

**LITTLETON/ENGLEWOOD
WASTEWATER TREATMENT PLANT
INDUSTRIAL PRETREATMENT DIVISION**

MEMORANDUM

TO: Mark Relph, Littleton Interim City Manager/Public Works Director
FROM: Jon Bridges, WWTP Industrial Pretreatment Administrator
DATE: March 16, 2017
SUBJECT: CHANGES TO CITY CODE, CITY OF LITTLETON TITLE 7,
CHAPTER 5

The Littleton/Englewood Wastewater Treatment Plant (L/E WWTP) Industrial Pretreatment Division (Division) has drafted proposed revisions to the Industrial Pretreatment portions of the City of Englewood Municipal Code (12-2-5) and City of Littleton City Code (7-5-25). The revisions fall into the following four categories:

- Revisions required by EPA as a result of the 2014 audit of the L/E WWTP Industrial Pretreatment program or by the 2016 EPA Pretreatment Compliance Inspection of the L/E WWTP Industrial Pretreatment program,
- Revisions recommended by the EPA per the Industrial Pretreatment Streamlining Rule,
- Revisions recommended by the L/E WWTP Industrial Pretreatment Division, and
- Revisions recommended by the L/E WWTP to implement or revise select fees for inspections, re-inspections and septic receiving station rates.

These revisions have been reviewed and were found to be acceptable by Al Garcia, the EPA Region 8 Pretreatment Coordinator; Dugan Comer, Englewood Acting City Attorney; and Brandon Dittman, attorney with Kissinger & Fellman, P.C., representing the City of Littleton. The Division intends to present these revisions to the Englewood City Council on April 3, 2017 and to the Littleton City Council on April 4, 2017. A brief summary of the proposed revisions is presented below. Markup copies of each code are attached in pdf format.

I. Revisions Required by the EPA per Corrective Actions Identified During Audit(s)

The EPA conducted two audits of the Pretreatment program administered by the Littleton-Englewood Wastewater Treatment Plant (L/E WWTP) (February 2014 and April 2016). The audits identified corrective actions based on regulatory requirements and recommendations associated with implementing the Pretreatment program. The proposed changes will meet the corrective action requirements, more clearly define legal authority to implement pretreatment rules and regulations, and align the ordinance to current operating procedures.

These changes include, but are not limited to:

- Delegation of Industrial Pretreatment responsibilities to municipalities or sanitation districts that contribute wastewater to L/E WWTP [7-5-25 (A)(4)(a), 7-5-25 (A)(8), 7-5-25 (J)(1)(a)].
- Incorporating the full text of 40 CFR Part 403.17 for the provisions of “bypass” in the *affirmative defenses to discharge violations*. *Bypass* is defined by EPA as the intentional diversion of wastestreams from any portion of an Industrial User’s treatment facility. Existing language provides only a portion of the full text [7-5-25 (K)(6)(c)].

II. Revisions Recommended by the EPA per Pretreatment Streamlining Rule

The Streamlining Rule was designed to reduce the overall regulatory burden on both Industrial Users (IUs) and Control Authorities without adversely affecting environmental protection. Adding the following provisions would allow the Cities to reduce monitoring and reporting requirements for select permitted facilities. Examples include:

- A waiver for sampling of pollutants not present in the industrial users’ wastewater [7-5-25 (F)(1)(e)]
- Addition of the “Non-Significant Categorical Industrial User” classification [7-5-25 (E)(1)(a)]
- Addition of language allowing reduced reporting frequency for certain significant industrial users meeting specified requirements based on discharge volumes and pollutant concentrations [7-5-25 (F)(1)(f)]

III. Revisions Recommended by the L/E WWTP Industrial Pretreatment Division

The Industrial Pretreatment Division has identified several areas of the city codes where changes will clean up existing language and allow for more efficient management of the Cities’ Industrial Pretreatment program. Examples of these changes include:

- Adding and removing select definitions to ensure a definition is provided or avoid the redundancy of definitions [7-5-25 (B)]
- Addition of the following three specific prohibitions to better protect the L/E WWTP and its workers:
 - Medical wastes in amounts or concentrations that will cause problems [7-5-25 (C)(1)(y)]
 - Alkaline hydrolysis processes without prior written approval [7-5-25 (C)(1)(x)]
 - Hydraulic fracking and drilling activity wastewater without prior written approval [7-5-25 (C)(1)(z)]
- Updating the information required on Wastewater Permit Applications [7-5-25 (E)(5)]
- Adding a provision allowing Industrial Wastewater Permits to be transferred to a new owner [7-5-25 (E)(10)]

- Adding the option for industrial users to submit Industrial Waste Surveys in electronic format in addition to hard-copy format [7-5-25 (F)(6)(f)]
- Adding photo documentation and electronic recording provisions to inspection and reporting procedures [7-5-25 (G)(2)(a)(1)]
- Adding an ‘Industrial User Permit’ classification that can be used to impose limitations, restrictions, and requirements on select industries without subjecting them to the full requirements of a ‘Significant Industrial User’ designation [7-5-25 (I)]
- Formalizing and defining the following three levels of enforcement in the City’s administrative enforcement actions [7-5-25 (K)(3)], including:
 - Verbal notification
 - Warning letter
 - Notice of non-compliance

IV Revisions for Recovery of Costs

The Division prepared a study to evaluate current fees imposed on commercial businesses, sanitation districts, and septic waste haulers in the L/E WWTP service area. The purpose of this study is to determine if existing fee structures, or if the addition of certain fees should be added, to fully cover the expenses incurred by the cities to implement the pretreatment program and treat hauled wastes.

The Division has identified the following as proposed changes/additions to current programs or policies:

- Revision to the septage disposal rate for the Trucked and Hauled Septage Program from \$0.06 per gallon to \$0.09 per gallon [12-2-3 (I)]. The \$0.06 per gallon was established approximately 15 years ago. A cost of treatment analysis has been performed and it has been determined that an adjustment to \$0.09 per gallon is required to fully cover the costs to treat septic waste, maintain equipment, and administer the Septic Waste program.
- Introduction of a \$100 fee for re-inspections required due to failure of businesses to correct noncompliant issues or violations identified during sector control inspections [7-5-25 (L), 2017 Schedule of Fees Exhibit A, Page 1]. This fee may be used when businesses fail, after multiple notifications by the Division, to come into compliance with Municipal Code requirements.
- Introduction of a \$50.00 charge to sanitation districts to recover costs for inspections conducted by Division personnel in sanitation districts due to the district’s inaction, refusal to inspect, or lack of personnel to inspect sector control program industrial users [7-5-25 (L), 2017 Schedule of Fees Exhibit A, Page 2]. This charge is referenced in the new Wastewater Connector Agreement Addendum for each sanitation district.
- Addition to the “Industrial Surcharge Cost Recovery” program to allow the City to surcharge industrial users not otherwise defined as a Significant Industrial User for the cost of handling and treatment of pollutant concentrations in excess of Normal Domestic Strength Wastewater. (Currently the City’s ordinances only allow for surcharging Significant Industrial Users for the treatment of high strength wastewater) [7-5-25 (L)(4)].