

Chapter 13.08

PRETREATMENT PROGRAM, INDUSTRIAL USER, AND SEWAGE  
SYSTEM SUPPLEMENTAL REGULATIONS

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13.08.010 Approval of industrial discharges.

A. No industrial user shall discharge any new or increased contributions of pollutants or pollutants changed in nature where such contributions do not meet the applicable requirements of this Chapter or where such contributions would cause the City to violate its Discharge Permit.

B. No industrial user shall be allowed to initially connect to the City sewage system, or to discharge to the City sewage system any new pollutants, any materially increased contributions of pollutants, or any pollutants materially changed in nature, unless such changed or new discharge is approved by a Discharge Authorization Order issued by the City.

C. Applications for discharge authorization shall be submitted on forms provided by the City which may require all information necessary and convenient to characterize and evaluate the industrial user, its industrial processes, and the quantity or quality of its proposed discharge, and to administer and enforce the provisions of this Chapter.

D. The City shall review all such applications and shall approve any application only on the condition that it can and does comply with all the requirements of this Chapter. Upon approval, a Discharge Authorization Order shall be issued

to the industrial user, setting out maximum effluent limits applicable to their discharge, other conditions, and any applicable sampling, testing, monitoring and reporting requirements. Said order shall state the duration of the order, prohibit transfers, include notification and record keeping requirements, include applicable penalties, and include any compliance schedule.

E. All existing industrial users classified as either "Class I--Significant Industrial Users" or "Class II--Minor Industrial Users" shall be issued a Discharge Authorization Order after the effective date of this Chapter. Other industrial users shall be issued Discharge Authorization Orders when changes in discharge occur pursuant to Section C above, or when reclassified as a Class I or Class II Industrial User.

F. The City may periodically require any industrial user to complete and submit reports or surveys on forms provided by the City. Such forms and surveys may require any information necessary or convenient for the administration and enforcement of this Chapter.

G. The Industrial User may have a meeting with the City Manager concerning any provision in a discharge authorization order by submitting a written request to the City within five (5) days of receipt of the order. (Ord. 23, §1(part), 1984; Ord. 2 §10 & §11, 1992)

#### 13.08.020 Prohibited discharges.

A. General Prohibitions: It shall be unlawful to introduce into the City sewage system any pollutants which "pass through" the system or "interfere" with the operation or performance of the system.

B. Specific Prohibitions: In addition, the following pollutants shall not be introduced into the City sewage system:

1. Pollutants which create a fire or explosion hazard in the sewage system, including but not limited to wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;

2. Pollutants which will cause corrosive structural damage to the City's sewage system or with pH lower than 5.0;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewage system, or other interference with the operation of the sewage system;

4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause "interference" with the system;

5. Heat in amounts which will inhibit biological activity in the system resulting in "interference." In no case shall heat be introduced in such quantities that the temperature at the Sewage Treatment Plant exceeds 104°F.

C. Additional Specific Prohibitions: It shall be unlawful to do any of the following:

1. To permit or cause the discharge into the City sewage system of any water or other liquids containing toxic, poisonous or other solids, liquids or gases which, in sufficient quantities, either singly or in interaction with other waste, could contaminate the sludge produced by the treatment plant; interfere with or injure any sewage treatment process; constitute a hazard to humans or animals; create a public nuisance; or create any hazard in or have an adverse affect on the quality of any waters discharged from the City sewage treatment works.

2. To connect any device to the City sanitary sewer system other than sanitary plumbing facilities, including but not limited to any down spout, foundations drain, area way drain, storm sewer, or other source of surface runoff or ground water.

3. To operate a wash rack with drains connected to the City sewer system unless a trap which effectively prevents the entry of sand, mud and gravel has been installed in accordance with specifications approved by the City.

4. To make any discharge into the City sewer system from a hotel, restaurant, club, commercial or institutional kitchen, unless a trap for grease and oil, approved by the City, has been installed.

