

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
AMENDING CHAPTER 13, ARTICLE IV OF THE PALISADE
MUNICIPAL CODE REGARDING COMMERCIAL AND INDUSTRIAL
USER REQUIREMENTS.**

WHEREAS, the Town of Palisade (“Palisade” or the “Town”) is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; and

WHEREAS, the Town has adopted regulations related to its sewer service in Article IV of Chapter 13 of the Palisade Municipal Code (the “Code”); and

WHEREAS, the Town and Clifton Sanitation District (“CSD”) entered into the certain Intergovernmental Agreement dated May 5, 2021 regarding the Town’s connection to CSD’s wastewater collection system and CSD’s treatment of the Town’s wastewater; and

WHEREAS, the Colorado Department of Public Health and Environment has issued a Colorado Discharge Permit System (“CDPS”) permit to CSD (CO0033791) that requires CSD protect its wastewater treatment plant from Industrial User discharges that may cause Pass Through, Interference or violate a Specific Prohibition; and

WHEREAS, the Town entered into that certain Pretreatment Intergovernmental Agreement with CSD with an effective date of April 6, 2022 (“Pretreatment IGA”) in preparation of CSD accepting the Town’s wastewater and comply with its CDPS; and

WHEREAS, pursuant to Paragraph 4 of the Pretreatment IGA, the Town must adopt Article V of CSD’s Rules and Regulations setting forth commercial and industrial user requirements; and

WHEREAS, at a regular a public meeting to consider this action, the Board of Trustees finds and determines that it is in the interest of the Town to amend the Palisade Municipal Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The table located at Section 13-84(e)(18) of Chapter 13 of the Palisade Municipal Code is hereby repealed and replaced with the following:

Pollutant	Daily Maximum Discharge Limitation ⁽¹⁾
Arsenic	0.044
Cadmium	0.009
Chromium	1.46
Chromium (VI), filterable	0.170
Copper	0.62
Lead	0.29
Mercury	0.0012
Nickel	0.79
Silver	0.46
Selenium	0.010
Zinc	2.86
5-Day Biochemical Oxygen Demand (BOD ₅), lbs/day	1,185 ⁽²⁾
Total Suspended Solids (TSS), lbs/day	1,042 ⁽²⁾
Ammonia, lbs/day	149 ⁽²⁾
Phosphorus, lbs/day	28 ⁽²⁾

(1) All limits are in mg/L unless otherwise specified and shall be analyzed as total.

(2) This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all Town Users.

Section 3. The table located at Section 13-84(e)(20) of Chapter 13 of the Palisade Municipal Code is hereby repealed and replaced with the following:

Pollutant ⁽¹⁾	Daily Maximum Discharge Limit ⁽³⁾
Benzene	0.050
BTEX ⁽²⁾	0.750

- All pollutants shown in the Table are total and asmg/L.
- BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
- These limits are based upon installation of air stripping

technology as described in the EPA document: “Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989.”

Section 4. Section 13-89 of Chapter 13 of the Palisade Municipal Code is hereby enacted to read as follows:

Sec. 13-89. – Adoption of Clifton Sanitation District Commercial and Industrial Users Requirements.

Pursuant to that certain Intergovernmental Agreement between the Town and Clifton Sanitation District (“CSD”) regarding wastewater treatment for the Town dated May 5, 2021, the Town entered into that certain Pretreatment Intergovernmental Agreement with CSD dated April 6, 2022 (“Pretreatment IGA”). Pursuant to Paragraph 4 of the Pretreatment IGA and in preparation of CSD’s treatment of the Town’s wastewater, the following Article V of the CSD’s Rules and Regulations (current version attached as Exhibit A) is hereby adopted into the Palisade Municipal Code, as said Article V may be amended from time to time by CSD, and shall apply to all connections to the Town’s sewage works. Further, the Town hereby grants CSD authority to implement and enforce these regulations that apply to Industrial Users that discharge to or otherwise have a connection to the Town’s sanitary sewer. Notwithstanding any reference to CSD or the District herein, the Town retains full authority to administer and enforce these regulations, in which case these regulations shall be interpreted accordingly for the Town’s administration and enforcement thereof; however, CSD shall have the right to make final decisions regarding any enforcement action or issue, whether initiated by the Town or CSD. In the event of any conflict between these regulations and the Pretreatment IGA, the provisions of the Pretreatment IGA shall prevail.

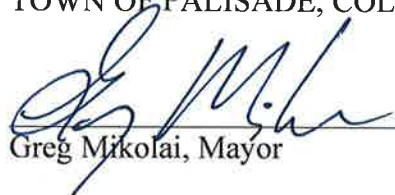
See Exhibit A attached hereto and incorporated herein by this reference to be codified in Section 13-89 of the Palisade Municipal Code.

Section 5. This Ordinance shall be open for public comment for 30 days pursuant to Paragraph 4 of the Pretreatment IGA and unless called up by the Board of Trustees for further review and amendment based upon such comments, this Ordinance shall be effective May 1, 2022.

INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on March 22, 2022.

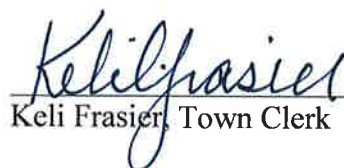
TOWN OF PALISADE, COLORADO

By:



Greg Mikolai, Mayor

ATTEST:



Keli Frasier, Town Clerk

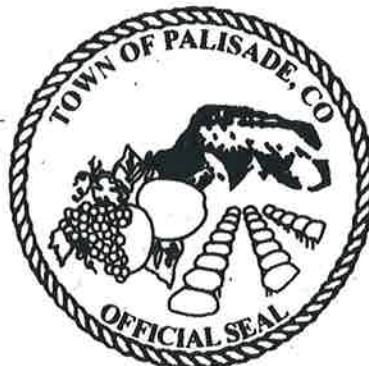


EXHIBIT A

**Article V. Commercial and Industrial Users –
Requirements**

5.0 Title and General Provisions

This Article V of the Rules and Regulations applies to non-residential dischargers that are classified as businesses (industrial or commercial) or are otherwise a source of Indirect Discharge.

