

PUBLIC WORKS MEMORANDUM
#16-2023

DATE: April 24, 2023

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *hmg*
Jason Loveland, Interim Deputy City Manager *AL2*

FROM: Kent Kisselman, PE, Director of Public Works *CHK*
Tamara Moon, Environmental Manager

SUBJECT: CB-2006 – Revisions to Industrial Pretreatment Program Requirements

PURPOSE

To consider CB-2006, an ordinance on first reading updating Article 15 of Chapter 16 of the Municipal Code to align with Federal requirements for the Industrial Pretreatment Program.

BACKGROUND

The Industrial Pretreatment Program (IP Program) is a required element of the City's wastewater discharge permit and is intended to protect the Wastewater Treatment Plant and wastewater collection system from harmful substances. The City has had an IP Program since 1986.

The IP Program is implemented under the Federal Clean Water Act, and in Colorado, this program is overseen by Region 8 of the United States Environmental Protection Agency (USEPA). As such, the Municipal Code establishing the IP Program requirements must align with the program requirements as documented in the Code of Federal Regulations.

In 2017 and 2021, the City was subject to inspection of its IP Program by staff from Region 8 USEPA. During these inspections, it was noted that minor corrections to the Municipal Code were required to bring the program up to date with Federal code. These include:

- Section 16-15-2(a)(24) – replace the word “promulgation” with “proposal”
- Section 16-15-2(a)(55) – add, “The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over Indirect Discharges to and the discharges from such a treatment works.”
- Add Section 16-15-6(e)(5) – “The City has the authority to deny new or increased contributions of pollutants, or changes in the nature of pollutants from an existing user, to the POTW (Publicly Owned Treatment Works) by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit.”

Additionally, in 2021 the City approved and began implementing new standards and specifications for construction activities. These allow for certain types of hydromechanical grease interceptors. To align the IP Program requirements with the most recent standards and specifications, the following changes are being proposed:

- Add Section 16-15-2(a)(30) – “Hydromechanical grease interceptor. A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG (fats, oil and grease) from a wastewater discharge and operate based on the Bernoulli's principal, using interior baffling or barriers to reduce kinetic energy, and separate solids and grease. This fixture shall be sized according to the currently approved International

Plumbing Code and the City's standards and specifications.”

- Update paragraph numbering in Section 16-15-2(a)
- Section 16-15-14 – Increase the permit fees for industrial users
 - Permitted Non-Significant Industrial User: from \$250 to \$500
 - Significant or Categorical Industrial User: from \$500 to \$1,000
- Section 16-15-25(b)(1)(i)(1) – add the words, “or hydromechanical”
- Section 16-15-25(b)(1)(i)(3) – add the words, “or hydromechanical” in first sentence; remove the word “gravity” in the second sentence
- Remove Section 16-15-25(b)(1)(i)(5)
- Update paragraph numbering in Section 16-15-25(b)(1)(i)
- Section 16-15-25(b)(1)(i)(6) – remove the word “gravity”
- Section 16-15-25(b)(1)(i)(7) – remove the word “gravity”
- Section 16-15-25(b)(1)(ii)(1) – add the words, “and hydromechanical” to the first sentence; add the words, “or hydromechanical” to the last sentence
- Section 16-15-25(b)(1)(ii)(3) – remove the word “gravity”
- Section 16-15-25(b)(1)(ii)(5) – remove the word “gravity”

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City. If CB-2006 is approved on first reading, a public hearing and second reading of the proposed ordinance would be scheduled for May 8, 2023.

STAFF RECOMMENDATION

Staff recommends approval of CB-2006 on first reading.

STAFF REFERENCE

If Council Members have any questions, please contact Kent Kisselman, Director of Public Works, at kkisselman@northglenn.org or 303.450.4005.

SPONSORED BY: MAYOR LEIGHTY

COUNCILMEMBER'S BILL

ORDINANCE NO.

No. CB-2006
Series of 2023

Series of 2023

A BILL FOR AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 16, ARTICLE 15 OF THE NORTHGLENN MUNICIPAL CODE REGARDING INDUSTRIAL PRETREATMENT REGULATIONS FOR PUBLIC SEWERS

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

Section 1. Subsection 16-15-2(a)(24) of the Northglenn Municipal Code is hereby amended to read as follows:

(24) **Existing Source.** An industrial user which is in operation at the time of ~~promulgation~~ PROPOSAL of federal Categorical Pretreatment Standards and any industrial user not included in the definition of "New Source."