5. To discharge or permit to be discharged into the City sewer system any of the following:

a) Any liquid or vapor, other than domestic hot water, having a temperature higher than one hundred eighty (180) degrees.

b) Any gasoline, benzene, naphtha, fuel oil, mineral oil, other volatile, flammable or explosive liquids, solids or gas.

c) Any solid or viscous substances in quantities or of a size capable of causing obstruction to flow

in sewers or interference with the proper operation of sewage treatment facilities, including but not limited to ashes, cinders, sand, gravel, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, hair, flushings, entrails, paper, dishes, cups or containers.

d) Garbage that has not been properly shredded or ground by a garbage disposal or grinder.

e) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

f) Wastewater from industrial plants containing floatable oil, fat or grease.

g) A slug of wastewater of such size or concentration that the treatment process is not capable of meeting discharge requirements.

h) Any substance which the Sewage Treatment Plant cannot treat sufficiently to meet plant effluent standards, which causes the release of obnoxious gases, or is harmful to the sewer system and parts.

i) Any trucked or hauled pollutants, except wastes obtained from residential septic or holding tanks delivered to discharge points designated by the City.

j) Pollutants which result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems.

6. To discharge or deposit or cause or allow to be discharged or deposited into the City wastewater system any effluent which fails to comply with the following:

<u>Constituent</u>	<u>Limit(mg/L)</u>
Benzene	0.05
BTEX*	0.75

\*Aggregate parameter of benzene, ethyl benzene, toluene and xylene

D. 1. It shall be unlawful to discharge any pollutants to the City sewer system in violation of the National Pretreatment Categorical Standards as promulgated or amended and in effect from time to time including any standards or amendments thereto promulgated in the future.

2. The City shall advise all potentially affected industries when applicable Categorical Standards are promulgated. Compliance with such standards shall be implemented within the applicable time as stated in the Categorical Standards, applicable Federal Regulations, or pursuant to a compliance schedule issued pursuant to this

Chapter. In no case may the deadline for compliance with a National Categorical Pretreatment Standard be extended beyond the time stated in the standard.

E. Dilution Prohibited: Except where expressly authorized to do so by an applicable Categorical Pretreatment Standard, no industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete subterfuge for adequate treatment to achieve compliance with the Categorical Pretreatment Standards.

F. The following local limitations are established to prevent pass-through and interference, to protect the receiving water quality and to protect sludge quality. These maximum daily industrial loadings shall be allocated through discharge authorization orders so that the total loading to all industrial users subject to discharge authorization orders shall not exceed the limits shown below:

<u>Constituent</u>	<u>*Daily Maximum Allowable Industrial Load (lbs/day)</u>
Cadmium	0.026
Chromium (Total)	2.19
Copper	2.91
Lead	0.48
Mercury	0.036
Molybdenum	0.04
Nickel	0.35

<u>Constituent</u>	<u>*Daily Maximum Allowable Industrial Load (lbs/day)</u>
Selenium	0.05
Silver	8.03
Zinc	5.19

(Ord. 23, §1(part), 1984; Ord. 2, §2, 1992; Ord. 20, §1 & §2, 1996; Ord. 1, §1, 2000)

13.08.030 Compliance schedules. As a condition of any Discharge Authorization Order, Administrative Enforcement Order, order implementing compliance with Categorical Pretreatment Standards, or other order, the City may impose a compliance schedule setting forth reasonable time limits to insure that progress is being made in discrete steps toward the installation of required pretreatment technology and

facilities, or to meet the other requirements of this Chapter.  
(Ord. 23, §1(part), 1984)

13.08.040 Self-monitoring and reports.

A. All industrial users subject to Categorical Pretreatment Standards shall sample and monitor their effluent and provide all reports as required by the applicable Standard and 40 CFR 402.12. The required monitoring and sampling frequency shall be set out in the user's Discharge Authorization Order.

B. All users shall notify the City immediately upon the discharge of any slug load or accidental discharge which may contribute to "interference" with the City's sewage system.