5.1 Purpose and Policy

It is necessary for the health, safety, and welfare of the residents of the District to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. This Article sets forth the uniform requirements for users of the Publicly Owned Treatment Works of the Clifton Sanitation District and enables the District to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251, *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

5.2 The Objectives of these Rules and Regulations are:

- 5.2.1 To prevent the introduction of pollutants into the POTW that would interfere with the operation of the system or contaminate the resulting sludge;
- 5.2.2 To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
- 5.2.3 To protect both POTW personnel who may be affected by wastewater or sludge in the course of their employment and the general public;
- 5.2.4 To promote reuse and recycling of reclaimed wastewater and sludge from the POTW;

- 5.2.5 To provide for the equitable distribution of the cost among users of the POTW;
- 5.2.6 To provide for and promote general health, safety, and welfare of the citizens residing within the District; and
- 5.2.7 To enable the District to comply with its Colorado Discharge Permit System permit conditions, sludge use and disposal requirements, and any other federal or State laws to which the POTW is subject. These Rules and Regulations shall apply to persons in the District, and to persons outside the District who are, by contract or agreement with the District, users of the POTW.

5.3 Recovery of Costs

It is the purpose of this Section to provide for the recovery of costs from Industrial Users of the District's wastewater treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth as appropriate in these Rules and Regulations. The District may adopt charges and fees to reimburse the District for the costs of operating the District's Pretreatment Program. The rationale for imposing fines and fees for industrial users is described in the District's policies:

- 5.3.1 Industrial Waste Control Enforcement Response Guide
- 5.3.2 Fats, Oils, and Greases (FOG) Response Guide

5.4 Definitions

Unless the context specifically indicates otherwise, the following terms, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

- 5.4.1 "Act" or "The Act" mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, *et seq.*

- 5.4.2 "Authorized Representative" or "Duly Authorized Representative" of the Industrial User as defined at 40 CFR Section 403.12(I) and is hereby incorporated by reference.
- 5.4.3 "*Best Management Practices*" ("*BMPs*") shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in Section 5.9 of this Article. *BMPs* are Pretreatment Standards. *BMPs* include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. *BMPs* shall be considered local limits and Pretreatment Standards for the purposes of this Regulations and Section 307 (d) of the Act and as specified at 40 CFR 403.5 (c)(4).
- 5.4.4 "Biochemical Oxygen Demand" ("*BOD₅*") shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures (five days at twenty degrees centigrade) expressed in terms of weight and concentration (mg/L).
- 5.4.5 "Categorical Industrial User" ("*CIU*") means an Industrial User subject to a Categorical Pretreatment Standard that appears in 40 CFR chapter I, subchapter N, Parts 405-471.
- 5.4.6 "Chemical Oxygen Demand" ("*COD*") means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures and expressed in terms of weight and concentration (mg/L).
- 5.4.7 "Colorado Discharge Permit System" ("*CDPS*") shall mean the State of Colorado program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to C.R.S. Section 25-8-101, *et seq.*, 1973 as amended, and 402 of the Clean Water Act (33 U.S.C. §1342).

- 5.4.8 "Composite sample" is a representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the District where time-proportional samples are believed representative of the discharge.
- 5.4.9 "Cooling water":
- (a) "Contact". Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
 - (b) "Noncontact". Water used for cooling purposes, which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.
- 5.4.10 "Daily Maximum Discharge Limit" shall mean the maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in a Wastewater Discharge Permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the sampling period.
- 5.4.11 "Direct discharge" shall mean the discharge of treated, partially treated, or untreated wastewater directly to the waters of the State.
- 5.4.12 "Domestic" or "Sanitary Wastes" shall mean liquid, solid, and semi-solid wastes from the noncommercial preparation, cooking, and handling of food and/or containing only human excrement and similar matter from the sanitary conveyances of dwellings, commercial buildings, industrial facilities, and institutions. Grease trap wastes are specifically excluded from this definition.
- 5.4.13 "Domestic Septage" means the liquid or solid material removed from a septic tank, cesspool, or portable toilet or

similar system that holds only domestic sewage. Domestic septage does not include liquid or solid material removed from any system that receives either commercial wastewater or industrial wastewater. It does not include grease removed from a restaurant or commercial grease trap.

- 5.4.14 "Fats, Oils, and Greases" ("FOG") shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by hexane solvent, as specified in 40 CFR Part 136.
- 5.4.15 "Grab Sample" shall mean an individual sample that is collected from a waste stream without regard to the flow and over a period of time not to exceed fifteen (15) minutes.
- 5.4.16 "Hazardous Waste" shall mean any waste containing substances or characteristics listed as such pursuant to 40 CFR Part 261.
- 5.4.17 "Hauled Wastes" means any waste transported to the POTW by truck or rail. Hauled waste may include domestic septage, chemical toilet waste, grease and sand trap waste, and non-hazardous commercial and industrial waste.
- 5.4.18 "Indirect Discharge" or "Discharge" shall mean the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, including holding tank waste discharge to the POTW.
- 5.4.19 "Industrial User" or "User" means a source of Indirect Discharge, or any other industrial or commercial facility or business that has a sewer connection to the POTW whether or not the user discharges non-domestic wastewater.
- 5.4.20 "Industrial Wastes" shall mean the liquid, solid, and semi-solid wastes from industrial manufacturing processes, trade, or business and does not include domestic or sanitary wastes unless specifically regulated by applicable standards.

- 5.4.21 "Instantaneous Limit" shall mean the maximum concentration of a pollutant allowed to be discharged at any time.
- 5.4.22 "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources:
- (a) Inhibits or disrupts the WWTP treatment processes, operations, or sludge processes, use, or disposal;
 - (b) Causes a violation of any requirement of the WWTP's CDPS permit or
 - (c) Prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- 5.4.23 "Local Limit" shall mean specific discharge limits or Best Management Practices (BMPs) developed and enforced by the District upon Industrial Users to implement the General and Specific Prohibitions and the Wastewater Discharge Limitation listed in Section 5.9. Local limits are Pretreatment Standards and are listed in Section 5.9 of this Article.
- 5.4.24 "New Source" shall have the definition as stated in 40 CFR Section 403.3(m) and is hereby incorporated by reference.
- 5.4.25 "Non-Significant Industrial User" shall mean any User which does not meet the definition of a Significant Industrial User, but is otherwise required by the District through permit, order or notice to comply with specific provisions of these Rules and Regulations and is so notified by the District.