Section 2. Section 16-15-2 of the Northglenn Municipal Code is hereby amended by the addition of a new subsection (a)(30) to read as follows, and the definitions following the new subsection shall be renumbered accordingly:

(30) **HYDROMECHANICAL GREASE INTERCEPTOR.** A PLUMBING APPURTENANCE OR APPLIANCE THAT IS INSTALLED IN A SANITARY DRAINAGE SYSTEM TO INTERCEPT FOG (FATS, OIL AND GREASE) FROM A WASTEWATER DISCHARGE AND OPERATE BASED ON THE BERNOULLI'S PRINCIPAL, USING INTERIOR BAFFLING OR BARRIERS TO REDUCE KINETIC ENERGY, AND SEPARATE SOLIDS AND GREASE. THIS FIXTURE SHALL BE SIZED ACCORDING TO THE CURRENTLY APPROVED INTERNATIONAL PLUMBING CODE AND THE CITY'S CURRENTLY APPROVED STANDARDS AND SPECIFICATIONS.

Section 3. Subsection 16-15-2(a)(55) of the Northglenn Municipal Code is hereby amended to read as follows:

(~~55~~56) **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 Article, "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. THE TERM ALSO

MEANS THE MUNICIPALITY AS DEFINED IN SECTION 502(4) OF THE ACT, WHICH HAS JURISDICTION OVER THE INDIRECT DISCHARGES TO AND THE DISCHARGES FROM SUCH A TREATMENT WORKS.

Section 4. Section 16-15-6 of the Northglenn Municipal Code is hereby amended by the addition of a new subsection (e)(5) to read as follows.

Section 16-15-6. Industrial Pretreatment Program.

(a) Applicability. The provisions herein provide for the regulation of Indirect Discharges to the POTW. The provisions herein shall apply to industrial users of the POTW and to persons outside the POTW who are, by contract or agreement with the POTW, industrial users of the POTW.

(b) Non-Domestic Industrial Users. It shall be unlawful for any Industrial user to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or in any area under the jurisdiction of the City. No industrial wastewater shall be discharged to the POTW unless done so in compliance with the provisions of this Article.

(c) Regulation of Industrial Users from Outside Jurisdictions.

(1) In order for the City to effectively implement and enforce Pretreatment Standards and Requirements for all industrial users discharging to the POTW and as required by 40 CFR Section 403.8(f), the City shall enter into Intergovernmental Agreements (IGA) with contributing jurisdictions. Prior agreements shall be unaffected by these requirements until such time as the City determines that modifications are necessary.

(2) Prior to entering into an IGA, the City shall be provided the following information from the contributing jurisdiction:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;

(ii) An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and

(iii) Such other information as the City may deem necessary.

(3) The IGA may contain the following conditions:

(i) A requirement for the contributing jurisdiction to adopt a sewer use ordinance or rules which specifically require that all non-domestic users shall be under the jurisdiction of this Article for the purposes of implementation and enforcement of Pretreatment Standards and Requirements;

(ii) A requirement for the contributing jurisdiction to submit an updated user inventory on at least an annual basis;

(iii) A provision specifying that the City shall be delegated full responsibility for implementation and enforcement of the pretreatment program unless otherwise agreed to and specified in the IGA;

(iv) A requirement for the contributing jurisdiction to provide the City with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users;

(v) Requirements for monitoring the contributing jurisdiction's discharge; and

(vi) A provision specifying remedies available for breach of the terms of the IGA.

(d) Responsibility of the City.

(1) The City shall attempt to notify in writing any industrial user whom he/she has cause to believe is subject to a National Categorical Pretreatment Standard or Requirements, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of the City to so notify industrial users shall not relieve said industrial users from the responsibility of complying with applicable requirements. It is the responsibility of Significant Industrial Users to apply for and receive a permit prior to discharge, whether or not the industrial user has been identified and formally requested to do so.

(2) If wastewaters containing any pollutant, including excess flow, or as otherwise defined in this Article, are discharged or proposed to be discharged to the POTW, the City may take any action necessary to:

(i) Prohibit the discharge of such wastewater;

(ii) Require an industrial user to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with this Article;

(iii) Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the potential for a discharge to violate this Article;

(iv) Require the industrial user making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling, treating, disposing or remediation costs as a result of wastes discharged to the wastewater treatment system;

(v) Require the industrial user to apply for and obtain a permit;

(vi) Require timely and factual reports from the industrial user responsible for such discharge; or

(vii) Take such other action as may be necessary to meet the objectives of this Article.

(e) Additional City Authorities. In addition to the overall authority to control the discharge of wastewater to the POTW, the City shall have the following authorities:

(1) Take enforcement and issue fines and penalties for violations of this Article, including the failure of an industrial user to apply for a permit.

(2) **Endangerment to Health or Welfare of the Community:** The City, through other than a formal notice to the affected industrial user, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.

(3) **Endangerment to Environment or Treatment Works:** The City, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW, wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.

(4) The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of this Article.