C. All "Class I--Significant Industrial Users" shall install, use and maintain a control man-hole and monitoring equipment approved by the City Engineer adequate to facilitate self-monitoring by the industrial user and compliance monitoring by the City. Such man-hole and any monitoring or measuring device shall be accessible and safely located and shall allow the City to readily and safely measure the volume and obtain samples of the flow at any time. In addition, all Class I Industrial Users shall install a suitable device for continuously recording the flow discharged to the City system. Such facilities shall be installed and maintained at the user's expense.

D. All Class I Industrial Users shall take samples, perform and submit reports of a nature and at such frequencies as may be specified by the City in their Industrial Discharge Authorization Order.

E. Any "Class II-Minor Industrial User" may be required by order to install such a control man-hole and monitoring equipment, and to take samples and make reports similar to those required for Class I Industrial Users when it is determined necessary or appropriate for the proper administration and enforcement of this Chapter by the City.

F. It shall be unlawful to falsify any report, tamper with monitoring equipment and methods or fail to make required reports.

G. All results of sampling, testing and related reports should be kept on file and available for inspection for a minimum of three years by the Industrial User. This period of retention shall be extended during the course of any unresolved litigation involving the discharge of pollutants by the Industrial User or during the course of any administrative proceeding before the City upon direction of the City or E.P.A.

H. All data and records obtained by the City in the administration and enforcement of this Chapter shall be a public record, except information or data subject to the confidentiality requirements of 40 C.F.R. 403.14. Provided, however, the U. S. Environmental Protection Agency shall have access to all data obtained by the City and all effluent data shall be available to the public on an unrestricted basis. (Ord. 23, §1(part), 1984; Ord. 2 §4 & §9, 1992)

13.08.050 Right of entry and inspection. The City shall have the authority to enter upon the premises and property of any sewage system customer for the purpose of inspection, administration, or enforcement of the provisions of this Chapter and for sampling and monitoring discharges to the City sewage system. The City shall also have the right to inspect and copy all test results, sample results, and records required to be kept by this Chapter and other business records of the user related to sewage generation at all reasonable times. In the event that entry or inspection is denied, the City shall have recourse to all remedies allowed by law, including obtaining an Inspection Warrant from the Municipal Court or terminating sewer service. (Ord. 23, §1(part), 1984)

13.08.060 Administrative enforcement action.

A. In the event the City determines that any user is introducing wastes into the City sewage system in violation of the requirements of this Chapter, the City may issue an Enforcement Order which may require any of the following:

1. Pretreatment to an acceptable condition;
2. Control over the quantities and rates of discharge;
3. Additional payment to cover the added costs of handling and treating the waste;
4. Rejection of the specific wastes or pollutants.

B. The City may, on account of any violation of any provision of this Chapter, terminate sewer service to any user in accordance with the procedures of this Subsection.

1. In the event that any actual or threatened discharge to the City system presents an imminent or substantial endangerment to the health and welfare of persons or environment, the City may summarily terminate all sewage service. If necessary to effectuate such termination, the City may terminate water service to the user. If the user does not voluntarily comply with such order, the City may sever the sewer connection.

2. In other cases, the City shall deliver notice to the user at his business premises or mail notice to the user at the address listed in the City utility records for such user of termination of sewer service. Such notice shall advise the user of the nature of the violation, the date service will be terminated, and of the user's right to have a hearing before the City Manager before the termination date concerning the question of whether or not he is in violation of any of the provisions of this Chapter. If the user does not request a hearing by the termination date specified, or if following the hearing, the City Manager determines that a violation of this Chapter exists, the City may thereafter terminate sewer service. If necessary to effectuate termination, the City may also terminate water service or sever the sewer connection.

3. If necessary in order to prevent damage to the City sewage system or violations of the City's Discharge Permit, the City may, by order, impose revised effluent limits upon any Class I or Class II Industrial User which may be more stringent than prevailing Federal Standards. The City may impose mass limitations on industrial users which are using dilutions to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate.