- 5.4.26 "Normal Domestic Strength Wastewater" means wastewater that when analyzed by methods approved under 40 CFR Part 136 and contains no more than 250 mg/L of suspended solids (TSS) and 250 mg/L of BOD₅.
- 5.4.27 "Pass Through" shall mean a discharge which exits the WWTP 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 violation of any requirement or the District's CDPS permit or of the receiving water's water quality standards (WQS) regardless of whether the WQS is part of the District's permit, including an increase in the magnitude or duration violation.
- 5.4.28 "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock Company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, State, and local government entities.
- 5.4.29 "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in Standard Units (SU), and is the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. pH measurements must be taken with a calibrated meter either in-situ or within fifteen (15)-minutes of sample collection. Colorimetric methods, including pH paper, are not acceptable.
- 5.4.30 "Pollutant" shall mean any dredged spoil, solids, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD₅, COD, toxicity, or odor) discharged into or with water.

- 5.4.31 "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).
- 5.4.32 "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User, and shall include conditions of a wastewater discharge permit.
- 5.4.33 "Pretreatment Standard" or "Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307 (b) and (c) of the Act, which applies to Users. This term includes prohibited discharge prohibitions established pursuant to 40 CFR Section 403.5 and Section 5.9 of this Article. In cases of differing standards or regulations, the more stringent shall apply.
- 5.4.34 "Process wastewater" shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

- 5.4.35 "Publicly Owned Treatment Works" ("POTW") shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned, in this instance, by the Clifton Sanitation District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
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. For the purposes of this Article, POTW shall also include any sewers that convey wastewaters to the POTW from Indirect Dischargers outside the District who are, by contract or agreement with the District, users of the District's POTW.
- 5.4.36 "Receiving Water Quality Standards" shall mean requirements for the POTW's treatment plant effluent established by applicable State or Federal statutes or regulations for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted, from time to time.
- 5.4.37 "Recreational Vehicle Waste" shall mean any sewage from gray and sewer holding tanks such as recreational vehicles, 5th wheel and travel trailer campers, and slide in pickup campers.
- 5.4.38 "Representative sample" means a sample from a waste stream that is as nearly identical as possible in composition to that in the larger volume of wastewater being discharged from the facility on a normal operating day.
- 5.4.39 "Sanitary sewer" shall mean a sewer which carries domestic and/or non-domestic wastewater or sewage and to which storm, surface, and ground waters are not intentionally admitted, including the pipe or conduit system and

appurtenances, for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms public sewer, sewer system, POTW sewer, and sewer.

- 5.4.40 "Service connection" shall mean a sewer line intended for discharging wastewater into the District's POTW and commencing at a structure or facility and terminating at a sewer main.
- 5.4.41 "Sewer mains or collection system" shall mean that portion of the District's POTW used for the collection and transportation of wastewater to treatment facilities and which has been installed for the express purpose of allowing service connections to be made thereto.
- 5.4.42 "Shall" and "will" are mandatory.
- 5.4.43 "Significant Industrial User" ("SIU") shall mean an industry subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N, except those defined as non-significant categorical industrial users, and that:
- (a) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or
 - (b) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
 - (c) Is designated by the Manager on the basis that the industry has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

- 5.4.44 "Significant Non-Compliance" ("SNC") shall mean any user is in significant noncompliance if its violation meets one or more of the criteria as defined at 40 CFR §403.8(f)(2)(vii).
- 5.4.45 "Slug Load" or "slug discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the in General or Specific Prohibitions in Section 5.9.
- 5.4.46 A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Districts regulations, local limits, or permit conditions. Non-domestic users must report a slug discharge as specified in Section 5.19.4 of this Article.
- 5.4.47 "Standard Industrial Classification" ("SIC") shall mean a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President-Office of Management and Budget, as it may be revised from time to time.
- 5.4.48 "Storm Sewer" shall mean publicly owned facilities by which storm water is collected or conveyed, including but not limited to any roads, with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.
- 5.4.49 "Storm water" shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation, including snowmelt.
- 5.4.50 "Total Suspended Solids" ("TSS") shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and that is removable by laboratory filtering.

- 5.4.51 "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307(a) of the Act (33 U.S.C. §1317(a)) or as otherwise listed at 40 CFR Part 122, Appendix D.
- 5.4.52 "Wastewater" or "sewage" shall mean liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 5.4.53 "Wastewater Treatment Plant" ("WWTP") or "Treatment Plant" shall mean that portion of the POTW which is designed to provide treatment of municipal sewage.

5.5 Abbreviations

BOD ₅	5-day Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
°C	degrees Celsius
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
FOG	Fats, Oils and Grease
gpd	gallons per day
IU	Industrial User
mg/L	milligrams per Liter
O&M	Operation and Maintenance
POGS	Petroleum Oil, Grease and Sand
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User

SNC	Significant Non-Compliance
TSS	Total Suspended Solids
U.S.C.	United States Code
WWTP	Wastewater Treatment Plant

5.6 Fats, Oil and Grease (FOG) Control and Petroleum, Oil & Sand Separator Requirements

The requirements established in this Section shall apply to facilities subject to the Oil and Grease Program requirements established by the District.

5.6.1 FOG facilities are non-domestic dischargers located within the District's service area where the following uses or activities occur, and which are subject to the District's system for control of Fats, Oil and Grease (FOG):

Non-residential properties on which occurs or facilities exist for the preparation, manufacturing, or processing of food, including but not limited to: restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption or that serve food prepared off-site when dishwashing or other activities may be performed on-site that have a reasonable potential to cause FOG, BOD, TSS, or other parameter to be greater in concentration than is typical for domestic wastewater.

5.6.2 POGS facilities are non-domestic dischargers located within the District's service area where the following Petroleum Oil, Grease and Sand (POGS) and are further defined as: Non-residential properties on which occurs, automotive service or repair, machine shops, automotive care centers, auto body shops, car washes, or any other facility that generates sand, grit or petroleum waste that may discharge into a wastewater collection system.

Grease Interceptor

A unit with at least two (2) compartments and at least seven hundred and fifty (750) gallons. All brackets and other internal non-concrete supports shall be of stainless steel or otherwise treated to prevent corrosion or composed of a material not affected by corrosion.

The grease interceptor shall be vented and designed to retain grease from one or more fixtures and which shall be located remote from the fixtures being served, typically, outside the building being served and accessible at all times.

The District will use the following general sizing criteria to evaluate grease interceptor sizing:

Grease Interceptor Sizing Table					
Fixture Type	# of Fixtures		Surge Flow from Fixture (gpm)		Total Flow (gpm)
<u>Kitchen Area Sinks</u>					
Single Compartment		x	20	=	
Double Compartment		x	25	=	
Triple Compartment		x	30	=	
Mop/Clean-up		x	20	=	
<u>Dishwashers</u>					
Up to 30-gallon capacity		x	15	=	
30 to 50-gallon capacity		x	25	=	
50 to 100-gallon capacity		x	40	=	
Total Surge Flow for Facility (gpm):					
Detention Time (min):					x 10
Required Minimum Grease Interceptor Capacity (gallons)*					
* Minimum Approved Size is 750 gallons; standard size is 1000 gallons					

5.6.3 Sand/Oil Separator

A unit of at least three hundred (300) gallons' capacity designed to retain sand and oil from one or more fixtures and which shall be located remote from the fixtures being served, typically, outside the building being served. The District may determine whether or not a larger capacity sand/oil separator is required.

5.6.4 Car Wash Facilities

In addition to installing an adequately sized sand/oil separator, car washes shall post signage that notifies the customer that the discharge of any oil, antifreeze or other waste not specifically removed as a result of normal usage of the car wash facilities is prohibited and may be prosecuted. Car wash facilities shall utilize detergents that do not contain nonylphenols or nonylphenol ethoxylates as a significant component (>1%) of the detergent concentrate.

5.6.5 Additives

Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives, used for the purpose of grease reduction are strictly prohibited.

5.6.6 General Control Requirements

- (a) A grease interceptor or sand/oil separator shall be required when, in the judgment of the District, they are necessary for the proper handling of liquid wastes which may be harmful to or cause an obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.
- (b) It shall be the responsibility of the User and owner of the property, business or industry or an authorized representative of the User to contact the District for obtaining a plan review. The plan review shall determine the need, method, size, and location of the interceptor or separator required to control discharges into the POTW.

Written approval from the District must be obtained prior to installation of the interceptor or separator.

- (c) Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this Article.
- (d) The design, sizing, and construction of grease interceptors and oil/sand separators shall be in accordance with the County required plumbing codes and these Rules and Regulations.
The grease interceptor and oil/sand separator shall be designed, sized, installed, maintained and operated to accomplish their intended purpose of intercepting pollutants from the User's wastewater and preventing the discharge of such pollutants to the District's wastewater collection system.
- (e) A variance as to the requirement for a grease interceptor for existing facilities may be granted by the District for good cause. The District will evaluate all data and information supporting a request for a variance. The FOG Facility has the burden of proof on 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 these Rules and Regulations. The granting of any variance shall be at the sole discretion of the District. If a variance is granted, the FOG facility shall:
 - 1. Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids;

2. Submit records of this cleaning to the District within fifteen (15) days of each sewer line cleaning;
3. Pay the costs incurred by the District for accelerated sewer line cleaning on the District's sewer line providing service to the User, costs to the District of treating the excess strength waste, and any costs for sampling and analysis. The District believes that these costs will be comparable to costs incurred by a user that installs and maintains grease interceptors or oil/sand separators. Surcharges for FOG, TSS, and BOD are described in Section 5.12.
4. Upon change of ownership or significant changes to the building requiring a building permit at any existing facility which would be required to have an interceptor or separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor or oil/sand separator is installed.
5. Toilets, urinals and similar fixtures shall not waste through a grease interceptor or oil/sand separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
6. FOG Facilities: All sink fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a 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 grease interceptor.

5.6.7 Notification to the District by the User

The User shall inform the District prior to:

- (a) Sale or transfer of ownership of the business;

- (b) Change in the trade name under which the business is operated;
- (c) Change in the nature of the services provided that affect the potential to discharge oil, grease, sand, grit or petroleum;
- (d) Remodeling 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.

5.6.8 Required Maintenance

- (a) 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 FOG Facility's wastewater and prevent the discharge of said materials into the District's wastewater collection system. A grease interceptor in service shall be serviced at a minimum of every ninety (90) days or whenever the combined thickness of the floating greases and settled solids is greater than twenty-five percent (25%) of the hydraulic working capacity of the grease interceptor, whichever is sooner.
- (b) Sand/oil separators shall be maintained by regularly scheduled removal of the accumulated sand and oil so that they will properly operate as intended to intercept the sand and oil from the affected property's wastewater and prevent the discharge of sand and oil to the District's wastewater collection system. A sand/oil separator in service in the District shall be serviced at a maximum interval of one-hundred and twenty (120) days.
- (c) The District may require more frequent cleaning. A variance from this requirement may be obtained when the User can demonstrate less frequent cleaning is

sufficient. The District will not allow a cleaning frequency of less than once per twelve (12) months.

- (d) Maintenance of grease interceptors shall be done in a workmanlike manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.
- (e) In the event an interceptor or separator is not properly maintained by the user, owner, lessee, or other authorized representative of the facility, the District 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 District and shall constitute a lien against the property until paid in full.

- (f) Users shall:
 - 1. Ensure interceptors and separators are easily accessible for inspection, cleaning, and removal of grease.
 - 2. Maintain interceptors and separators at their expense and keep in efficient operating condition at all times by the regular removal of oil, grease and solids.
 - 3. Document each pump out with a waste manifest or trip ticket which must be kept on site for at least three (3) years.
 - 4. 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).

5.6.9 FOG Facilities

Biological treatment or enzyme treatment shall not be a substitute for the servicing of grease interceptors at the frequency determined by the District. Use of enzymes to degrade and/or emulsify oil and grease is prohibited.

- 5.6.10 Existing facilities not connected to a grease interceptor or oil/sand separator, as appropriate, and who contribute oil, grease or sand to the District's collection system will be identified through the District's inspection program. Once identified and determined by the District to need treatment, the facility shall be required to install an interceptor or separator and maintain it according to this Section.

In the time before an interceptor or separator can be installed, the District will require these businesses to implement Best Management Practices (BMPs) to minimize the discharge of pollutants to the sanitary sewer system as described below.

(a) FOG Facilities:

1. Scrape food from plates into garbage cans.
2. Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage can or other solid waste disposal device as needed.
3. Pour all liquid oil and grease from pots into a waste grease bucket stored at the pot washing sink. Heavy solid build-up of oil and grease on pots and pans should be scraped off into a waste grease bucket.
4. Certify that training for these requirements has been provided to kitchen staff.

5. Other kitchen practices identified by the District and/or FOG facility which will decrease the point source discharge of oil and grease.

(b) POGS Facilities:

1. No dumping of petroleum-based waste products into the waste collection system;
2. Sweeping floors and other service areas with hand brooms and dispose of all sweepings as solid waste to minimize the use of wash down water to the greatest extent practicable;
3. Utilizing appropriate absorbent materials to contain and cleanup any spillage of petroleum-based products and disposing of all used absorbent materials as solid waste;
4. Providing certification that all employees have been trained on these practices; and
5. Other practices identified by the District and/or facility which will decrease the discharge of sand and oil.

5.6.11 Surcharging in Lieu of Grease Trap Installation

- (a) The District is sensitive to the fact that the installation of a grease interceptor at an existing facility can be expensive and, in some cases, places a heavy financial burden on the facility.
- (b) Modification of existing plumbing to accommodate installation of a trap may not always be possible in existing buildings.
- (c) When a facility is required by these Rules and Regulations to install a trap and the installation, in the District's opinion, is (a) not physically possible or (b) would represent an undue financial hardship relative to the

benefits gained, the District may grant a waiver from the trap installation requirement. Facilities with grease trap waivers will be considered non-complying facilities.

- (d) Grease trap waivers will not be granted for facilities constructed after January 1, 2013. Non-complying facilities shall pay the costs incurred by the District for accelerated sewer line cleaning on the District's sewer lines providing service to the User, costs to the District of treating the excess strength waste, and any other costs for sampling and analysis and administration. The District believes that these costs will be comparable to costs incurred by a User that installs and maintains grease interceptors.
- (e) Accelerated cleaning will be performed downstream from non-complying food preparation facilities at a minimum frequency of once per quarter.
- (f) When a discharge containing excessive oil and grease enters a sewage collection system, it usually remains in solution for a short period of time before adhering to the sewage collection system pipe. Once the grease attaches to the piping system it solidifies and continues to accumulate until a blockage occurs. Based on operational observations, the District believes that the buildup usually occurs within four hundred (400) feet of the discharge.
- (g) The accelerated cleaning surcharge is based on the average cost incurred by the District as a result of cleaning four hundred (400) feet of sewer pipe at a minimum quarterly frequency. In 2019, this cost was One Hundred Twelve and 82/100 Dollars (\$112.82) per month. The surcharge will be adjusted to match current operating costs, and may be updated at the discretion of the Board.

- (h) Users electing to pay a surcharge in lieu of installing a grease trap must comply with the requirements of Section 5.6 which describe BMPs for minimizing grease discharges to the sewer.
- (i) Additional surcharges for BOD and TSS will also apply as described in Section 5.10. Grease trap surcharges are based on an average grease trap size of 1,000 gallons, a three-month accumulation of BOD and TSS resulting in concentrations of 32,200 mg/L and 52,000 mg/L, respectively, and WWTP most current annual operating costs.
- (j) Total monthly surcharges for a non-complying facility as defined in Section 5.6.12, effective January 1, 2019, will be:
 - 1. FOG Surcharge: \$112.82 per month
 - 2. BOD Surcharge: \$72.79 per month
 - 3. TSS Surcharge: \$58.30 per month
 - 4. Total Surcharge: \$243.91 per month
- (k) Surcharges may be adjusted by the District when analytical data is available showing that a wastewater discharge is more or less concentrated than typical domestic wastewater as defined in Section 5.4.28.
- (l) Samples may be collected by the District at the Users request when a sampling location is accessible and representative. Analytical costs will be borne by the User.

5.7 Inspections

- 5.7.1 The District will conduct inspections of any facility with or without notice and will consider such factors as, but not limited to, potential to discharge oil, grease, sand, grit, petroleum contaminated wastes, or constituents listed in Section 5.9.
- 5.7.2 If any inspection reveals non-compliance with any provision of these requirements, corrective action shall generally be

required within five (5) days, or further enforcement action may be initiated.

However, required response times vary from immediately to within fourteen (14) calendar days depending on the seriousness of reason for non-compliance and whether or not the User has been previously notified to correct same. Specific response requirements are listed in the Response Guides listed in Section 5.3. Such non-compliance that may include, but is not limited to:

- (a) Poor maintenance of interceptors or separators;
- (b) Failure to timely correct previously noted areas of non-compliance;
- (c) Inability to access or open a grease interceptor or oil/sand separator; or
- (d) Inability to inspect an interceptor or separator due to overabundance of oil, grease, grit, or sand accumulation.
- (e) Inspection results will be provided in writing to the facility.

5.8 Authority, Enforcement and Compliance

5.8.1 The rationale for imposing fines and fees for industrial users is described in the District's policies:

- (a) Industrial Waste Control Enforcement Response Guide
- (b) Fats, Oils, and Greases (FOG) Response Guide

5.8.2 These requirements form a part of this Article. Any violation of these requirements shall be considered a discharge violation. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions contained in this Article.

5.8.3 The District has the right to reject acceptance of any waste which may be harmful to or cause obstruction of the wastewater collection system, or which may cause or contribute to Interference or Pass Through or violate any local limits adopted by the District.

(a) Facility owners and lessees regulated under this Section shall be jointly and severally responsible for complying with the requirements and standards established by these requirements.

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

5.9 Industrial Wastewater Discharge Standards

It shall be unlawful for any person to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or storm sewer within the District, or in any area under the jurisdiction of the District. No industrial wastewater shall be discharged to the District's POTW unless done so in compliance with the provisions of these Rules and Regulations and applicable county, State or federal regulations.

5.9.1 General Prohibitions

A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions of this Section apply to each User introducing pollutants into a POTW whether or not the User is subject to other pretreatment standards or any federal, State, or local pretreatment requirements.

5.9.2 Specific Prohibitions

It shall be unlawful for any Industrial User to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the District any wastewater which contains the following:

- (a) Storm water drainage from ground, surface, roof drains, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.
- (b) Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred milligrams per liter (200 mg/L) except where a food service establishment has installed an appropriate grease interceptor and is properly operating and maintaining such interceptor and implementing all BMPs. No wastewater containing total oil and grease at a concentration that would cause or contribute to Pass Through or Interference shall be discharged.
- (c) Explosive mixtures consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. At no time shall a reading on an explosion hazard meter at the point of discharge into

the wastewater system be more than ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Specifically prohibited are pollutants which create a fire or explosion hazard in the District's POTW, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR §261.21.

- (d) Noxious material consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.
- (e) Radioactive wastes or isotopes of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control and any applicable federal regulations that may apply. Users shall notify the Manager of any such discharges.
- (f) Solid, Viscous or liquid wastes which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system.
- (g) Substances which are not amenable to treatment or prescribed reduction by the treatment process employed by the District or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in effluent discharge from the POTW that does not meet requirements of State, federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.

- (h) Wastes with color not removable by the treatment process.
- (i) Wastewater which has an instantaneous pH value less than five and five-tenths (5.5) standard units.
- (j) Spent process chemicals, solutions or materials, filter press solids, hazardous waste as defined by the Federal Resource Conservation and Recovery Act; and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the Manager and after suitable treatment as approved by the Manager has been affected.
- (k) Wastes from hospitals, clinics, dental offices, offices of medical doctors, and convalescent homes consisting of but not limited to laboratory pathological wastes, surgical operating room wastes or delivery room wastes that causes or contributes to Interference or Pass Through.
- (l) Wastewater which has a temperature exceeding one hundred fifty degrees Fahrenheit (150°F). Specifically prohibited is heat in amounts which will inhibit biological activity in the District's wastewater POTW resulting in Interference, but in no event, shall heat be permitted to be received in such quantities that the temperature at the District's wastewater treatment plant exceeds forty degrees Centigrade (40°C) or one hundred four degrees Fahrenheit (104°F).
- (m) Any pollutant including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference.
- (n) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through.

- (o) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (p) Any trucked or hauled pollutants, except at discharge points designated by the District.
- (q) Any substance directly into a manhole or other opening in the POTW unless specifically authorized by the Manager or as otherwise permitted under these Rules and Regulations.
- (r) Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the Manager to collect such wastes within the District.
- (s) Cooling waters or process waters to a storm sewer or natural outlet unless such person has a valid CDPS permit issued by the Colorado Department of Public Health and Environment.
- (t) Wastes where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in these Rules and Regulations.
- (u) Bulk, expired, outdated or concentrated prescription or non-prescription drugs.
- (v) Detergents, surfactants and other surface-active, or other substances which may cause excessive foaming in the POTW or cause or contribute to Pass Through or Interference.
- (w) Discharge of Nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car

washes or asphalt manufacturers or other industrial users.

- (x) Discharge of any wastewater containing perchloroethylene (PCE) (also known as Tetrachloroethene and Tetrachloroethylene) from any industrial user involved in the dry-cleaning business.

5.9.3 Wastewater Discharge Limitations

- (a) No Significant Industrial User, industrial users that Department of Public Health and Environment (“CDPHE”) pursuant to Regulation 63 or other permitted industrial users designated by the District shall discharge or cause to be discharged, wastewater that exceeds the following Local Discharge Limits:

Pollutant	Daily Maximum Discharge Limitation ⁽¹⁾
Arsenic	0.044
Cadmium	0.009
Chromium	1.46
Chromium (VI), filterable	0.170
Copper	0.62
Lead	0.29
Mercury	0.0012
Nickel	0.79
Silver	0.46
Selenium	0.010
Zinc	2.86
5-Day Biochemical Oxygen Demand (BOD ₅), lbs/day	2,457 ⁽²⁾
Total Suspended Solids (TSS), lbs/day	2,407 ⁽²⁾
Ammonia, lbs/day	754 ⁽²⁾
Phosphorus, lbs/day	210 ⁽²⁾

1. All limits are in mg/L unless otherwise specified and shall be analyzed as total.

2. This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all Significant Industrial Users and other designated and Permitted non-SIUs.
- (b) The following limits shall apply to wastewaters that are discharged from:
1. Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
 2. Discharges where one or more of these pollutants are present; or
 3. Where these pollutants are appropriate surrogates. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits, as applicable.

Pollutant ⁽¹⁾	Daily Maximum Discharge Limit ⁽³⁾
Benzene	0.050
BTEX ⁽²⁾	0.750

1. All pollutants shown in the Table are total and as mg/L.
 2. BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
 3. These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."
- (c) Standards for Hydrogen Sulfide

Hydrogen Sulfide	ppm
10-minute Ceiling	10 ⁽¹⁾
8-hour Ceiling	20 ⁽²⁾
Peak Concentration	50 ⁽³⁾
IDLH	100 ⁽⁴⁾

1. This limit is based upon the NIOSH Recommended Exposure Limit (REL). The District may require that an industrial user install treatment or take any other actions if hydrogen sulfide exceeds this level in any part of the District's collection system.
 2. This limit shall not be exceeded for more than ten (10) minutes during any eight (8)-hour period.
 3. This limit shall not be exceeded at any time for any length time.
 4. Any Industrial user discharging wastewater that causes this limit to be exceeded shall immediately cease all discharges. IDLH means Immediately Dangerous to Life of Health.
- (d) Dilution is prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.
- (e) The Manager may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices (BMPs) or additional Pretreatment Requirements when, in the judgment of the Manager,

such limitations are necessary to implement the provisions of these Rules and Regulations.

5.10 Surcharges for High Strength Waste

- 5.10.1 The Extra Strength Treatment Surcharge allows the District to recover actual treatment costs associated with treating wastewater containing Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) in excess of normal domestic discharges. Surcharges for FOG are discussed in Section 5.6.12.
- 5.10.2 BOD discharges in excess of 250 mg/L are surcharged at a rate of \$0.8230 per pound.
- 5.10.3 TSS discharges in excess of 250 mg/L are surcharged at a rate of \$0.4073 per pound.
- 5.10.4 Surcharges apply to the additional pounds discharged above and beyond the concentrations expected for domestic wastewater.

5.11 Specific Powers of the Manager

If wastewaters from a User covered by these Rules and Regulations are discharged or proposed to be discharged into the POTW, the Manager may take any of the following actions:

- 5.11.1 Prohibit the discharge of such wastewater;
- 5.11.2 Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these Rules and Regulations;
- 5.11.3 Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the District for handling, treating or disposing excess loads imposed on the wastewater treatment system;

- 5.11.4 Take enforcement and issue fines and penalties for violations of these Rules and Regulations. The District may also assess charges against the User for any fines or legal expenses associated with violations of the District's CDPS Permit that resulted from the discharge of pollutants from a User;
- 5.11.5 Require the User to apply for and obtain a permit;
- 5.11.6 Require timely and factual reports from the facility responsible for such discharge; or
- 5.11.7 Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these Rules and Regulations.

5.12 General Powers of the Manager

In addition to his authority to prevent or eliminate discharges through enforcement of Pretreatment Standards and Requirements, the Manager shall have the following authorities:

- 5.12.1 Endangerment to Health or Welfare of the Community
The Manager, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, the POTW of the District or any wastewater system tributary thereto, by any means available to him, 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.
- 5.12.2 Endangerment to Environment or Publicly Owned Treatment Works
The Manager, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, the POTW, wastewater system tributary thereto, by any means available to him, 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.

- 5.12.3 The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these Rules and Regulations.

5.13 Pretreatment and Monitoring Facilities

- 5.13.1 Pretreatment Facilities Users shall provide wastewater treatment, including flow equalization, to comply with these Rules and Regulations and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the Manager. Any facilities determined by the Manager to be necessary for compliance or monitoring shall be provided, operated, and maintained at the User's expense. All treatment facilities shall be properly operated and maintained. Detailed plans describing such facilities and operating procedures shall be submitted to the Manager. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.

Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without notice to the Manager.

- 5.13.2 Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- 5.13.3 Should the Manager deem it necessary to fulfill the purposes of these Rules and Regulations, the owner or operator of any premises or facility discharging industrial wastewater into the collection system shall install at the Users expense suitable monitoring facilities or equipment. The monitoring facilities

and equipment shall allow for the accurate observation, sampling and measurement of regulated discharges. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

- 5.13.4 When more than one user is able to discharge into a common service line, the Manager may require installation of separate monitoring equipment for each user.
- 5.13.5 Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Manager's requirements and all applicable construction standards and specifications.

5.14 Slug Discharge and Spill Control Plans

- 5.14.1 Each SIU and other Users required by the Manager shall provide protection from slug loads or spills of pollutants regulated under these Rules and Regulations. Facilities to prevent discharge or slug loads of pollutants shall be provided and maintained at the User's cost and expense.

The Manager may establish specific requirements and conditions to prevent spills or slug discharges for any User.

5.14.2 Notice to Employees

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees to call in the event of a spill or slug discharge to the sewer system. Employers shall ensure that all employees who work in any area where a spill or slug discharge may occur or originate are advised to the emergency notification procedures. The notice shall specify that the Clifton Sanitation District shall be notified immediately (Monday-Friday 8 am – 4:30 pm) at (970) 434-7422. At other times, the posted notice shall indicate that the employees shall dial 911 and report the discharge.

5.15 Wastewater Discharge Permits

- 5.15.1 All Significant Industrial Users, proposing to connect to or discharge into any part of the wastewater system, shall complete an Industrial User Discharge Information Questionnaire prior to commencing discharge to the POTW.
- 5.15.2 The Industrial User Discharge Information Questionnaire may be obtained by contacting the Clifton Sanitation District at (970) 434-7422.
- 5.15.3 Users proposing to discharge hauled wastes shall complete and file with the Manager an application on the form prescribed by the Manager. Such application shall be filed within thirty (30) days of receipt of the application form from the Manager.
- 5.15.4 The Manager may issue a wastewater discharge permit containing all Pretreatment Standards and Requirements that the Manager deems necessary. The conditions of wastewater discharge permits shall be enforced in accordance with these Rules and Regulations and applicable State and Federal regulations.
- 5.15.5 A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- 5.15.6 Discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the Manager's discretion or may be stated to expire on a specific date.
- 5.15.7 Wastewater discharge permits are issued to a specific User for a specific operation. No permit shall be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

5.16 Discharge Permit Modification

The Manager may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

- 5.16.1 To incorporate any new or revised federal, State, or local Pretreatment Standards or Requirements;
- 5.16.2 To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- 5.16.3 A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 5.16.4 Information indicating that the permitted discharge poses a threat to the POTW, District personnel, or the receiving waters;
- 5.16.5 Violation of any terms or conditions of the individual wastewater discharge permit;
- 5.16.6 Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or
- 5.16.7 To correct typographical or other errors in the individual wastewater discharge permit.

5.17 Discharge Permit Revocation

A violation of the conditions of a permit or of these Rules and Regulations or of applicable State and federal regulations may be reason for revocation of such permit. Upon revocation of this permit, any wastewater discharge from the affected User shall be considered prohibited and illegal. Grounds for revocation of a permit include, but are not limited to, the following:

- 5.17.1 Failure of a user to accurately disclose or report the wastewater constituents and characteristics of his discharge;
- 5.17.2 Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- 5.17.3 Refusal of access to the user's premises for the purpose of inspection or monitoring;
- 5.17.4 Falsification of records, reports or monitoring results relating to chemical materials
- 5.17.5 Tampering with monitoring equipment;
- 5.17.6 Violation of conditions of the permit;
- 5.17.7 Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- 5.17.8 Failure to pay fines;
- 5.17.9 Failure to pay sewer charges;
- 5.17.10 Failure to pay permit and sampling fees; or
- 5.17.11 Failure to meet compliance schedules.

5.18 Special Agreements and Contracts

No statement contained in these Rules and Regulations shall be construed as prohibiting special written agreements between the District and any industrial user allowing industrial waste of unusual strength or character to be discharged to the POTW, provided the industrial user compensates the District for any additional costs of treatment where appropriate. Such agreement, however, shall not allow or cause.

- 5.18.1 Any adverse effect to the POTW;
- 5.18.2 A violation of the POTW CDPS permit;
- 5.18.3 A violation of a General or Specific Prohibition; or

5.18.4 A violation of State or federal law or regulation, if known.

5.19 Reporting Requirements

5.19.1 Reporting for Industrial User Regulated by the State or EPA

(a) All industrial users that are applying for or hold a Notice of Discharge Requirements ("NDR") issued by the CDPHE pursuant to Regulation 63, shall copy the District on the following items:

1. NDR application information;
2. The NDR issued by the CDPHE;
3. All reports required by the NDR; and
4. Any other report or documentation reported to the CDPHE as required by the NDR or Regulation 63.

(b) All industrial users that are Categorical Industrial Users shall notify the District that they are located within the District and meet the definition of an Industrial User. The Industrial User shall copy the District on all reports, documents and notifications that are reported to EPA pursuant to 40 CFR Part 403 and the applicable Categorical Standard.

5.19.2 Self-monitoring Reports (SMR)

(a) Any industrial user required by the District to submit self-monitoring reports shall submit such reports at a frequency required by the District but no less than once per six (6) months. In cases where the permit or other control mechanism requires compliance with Best Management Practices (BMPs), the industrial user must submit documentation required by the District necessary to determine compliance status of the industrial user. All industrial monitoring reports must be signed and certified in accordance with Section 5.19.10.

- (b) All wastewater samples must be representative of the industrial user's discharge.
- (c) If an industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the methods and procedures prescribed in Section 5.19.9, the results of this monitoring shall be included in the SMR.

5.19.3 Change in Discharge or Operations

Every SIU shall file a Change in Discharge or Operations notification to the District a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

- (a) Change in number of shifts, and/or hours of operation.
- (b) Additional processing, manufacturing or other production operations.
- (c) New regulated substances used which may be discharged.
- (d) Changes in the listed or characteristic hazardous waste for which the user has submitted or is required to submit information to the District under these Rules and Regulations and 40 CFR Part 403.12 (p) as amended.

5.19.4 Slug Discharge and Spill Reporting

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Manager of the incident.

(b) Within five (5) working days following such discharge, the User shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.

5.19.5 Notification of the Discharge of Hazardous Waste

Any User shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the POTW shall be made immediately upon discovery of the discharge. Notification to the State and EPA is the responsibility of the User and shall be made as required under 40 CFR §403.12(p). The User shall copy the Manager on all notifications made to the State and EPA. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued hereunder, or any applicable federal or State law.

5.19.6 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, posted prepaid, into a mail facility serviced by the United States Postal Service, the date of the receipt of the report shall govern.

5.19.7 Records Retention

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and

copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample; the dates analyses were performed; who performed the analyses; and analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the Manager.

5.19.8 Admission to Property and Access to Information

Whenever it shall be necessary for the purposes of these Rules and Regulations, the Manager may enter upon any User's facility, property or premises subject to these Rules and Regulations is located or conducted or where records are required to be kept for the purposes of:

- (a) Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial or other users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by industrial or other users.
Compliance monitoring and inspection shall be conducted at a frequency as determined by the Manager and may be announced or unannounced;
- (b) Examining and copying any records required to be kept under the provisions of these Rules and Regulations or of any other local, State or federal regulation;

- (c) Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
- (d) Sampling any discharge of wastewater into POTW; and/or
- (e) Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Rules and Regulations, could originate, be stored, or be discharged to the POTW.
- (f) The occupant of such property or premises shall render all proper assistance for such activities.

5.19.9 Analytical Requirements

- (a) All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other analysis required under these Rules and Regulations shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Manager or other parties approved by the EPA.
- (b) Records shall include for all samples:
 1. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
 2. The date(s) and time analyses were performed;

3. The name of the person performing the analyses;
4. The analytical techniques/methods used, including method detection limits and QA/QC sample results;
5. All chain-of-custody records; and
6. The results of such analyses.
7. A signed statement from the laboratory director stating that the samples were properly handled and analyzed pursuant to 40 CFR Part 136 or other approved methodology.

5.19.10 Signatory Certification

All reports and other submittals required to be submitted to the District shall include the following statement and signatory requirements.

- (a) The authorized representative of the industrial user signing any application, questionnaire, any report or other information required to be submitted to the District must sign and attach the following certification statement with each such report or information submitted to the District.

"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 ensure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the 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 a fine and imprisonment for knowing violations."

(b) If the authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in Section 5.4 must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

5.19.11 Requests for Information

When requested by the District, any industrial user shall submit information to the Manager regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the Manager to meet the responsibilities under these Industrial Wastewater Control Regulations. Failure to provide information within the timeframe specified shall be a violation of these Industrial Wastewater Control Regulations.

5.20 Administrative Enforcement Actions

5.20.1 Notification of Violation

When the Manager finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon the User a written notice of violation.

Within five (5) working days of and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the User to the Manager.

Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation.

Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

5.20.2 Administrative Compliance Orders

When the Manager finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may issue an order to the User responsible for the discharge directing that the User to come into compliance within a specific time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.20.3 Administrative Fines

- (a) When the Manager finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may fine such User in an amount not to exceed One Thousand and NO/100 Dollars (\$1,000.00) per day. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or

other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- (b) A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to appeal such fines must file a written request for the Manager to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing by the Board.
- (d) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the User.

5.20.4 Civil/Administrative Fine Pass Through

If an Industrial User discharges such pollutants which cause the District to violate any condition of its CDPS permit and the District is fined by the EPA or the State for such violation, then such industrial user shall be fully liable for the total amount of the fine assessed against the District by the EPA and/or the State.

5.20.5 Remedies Nonexclusive

The remedies provided for in these Rules and Regulations are not exclusive of any other remedies that the District may have under the provisions of Colorado law.

The Manager may take any, all, or any combination of these actions against a noncompliant User.

5.20.6 Public Nuisances

A violation of any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any

other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the Mesa County Municipal Code governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

5.21 Extra Monitoring Charge

5.21.1 The Manager may assess an extra monitoring charge to any User who is found to have:

- (a) Discharged a waste which causes an obstruction, damage, interference or other impairment to the District POTW;
- (b) Violated provisions of these Rules and Regulations and was placed in Significant Noncompliance; or
- (c) Failed to comply with provisions of the User's discharge permit.

5.21.2 The amount of this charge shall be determined by the Manager and may include:

- (a) Sampling and analysis costs.
- (b) Time, material and equipment costs incurred as a result of inspection procedures.
- (c) Costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the POTW as a result of discharge such as time, material and equipment costs including polymer usage, preventing or correcting Interference of POTW, etc.
- (d) Other associated costs as the Manager may deem necessary.

5.21.3 The affected user shall be notified in writing by the Manager of the extra monitoring charges within five (5) days of determination.

5.21.4 Such fees shall be payable by the User within thirty (30) days of being notified of the charges.

5.22 Confidentiality

5.22.1 All records, reports, data or other information supplied by any person or industrial user because of any disclosure required by these Industrial Wastewater Control Regulations or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the Colorado Open Records Act (C.R.S. Section 24-72-201, *et seq.*).

5.22.2 These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the industrial user which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped in a reasonably noticeable manner on each page containing such information. The industrial user must demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

5.22.3 Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the District charged with implementing and enforcing the provisions of these Industrial Wastewater Control Regulations.

- 5.22.4 Effluent data from any industrial user whether obtained by self-monitoring, monitoring by the District or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

5.23 Regulation of Users from Outside Jurisdictions

- 5.23.1 If a User, located in another municipality, county, state, or other jurisdiction contributes wastewater to the POTW, the District shall enter into an intergovernmental agreement ("IGA") with the contributing jurisdiction.
- 5.23.2 Prior to entering into an IGA, the District shall request the following information from the contributing jurisdiction:
- (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 - (b) An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and
 - (c) Such other information as the District may deem necessary.
- 5.23.3 The IGA shall contain the following conditions:
- (a) 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;
 - (b) A requirement for the contributing jurisdiction to submit an updated user inventory on at least an annual basis;
 - (c) A provision specifying that the District shall be delegated full responsibility for implementation and enforcement of

the pretreatment program unless otherwise agreed to and specified in the IGA;

- (d) A requirement for the contributing jurisdiction to provide the District with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users;
- (e) Requirements for monitoring the contributing jurisdiction's discharge; and
- (f) A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.