(5) **THE CITY HAS THE AUTHORITY TO DENY NEW OR INCREASED CONTRIBUTIONS OF POLLUTANTS, OR CHANGES IN THE NATURE OF POLLUTANTS FROM AN EXISTING USER, TO THE POTW BY INDUSTRIAL USERS WHERE SUCH CONTRIBUTIONS DO NOT MEET APPLICABLE PRETREATMENT STANDARDS AND REQUIREMENTS OR WHERE SUCH CONTRIBUTIONS WOULD CAUSE THE POTW TO VIOLATE ITS NPDES PERMIT.**

Section 5. Section 16-15-14 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 16-15-14. Industrial User Fees. Permit fees for Significant Industrial Users and Permitted Non-Significant Industrial Users are listed in the following table. The fee includes permit issuance and initial monitoring by the City.

Permitted Non-Significant Industrial Users	\$250.00 \$500.00
Significant OR CATEGORICAL Industrial User	\$500.00 \$1,000.00

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 not limited to the following:

- (a) Fees for monitoring, inspection and surveillance activities;
- (b) Fees for reviewing accidental discharge procedures and construction;
- (c) Fees for permit applications;
- (d) Fees for filing appeals and other legal expenses;
- (e) Fees for consistent removal by the City of pollutants as allowed under 40 CFR Section 403.7; and
- (f) Such other fees as the City may deem necessary to administer and enforce the requirements contained herein.

Section 6. Section 16-15-25 of the Northglenn Municipal Code is hereby amended to read as follows:

Section 16-15-25. Sector Control Programs.

(a) General Requirements.

(1) Authority. The City may establish specific sector control programs for industrial users to control specific pollutants as necessary to meet the objectives of this Article. Pollutants subject to these sector control programs shall generally be controlled using Best Management Practices (BMPs) or by Permits as determined by the City.

(2) Facility Identification and Compliance. The City shall establish and/or maintain an Industrial User Identification and Characterization Program through which industrial users shall be identified for inclusion into applicable sector control programs. Once identified and included into one or more sector control program, the facility shall be required to comply with each applicable sector control program requirements.

(3) Notification to the City by the Industrial User and Management Review. The City shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other change that could change the

nature, properties, or volume of wastewater discharge, to ensure that current sector control program requirements are incorporated and implemented.

- (4) The industrial user shall inform the City prior to:
- (i) Sale or transfer of ownership of the business; or
 - (ii) Change in the trade name under which the business is operated; or
 - (iii) Change in the nature of the services provided that affect the potential to discharge sector control program pollutants; or
 - (iv) Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.

(5) Inspections.

(i) The City may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.

(ii) If any inspection reveals non-compliance with any provision of a sector control program requirement, corrective action shall be required pursuant to the applicable sector control program.

(iii) Inspection results will be provided in writing to the facility.

(6) Closure. The City may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.

(7) Variance. A variance as to the requirements of any sector control program for existing facilities may be granted by the City for good cause. The facility has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any requirement or effluent limit specified in this Article applicable to the discharge. The granting of any variance shall be at the sole discretion of the City.

If a variance is granted, the facility shall institute Best Management Practices and other mitigation measures as specified by the City. These BMPs may include, but not be limited to:

(i) Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids;

(ii) Submit records of this cleaning to the City within fifteen (15) days of each sewer line cleaning;

(iii) Pay the costs incurred by the City for accelerated sewer line cleaning on the City's sewer line providing service to the facility, costs to the City for treating the excess strength waste and any costs for sampling and analysis. The City believes that these costs will be comparable to costs incurred by a user that installs and maintains grease interceptors or oil/sand separators.

(8) Enforcement and Compliance.

(i) These requirements form a part of this Article. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of Section 16-15-27.

(ii) Any extraordinary costs incurred by the City due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the industrial user to the City. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorneys fees, shall be billed directly to the owner or the industrial user by the City, and such costs shall become part of the total charges due and owing to the City and shall constitute a lien on the industrial user until paid in full.

(b) Program Descriptions. All facilities subject to this section must comply with the requirements in the FOG Sector Control Program which includes both the requirement for installation and operation of a sand/oil interceptor and the Best Management Practices.

(1) Fats, Oil and Grease (FOG) Program Requirements. The requirements established in this Section shall apply to facilities subject to the FOG Sector Control Program established by the City. Non-domestic dischargers where preparation, manufacturing, or processing of food occurs include, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption. These users shall install and maintain a gravity grease interceptor as directed by the City.

(i) General Control Requirements.

(1) A gravity OR HYDROMECHANICAL grease interceptor shall be required when, in the judgment of the City, it is necessary for the proper handling of liquid wastes which may be harmful to, or cause

obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.