C. Any user may request an informal hearing with the City Manager with respect to the terms of any administrative enforcement order by submitting such request in writing to the City within five days of receipt of such order. The City shall thereafter schedule an informal meeting with the City Manager to resolve any questions concerning the order. (Ord. 21, §1(part), 1984; Ord. 2 §7, 1992)

#### 13.08.070 Enforcement and penalties.

A. It shall be unlawful to violate any of the provisions of this Chapter or of any discharge authorization order, administrative enforcement order or other order or regulation issued pursuant of this Chapter. Any person convicted of such a violation may be penalized by a fine of

not more than one thousand dollars (\$1,000) or by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment. Provided, however, no person under the age of eighteen (18) years may be sentenced to any term of imprisonment in excess of ten (10) days, except for contempt of court. Each day a violation continues shall be considered a separate offense.

B. All discharges in violation of the provisions of this Chapter are hereby declared to be a nuisance and may be abated in accordance with law.

C. The City may maintain an action in any court of competent jurisdiction to enjoin any violation of the requirements of this Chapter and to recover from the responsible party the amount of any damages done to the City sewage system on account of any violation of this Chapter or otherwise.

D. The rights and remedies provided herein are in addition to all other rights and remedies as may be provided by law.

E. Any person violating any provision of this Chapter, or of any Discharge Authorization Order, Administrative Enforcement Order, or other order or regulation issued pursuant to this Chapter shall be subject to a civil penalty of \$1,000 per day each day such a violation continues. The City may maintain an action to recover civil penalties in any court of competent jurisdiction. In addition to the penalty, the City may recover reasonable attorney fees, costs and other expenses associated with enforcement activities such as consultant's fees, sampling and monitoring costs, any damages caused to the City, and any fines or penalties incurred by the City as a result of the violations. In determining the amount of a penalty, the Court shall take into account all relevant circumstances including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit to the user by failure to comply, and corrective actions by the user, the user's compliance history, and fines or penalties incurred by the City as a result of the violation, and other factors justice requires. (Ord. 23, §1(part), 1984; Ord. 2 §6, 1992; Ord. 18, §2 & §3, 1997)

13.08.080 Definitions. The following definitions shall apply for the purpose of this Chapter.

A. "Industrial user" shall mean the source of the introduction of pollutants into City sewage system from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Federal Water Pollution Control Act, 33 USC 1251, et. seq. It shall also include any user who discharges wastes from industrial processes.

B. "Class I--Significant Industrial User" means any Industrial User of the City's wastewater disposal system who

1. is subject to Federal categorical pretreatment standards; or
2. discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary non-contact cooling and boiler blowdown wastewaters); or
3. contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
4. has a reasonable potential in the opinion of the City or E.P.A. to adversely affect sewage system operation or for violating any pretreatment standard or requirement.

C. "Class II--Minor Industrial User" is any user that discharges nondomestic pollutants to the public sewer in amounts that, on a routine basis, have insignificant impact on the treatment works, but may nonetheless present the potential to impact the collection or treatment system or to violate the prohibited discharge limitations in the ordinance. This includes those industries that present the potential to cause sewer obstruction, slug loads or chemical spills.

D. 1. "Interference" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a. Inhibits or disrupts the sewer system, its treatment processes or operations, or its sludge processes, use or disposal; and
- b. therefore is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the

SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

2. "Pass Through" means a Discharge which exits the City's sewage treatment plant into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

3. For the purposes of this Subsection (D), an industrial user "significantly contributes" to such a Permit violation or prevention of sludge use or disposal whenever such user:

a) discharges a daily pollutant loading in excess of that allowed by this Chapter, any order issued pursuant hereto, or applicable Federal or State law.

b) discharges wastewater which substantially differs in nature or constituents from the user's average discharge.

c) knows, or has reason to know, that its discharge alone, or in conjunction with discharges from other sources, would result in a violation of the City's Discharge Permit, or prevent sewage sludge use or disposal.

d) knows, or has reason to know, that the City is, for any reason, violating its final effluent limitations in its Discharge Permit and that the user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the City's Discharge Permit violations.

E. "Slug" shall mean any discharge of water, sewage or industrial waste in which the concentration of any given constituents, or which the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average 24 hour concentration or flow during normal operation.

F. "City" shall mean the City of Delta, Colorado, and any authorized council, commission, board, employee or agent thereof.

G. "Categorical Pretreatment Standards" or "Federal Categorical Standards" means those standards set out in 40 C.F.R. Subchapter N as authorized by Section 307(b) and (c) of the Federal Clean Water Act 33 U.S.C. 1251 et seq., as such standards are promulgated or amended from time to time.

H. 1. "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

2. Construction at a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building structure, facility or installation meeting the criteria of paragraphs (1)(a), (b), or (c) of this Section but otherwise alters, replaces or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. begun, or caused to begin as part of a continuous onsite construction program,

(i) any placement, assembly, or installation of facilities or equipment, or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment, or

b. entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts

for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

I. The term "National Pretreatment Standard," "Pretreatment Standard" or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Federal Water Pollution Control Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

J. The term "pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

K. The term "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by Section 502 (4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW 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. (Ord. 23, §1(part), 1984; Ord. 2 §1, 1992; Ord. 20, §4, 1996)

#### 13.08.090 Administration.

A. The City Manager shall be responsible for the administration and enforcement of this Chapter.

B. The City Manager may adopt such additional regulations as may be appropriate for the administration, interpretation and enforcement of this Chapter.

C. The City Manager shall develop local limits and enforce them with respect to any substance deemed appropriate. (Ord. 23, §1(part), 1984; Ord. 2 §13, 1992)

#### 13.08.100 Specific reporting requirements.

A. In addition to any other types of reports required by this Chapter, Industrial Users shall submit the specific reports as required by 40 CFR, Section 403.12 including those referenced in this Section.

B. Within 80 days after the effective date of a categorical pretreatment standard or when otherwise required pursuant to 40 CFR 403.12(b), Industrial Users subject to such categorical pretreatment standards shall submit to the City a baseline monitoring report which contains the information listed in 40 CFR 403.12(b).

C. Compliance schedule progress reports shall be submitted as required by 40 CFR 403.12(c).

D. Reports on compliance with categorical pretreatment standards shall be submitted as required pursuant to 40 CFR 403.12(d).

E. Periodic reports on continued compliance shall be submitted as required pursuant to 40 CFR 403.12(e).

F. All Industrial Users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge.

G. All reports required by this Chapter including baseline monitoring reports, 90-day compliance reports, periodic reports on continued compliance must be signed and certified by a duly authorized representative of the Industrial User, meeting the requirements of 40 CFR 403.12(1) and the certification statement shall meet the requirements of 40 CFR 403.6(a)(2)(ii).

H. All users must notify the City, EPA and Colorado Department of Health of the discharge of any hazardous waste pursuant to 40 CFR 403.12(p). (Ord. 2, §3, 1992)

13.08.110 Required test procedures. Test procedures as required in 40 C.F.R. Part 136 shall be used with respect to all tests required or conducted pursuant to these regulations. (Ord. 2, §5, 1992)

13.08.120 Publication of list of significant violators. The City shall at least once annually publish a list of users in significant noncompliance as that term is defined in 40 C.F.R. 403.8(f)(2)(vii). (Ord. 2, §8, 1992)

13.08.130 Slug discharge control.

A. The City shall "evaluate" at least once every two years whether each Significant Industrial User needs a plan to control slug discharges. For purposes of this Section, a slug

discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

B. The results of such activities shall be available to the EPA and CDH upon request.

C. If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. 403.5(b), with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structure or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (Ord. 2, §12, 1992)