and take the evidence, or it may designate one or more of its members to take the following actions:

- (1) Issue in the name of the City Council of hearings and subpoenas requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings, and the Director or the User may petition the Municipal Court to enforce any subpoena issued pursuant to this section through the Court's contempt powers;

(2) Receive evidence from both the User and the Director on any relevant issue involved in such hearings, provided however, that the Colorado Rules of Evidence shall not apply strictly to such evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for final action thereon.

(c) At any hearing held pursuant to the article, testimony taken must be under oath and recorded. The transcript of testimony will be made available to any member of the public and any party to the hearing upon payment of reasonable charges for the preparation thereof. The hearing may be suspended or continued from time to time in the discretion of the presiding officer, provided that all evidence is received and the hearing is closed within sixty (60) days after it is commenced.

(d) After the City Council has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate to correct the violation may be issued.

Section 16-15-30. Legal Action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Article, Federal or State Pretreatment Requirements, or any order of the City, upon request by the Northglenn City Manager, City Attorney shall commence legal action for appropriate legal and/or equitable relief.

Section 16-15-31. Enforcement.

(a) Civil Penalties. Any User who is found to have violated an Order of the control authority or who has willfully or negligently failed to comply with any provision of this Article and the orders, rules, regulations and permits issued hereunder, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for each violation.

(1) Each day on which any user permits, allows or causes any violation or noncompliance to occur or continue shall be deemed a separate and distinct violation subject to civil penalties pursuant to this section. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) Actions for civil penalties shall be civil actions brought in the name of the City. Such actions shall be administered pursuant to the Rules of County Court Civil Procedure, except Rules 313, 338, 339, 347, 348, 351.1, 365 and 398 shall not apply. All trials shall be to the court and all trials shall be held within the City. The City must prove alleged violations by a preponderance of the evidence.

(b) Criminal Prosecutions. Any person who willfully, knowingly or negligently violates any provision of this article or any orders or permits issued under this article shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) per day per violation, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

(c) Public Nuisance. Any violation of this article, a wastewater discharge permit, or any order issued pursuant to this article, is hereby declared a public nuisance and may be corrected or

abated by the Director or his designee. Any person creating such a public nuisance may be subject to the provisions of the Northglenn Municipal Code governing nuisances, including the provisions requiring reimbursement to the City for its costs of abatement. The Director may initiate, on behalf of the City, an action in any court of competent jurisdiction concerning the abatement of any public nuisance created or caused by a violation of this article. In any such action, the Director may request any legal or equitable relief, including injunctive relief and civil damages, as provided by applicable law.

(d) Other Remedies. The remedies provided in this section and section 16-15-30 are not exclusive remedies. Nothing in sections 16-15-30 or 16-15-31 shall be construed to prevent the City from pursuing any or all of the remedies provided in those sections against Users or persons involved in violations of this article. In addition to the civil or criminal penalties provided herein, the City may recover reasonable attorney fees, court costs, court reporter's fees, and other expenses of litigation by appropriate action at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder. In any action involving an award of civil damages in favor of the City, the City shall also recover interest on such damages as specified in Section 5-12-102, Colorado Revised Statutes, as amended.

(e) Tenant Responsibility. Where an owner of a property leases a premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User, either or both may be held responsible, jointly or severally, for compliance with the provisions of this article.

#### Section 16-15-32. Miscellaneous Offenses.

(a) Falsifying Information. Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished pursuant to Section 16-15-31(b).

(b) Vandalism. Any person who maliciously, willfully, or negligently breaks, destroys, uncovers, defaces, tampers with, or otherwise destroys, or who prevents access to, any structure, appurtenance or equipment, or any part to the POTW, shall, upon conviction, be punished pursuant to Section 16-15-31(b).

Section 16-15-33. Validity. All ordinances or parts of ordinances in conflict herewith are hereby repealed. In any event any part of this ordinance is held to be unconstitutional by a court of competent jurisdiction or is superseded by state law, the remaining portion of this ordinance shall remain in full force and effect.

#### Section 16-15-34. Hearings and Appeals.

(a) Except as otherwise expressly provided in this article, any applicant or User may petition the City Council to reconsider any determination, decision, condition, or requirement made by the Director or his designee pursuant to this article.

(b) Any petition for reconsideration must be received by the Director during regular business hours within ten (10) business days of the Director's determination or decision. The User's or applicant's failure to submit a timely petition for reconsideration shall be deemed a waiver of any such reconsideration. For purposes of identifying the date of the Director's determination or decision, the following dates will control:

(1) For determinations or decisions which the Director transmits by mail, the date of the postmark shall be the date of decision;

(2) For determinations or decisions which the Director causes to be delivered by hand delivery, the date of such delivery shall be the date of decision;

(3) For determinations or decisions given by the Director orally, the date of oral notification by the Director or his designee shall be the date of decision.

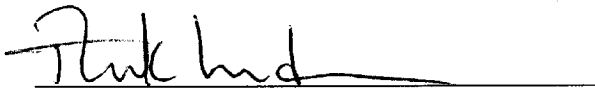
(c) A petition for reconsideration must indicate which determination or decision of the Director the User or applicant wishes to have reviewed, the grounds or reasons for objection to the Director's decision, and the alternate determination, decision, condition or requirement that the applicant or User believes the Director should have made.

(d) The Director's determination or decision shall remain effective during any review provided by this section and a petition for reconsideration shall not stay any decision or determination of the Director. The Director shall forward any petition for reconsideration to the City Council. The City Council shall schedule the petition for reconsideration for hearing at the next regular meeting of the City Council which will also allow for adequate notice of such hearing. The applicable provisions of Sections 16-15-29(a) through (c) shall control the notice and conduct of such hearing.

(e) The City Council shall deliberate regarding the evidence presented at such hearing in executive session. The City Council shall affirm and uphold the decision, determination, condition or requirement of the Director if the City Council finds competent grounds in the evidence presented to support the Director's decision, determination, condition or requirement. The City Council may reverse the Director's decision, determination, condition or requirement only if it is so devoid of evidentiary support that it can only be explained as an arbitrary and capricious act.

(f) The City Council shall announce the results of its deliberations at the next regular meeting of the City Council and approve written findings and conclusions to memorialize those results. The City Council shall announce its decision and approve its written findings and conclusions not more than sixty (60) days following the conclusion of the hearing.

INTRODUCED, READ AND ORDERED POSTED this 11<sup>th</sup> day of January,  
2007.

  
KATHLEEN M. NOVAK  
for Mayor

ATTEST:

  
DIANA L. LENTZ, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2007.

---


KATHLEEN M. NOVAK  
Mayor

ATTEST:

---

DIANA L. LENTZ, CMC  
City Clerk

APPROVED AS TO FORM:



---

COREY Y. HOFFMANN  
City Attorney