(2) It shall be the responsibility of the industrial user and owner of the property, business or industry or an Authorized Representative of the Industrial User to contact the City for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the City must be obtained prior to installation of the interceptor. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Article.

(3) The design and sizing of gravity OR HYDROMECHANICAL grease interceptors shall be in accordance with the FOG Sector Control Program in this Article. The ~~gravity~~ grease interceptor shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial user's wastewater and preventing the discharge of such pollutants to the City's wastewater collection system.

(4) Upon change of ownership of any existing facility which would be required to have an interceptor under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor is installed.

~~(5) Hydromechanical grease interceptors shall not be permitted in lieu of a gravity grease interceptor to comply with the requirements of this Article.~~

(65) Toilets, urinals and similar fixtures shall not waste through a ~~gravity~~ grease interceptor. Such fixtures shall be plumbed directly into the building sewer and waste system.

(76) All fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a ~~gravity~~ grease interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the gravity grease interceptor.

(87) The industrial user must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG.

(98) The industrial user must maintain interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.

(ii) Required Maintenance.

(1) Gravity AND HYDROMECHANICAL grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the facility's wastewater and prevent the discharge of said materials into the City's wastewater collection system. A gravity OR HYDROMECHANICAL grease interceptor shall be serviced at a minimum every ninety (90) days, or more often if required by the City.

(2) The City may require more frequent cleaning than that prescribed in 1) above. A variance from the requirement in 1) above may be obtained if the industrial user can demonstrate less frequent cleaning is sufficient.

(3) Maintenance of ~~gravity~~ grease interceptors shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.

(4) In the event an interceptor is not properly maintained by the industrial user, owner, lessee, or other authorized representative of the facility, the City may authorize such maintenance work be performed on behalf of the industrial user. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owing to the City and shall constitute a lien against the property until paid in full.

(5) Biological treatment or enzyme treatment shall not be a substitute for the servicing of ~~gravity~~ grease interceptors at the frequency determined by the City. Use of enzymes to emulsify FOG is prohibited.

(6) The industrial user must document each pump-out with a waste manifest or trip ticket which must be kept on site for at least three (3) years.

(7) The industrial user must take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

(2) Petroleum Oil, Grease and Sand (POGS) Separator Requirements. The requirements established in this Section shall apply to facilities subject to the POGS Program requirements established by the City.

Non-domestic dischargers where work or service is performed includes automotive service, machine shops, automotive care centers, auto body shops, car washes, or any other facility that generates sand, petroleum oil, grease or other petroleum product, grit, gravel or other aggregate that may discharge into a wastewater collection system. Access to the wastewater collection system is often via floor drains located inside shop areas that are not limited to non-polluting wastewater sources; such drains must be connected to a sand/oil interceptor.

All facilities subject to this Section must comply with the requirements in the POGS Sector Control Program which includes both the requirement for installation and operation of a sand/oil separator and the Best Management Practices.

(i) General Control Requirements.

(1) A sand/oil separator shall be required when, in the judgment of the City, it is necessary for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.

(2) It shall be the responsibility of the industrial user and owner of the property, business or industry or an authorized representative of the Industrial User to contact the City for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the City must be obtained prior to installation of the separator. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Article.

(3) The design and sizing of sand/oil separators shall be in accordance with the POGS Sector Control Program. The sand/oil interceptor shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial user's wastewater and preventing the discharge of such pollutants to the City's wastewater collection system.

(4) Upon change of ownership of any existing facility which would be required to have a separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning sand/oil separator is installed.

(5) Toilets, urinals and similar fixtures shall not waste through a sand/oil separator. Such fixtures shall be plumbed directly into the building sewer and waste system.

(6) The industrial user shall ensure interceptors are easily accessible for inspection, cleaning, and removal of POGS.

(7) The industrial user shall maintain separators at their expense and keep in efficient operating condition at all times by the regular removal of POGS.

(ii) Required Maintenance.

(1) Sand/oil separators shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the sand and oil from the POGS facility's wastewater and prevent the discharge of said materials into the City's wastewater collection system. A sand/oil separator shall be serviced at a minimum once every year, or more often as required by the City.

(2) The City may require more frequent cleaning. A variance from this requirement may be obtained when the industrial user can demonstrate less frequent cleaning is sufficient.

(3) Maintenance of sand/oil separators shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.

(4) In the event a separator is not properly maintained by the industrial user, owner, lessee, or other authorized representative of the facility, the City may authorize such maintenance work be performed on behalf of the facility. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing to the City and shall constitute a lien against the property until paid in full.

(5) The industrial user must document each pump-out with a waste manifest or trip ticket which must be kept on site for at least three (3) years.

(6) The industrial user must take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2023.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2023.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney