

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 5**

4
5 **Series, 2017**

6
7 **INTRODUCED BY COUNCILMEMBERS:**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, REPEALING AND REENACTING TITLE 7,**
11 **CHAPTER 5 OF THE LITTLETON CODE PERTAINING**
12 **TO WASTEWATER TREATMENT**
13

14 **WHEREAS**, the city conducts an Industrial Pretreatment Program to control
15 industrial/commercial wastes entering the wastewater collection and treatment system; and
16

17 **WHEREAS**, the Industrial Pretreatment Program is subject to Environmental
18 Protection Agency (EPA) approval; and
19

20 **WHEREAS**, the fees associated with the services provided by the city require
21 adjustment from time to time to account for the increase in costs to provide such services; and
22

23 **WHEREAS**, Ordinance No. 20, Series of 2016 adopting the 2017 Fee Schedule
24 is hereby amended per the attached Exhibit A. Approving this ordinance will modify the 2017
25 Schedule of Fees previously adopted; and
26

27 **WHEREAS**, the Council finds and determines conformance with the EPA
28 standards is in the interest of the health, safety and welfare of the citizens.
29

30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
31 **THE CITY OF LITTLETON, COLORADO, THAT:**
32

33 **Section 1:** Littleton City Code, Title 7, Chapter 5 is hereby repealed and
34 reenacted as follows:
35

36 **7-5-25: INDUSTRIAL PRETREATMENT PROGRAM:**

37 (A) General Provisions:

- 38 1. Purpose And Objectives: It is necessary for the health, safety and welfare of the
39 city to regulate the collection of wastewater and treatment thereof to provide for maximum
40 public benefit. This chapter sets forth uniform requirements for nondomestic contributors into
41 the wastewater collection and treatment system for the city and enables it to comply with all
42 applicable state and federal pretreatment regulations.
43

44 The objectives of the industrial pretreatment program are:

- 1 (a) To prevent the introduction of pollutants into the publicly owned treatment works (POTW) that
2 will interfere with the operation of the system or contaminate the resulting sewage sludge;
- 3 (b) To prevent the introduction of pollutants into the POTW which will pass through the system,
4 inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with
5 the system;
- 6 (c) To improve the opportunity to recycle and reclaim wastewaters and sewage sludges from the
7 system;
- 8 (d) To provide for equitable distribution among users of the cost of the POTW;
- 9 (e) To provide for and promote the general health, safety and welfare of the citizens residing within
10 the city and connecting jurisdictions;
- 11 (f) To enable the city to comply with its Colorado discharge permit system (CDPS) permit
12 conditions, sewage sludge use and disposal requirements, and any other federal or state
13 pretreatment regulations to which the POTW is subject; and
- 14 (g) To prevent adverse impacts to worker health and safety due to the discharge of pollutants from
15 industrial users.
- 16 2. Applicability: The provisions herein provide for the regulation of indirect discharge to the
17 POTW through the issuance of permits, enforcement of applicable requirements, user reporting,
18 the setting of fees for the equitable distribution of costs, and for other activities as defined in this
19 chapter. The provisions herein shall apply to users of the POTW and to persons outside the
20 POTW who are, by contract or agreement with the POTW, users of the POTW.
- 21 3. Nondomestic Users: It shall be unlawful for any user to discharge any domestic or nondomestic
22 wastewater into any natural waterway, any surface drainage, or in any area under the jurisdiction
23 of the city. No industrial wastewater shall be discharged to the POTW unless done so in
24 compliance with the provisions of this chapter.
- 25 4. Responsibility Of The City:
 - 26 (a) The city shall be responsible for the day to day administration of the industrial pretreatment
27 program and to ensure proper compliance with all local, state and federal pretreatment
28 regulations. The city may delegate specific pretreatment responsibilities to the supervisory
29 committee for the Littleton-Englewood wastewater treatment plant. THE CITY MAY
30 DELEGATE, THROUGH AGREEMENT, SPECIFIC PRETREATMENT RESPONSIBILITIES
31 TO MUNICIPALITIES OR SANITATION DISTRICTS THAT CONTRIBUTE
32 WASTEWATER TO THE LITTLETON-ENGLEWOOD WASTEWATER TREATMENT
33 PLANT.

1 (b) The city shall attempt to notify in writing any user whom he/she has cause to believe is subject
2 to a national categorical pretreatment standard or requirements, or other applicable requirements
3 promulgated by the EPA under the provisions of section 204(b) or 405 of the act, or under the
4 provisions of sections 3001, 3004, or 4004 of the solid waste disposal act. Failure of the city to
5 so notify users shall not relieve said users from the responsibility of complying with applicable
6 requirements. It is the responsibility of significant industrial users to apply for and receive a
7 permit prior to discharge, whether or not the user has been identified and formally requested to
8 do so.

9 (c) If wastewaters containing any pollutant, including excess flow, or as otherwise defined in this
10 chapter, are discharged or proposed to be discharged to the POTW, the city may take any action
11 necessary to:

12 (1) Prohibit the discharge of such wastewater;

13 (2) Require a user to demonstrate that in plant modifications will reduce or eliminate the discharge
14 of such substances in conformity with this chapter;

15 (3) Require treatment, including storage facilities or flow equalization necessary to reduce or
16 eliminate the potential for a discharge to violate this chapter;

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

20 (5) Require the user to apply for and obtain a permit;

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

22 (7) Take such other action as may be necessary to meet the objectives of this chapter.

23 (d) In addition to the overall authority to prevent or eliminate discharges through enforcement of
24 pretreatment standards and requirements, the city shall have the following authorities:

25 (1) Enforcement Of Violations: Take enforcement and issue fines and penalties for violations of
26 this chapter, including the failure of a user to apply for a permit.

27 (2) Endangerment To Health Or Welfare Of The Community: The city may immediately and
28 effectively halt or prevent any discharge of pollutants into any natural waterway, surface
29 drainage within the city, any area under jurisdiction of the city, the POTW of the city or any
30 wastewater system tributary thereto, by any means available to them, including physical
31 disconnection from the wastewater system, whenever it reasonably appears that such discharge
32 presents an imminent endangerment to the health or welfare of the community.

1 (3) Endangerment To Environment Or POTW: The city, after INFORMAL notice to the discharger
2 may halt or prevent any discharge of pollutants into any natural waterway, surface drainage
3 within the city, any area under jurisdiction of the city, the POTW, wastewater system tributary
4 thereto, by any means available to them, including physical disconnection from the wastewater
5 system, whenever such discharge presents or may present an endangerment to the environment
6 or threatens to interfere with the operation of the POTW.

7 5. Disclosure Of Information And Availability To The Public:

8 (a) All records, reports, data or other information supplied by any person or user as a result of any
9 disclosure required by this chapter or information and data from inspections shall be available for
10 public inspection except as otherwise provided in this section, 40 CFR section 403.14 and the
11 Colorado open records act¹.

12 (b) These provisions shall not be applicable to any information designated as a trade secret by the
13 person supplying such information. Materials designated as a trade secret may include, but shall
14 not be limited to, processes, operations, style of work or apparatus, or confidential commercial or
15 statistical data. Any information and data submitted by the user which is desired to be considered
16 a trade secret shall have the words, "Confidential Business Information", stamped on each page
17 containing such information. The user must demonstrate to the satisfaction of the city that the
18 release of such information would divulge information, processes or methods of production
19 entitled to protection as trade secrets of the user.

20
21 Information designated as a trade secret pursuant to this section shall remain confidential and
22 shall not be subject to public inspection. Such information shall be available only to officers,
23 employees or authorized representatives of the city charged with implementing and enforcing the
24 provisions of this chapter and properly identified representatives of the U.S. environmental
25 protection agency and the Colorado department of public health and environment.

26
27 Effluent data from any user whether obtained by self-monitoring, monitoring by the city or
28 monitoring by any state or federal agency, shall not be considered a trade secret or otherwise
29 confidential. All such effluent data shall be available for public inspection.

30 6. State Requirements: State requirements and limitations on discharges shall apply in any case
31 where they are more stringent than applicable federal regulations or those established herein.

32 7. POTW's Right Of Revision: The city can establish by ordinance more stringent limitations or
33 requirements on discharges to the POTW if deemed necessary to comply with the objectives
34 presented in subsection (A)1 of this section.

35 8. REGULATION OF USERS FROM OUTSIDE JURISDICTIONS: IF A USER LOCATED IN
36 ANOTHER MUNICIPALITY, COUNTY, STATE, OR OTHER JURISDICTION
37 CONTRIBUTES WASTEWATER TO THE POTW, THE CITY SHALL ENTER INTO AN
38 AGREEMENT OR ADDENDUM TO AN EXISTING SEWER SERVICE AGREEMENT

1 WITH THE CONTRIBUTING JURISDICTION PERTAINING TO THE IMPLEMENTATION
2 OF PRETREATMENT RESPONSIBILITIES IN COMPLIANCE WITH THE PROVISIONS
3 OF THIS CHAPTER AND APPLICABLE FEDERAL, STATE OR LOCAL LAWS, RULES
4 AND REGULATIONS.

5 (B) Definitions, Abbreviations And Acronyms: Unless the context specifically indicates
6 otherwise, the following terms and phrases, as used in this chapter, shall have the meanings
7 hereinafter designated:

8 ABBREVIATIONS AND ACRONYMS: The following abbreviations shall have the designated
9 meanings:

BMPs	Best management practices
BMR	Baseline monitoring report
BOD	Biochemical oxygen demand
°C	Degrees Celsius
CDPS	Colorado discharge permit system
CFR	Code of federal regulations
COD	Chemical oxygen demand
°F	Degrees Fahrenheit
FOG	Fats, oils, and grease
gpd	Gallons per day
IU	Industrial user
mg/l	Milligrams per liter
NAICS	NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM
O&M	Operations and maintenance
POGS	Petroleum oil, grease and sand
POTW	Publicly owned treatment works
RCRA	Resource conservation and recovery act
§	Section
SIC	Standard industrial classification

SIU	Significant industrial user
SNC	Significant noncompliance
TSS	Total suspended solids
USC	United States Code

1

2 ACT OR THE ACT: The federal water pollution control act, also known as the clean water act,
3 as amended, 33 USC 1251 et seq.

4

5 APPROVAL AUTHORITY: The regional administrator of EPA region 8. At such time as the
6 state receives authorization, the approval authority shall be the director of the Colorado
7 department of public health and environment.

8

9 AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER:

10 1. If the user is a corporation:

11 (a) The president, secretary, treasurer, or vice president of the corporation in charge of a principal
12 business function, or any other person who performs similar policy or decision making functions
13 for the corporation, or

14 (b) The manager of one or more manufacturing, production, or operating facilities, provided the
15 manager is authorized to make management decisions that govern the operation of the regulated
16 facility including having the explicit or implicit duty of making major capital investment
17 recommendations, and initiate and direct other comprehensive measures to assure long term
18 environmental compliance with environmental laws and regulations; can ensure that the
19 necessary systems are established or actions taken to gather complete and accurate information
20 for industrial wastewater permit requirements; and where authority to sign documents has been
21 assigned or delegated to the manager in accordance with corporate procedures.

22 2. If the user is a partnership or sole proprietorship: A general partner or proprietor, respectively.

23 3. If the user is a federal, state, or local governmental facility: A city or highest official appointed
24 or designated to oversee the operation and performance of the activities of the government
25 facility, or their designee.

26 4. The individuals described in subsections 1 through 3 of this definition may designate another
27 authorized representative if the authorization is made in writing, the authorization specifies the
28 individual or a position responsible for the overall operation of the facility from which the
29 discharge originates or having overall responsibility for environmental matters for the company,
30 and the written authorization is submitted to the city.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsection (C) of this section. 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.

BIOCHEMICAL OXYGEN DEMAND (BOD₅): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

CATEGORICAL INDUSTRIAL USER: An industrial user subject to a categorical pretreatment standard or categorical standard.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 USC section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.

CITY: The city of Littleton or its designee, including the supervisory committee for the Littleton-Englewood wastewater treatment plant.

COLORADO DISCHARGE PERMIT SYSTEM (CDPS): 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 section 25-8-101 et seq., Colorado Revised Statutes, 1973, as amended and 402 of the clean water act (33 USC section 1342).

COMPOSITE SAMPLE: A representative flow proportioned sample collected within a twenty four (24) hour period constituting a minimum of four (4) individual samples collected at equally spaced two (2) hour intervals and combined according to flow. Time proportional sampling may be approved by the city if flow proportional sampling is not feasible.

CONTROL AUTHORITY: The city of Littleton.

COOLING WATER: The water from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DAILY MAXIMUM: THE ARITHMETIC AVERAGE OF ALL EFFLUENT SAMPLES FOR A POLLUTANT COLLECTED DURING A CALENDAR DAY AS DETERMINED FROM THE ANALYSIS OF ANY DISCRETE OR COMPOSITED SAMPLES COLLECTED.

DAILY MAXIMUM LIMIT: THE MAXIMUM ALLOWABLE DISCHARGE LIMIT OF A POLLUTANT DURING A CALENDAR DAY. WHERE DAILY MAXIMUM LIMITS ARE EXPRESSED IN TERMS OF A CONCENTRATION, THE DAILY DISCHARGE IS THE ARITHMETIC AVERAGE MEASUREMENT OF THE POLLUTANT CONCENTRATION

1 DERIVED FROM ALL MEASUREMENTS TAKEN THAT DAY.

2
3 DIRECT DISCHARGE: The discharge of treated or untreated wastewater directly to the waters
4 of the state of Colorado.

5
6 ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. environmental protection
7 agency, or where appropriate, the term may also be used as a designation for the administrator or
8 other duly authorized official of said agency.

9
10 EXISTING SOURCE: An industrial user which is in operation at the time of promulgation of
11 federal categorical pretreatment standards and any industrial user not included in the definition
12 of "new source".

13
14 FOG (FATS, OIL AND GREASE): Nonpetroleum organic polar compounds derived from
15 animal or plant sources such as fats, nonhydrocarbons, fatty acids, soaps, waxes, and oils that
16 contain multiple carbon chain triglyceride molecules. These substances are detectable and
17 measurable using analytical procedures established in 40 CFR 136.

18
19 FOG FACILITIES: Any nondomestic dischargers located within the city's service area where
20 preparation, manufacturing, or processing of food occurs including, but not limited to,
21 restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops,
22 schools, nursing homes, and other facilities that prepare, service, or otherwise make foodstuff
23 available for consumption.

24
25 GRAB SAMPLE: A sample which is taken from a waste stream on a onetime basis with no
26 regard to the flow and over a period of time not to exceed fifteen (15) minutes.

27
28 GRAVITY GREASE INTERCEPTOR: A plumbing appurtenance or appliance that is installed
29 in a sanitary drainage system to intercept FOG (fats, oil and grease) from a wastewater discharge
30 and are designed for gravity separation considering calculated retention times and volumes for
31 each facility; such interceptors include baffle(s) and a minimum of two (2) compartments. This is
32 a large, inground interceptor that is generally located outside the facility.

33
34
35 HYDROMECHANICAL GREASE INTERCEPTOR: A plumbing appurtenance or appliance
36 that is installed in a sanitary drainage system to intercept FOG (fats, oil and grease) from a
37 wastewater discharge and is identified by flow rate, and separation and retention efficiency. The
38 design incorporates air entrainment, hydromechanical separation, interior baffling, and/or
39 barriers in combination or separately. This is a smaller interceptor that is generally located inside
40 the kitchen/food preparation area.

41
42 INDIRECT DISCHARGE: The introduction of pollutants into the POTW from any nondomestic
43 source regulated under section 307(b), (c) or (d) of the act.

44

1 INDUSTRIAL: Of or pertaining to industry, manufacturing, commerce, trade or business, as
2 distinguished from domestic or residential.

3 INDUSTRIAL SURCHARGE: A CHARGE ASSESSED AGAINST INDUSTRIAL
4 CUSTOMERS BASED UPON THE AMOUNT THAT THE STRENGTH OF THEIR
5 DISCHARGED WASTEWATER EXCEEDS NORMAL DOMESTIC STRENGTH IN THE
6 PARAMETERS OF BOD, COD, OR TSS.

7
8 INDUSTRIAL USER OR USER: ANY USER WHO INTRODUCES WASTEWATER FROM
9 INDUSTRIAL PROCESSES NOT TO INCLUDE SANITARY WASTES. THE
10 INTRODUCTION OF POLLUTANTS INTO THE POTW FROM ANY NON-DOMESTIC
11 SOURCE REGULATED UNDER SECTION 307(B), (C) OR (D) OF THE CLEAN WATER
12 ACT WHOSE DISCHARGE IS CONTROLLED UNDER THIS CHAPTER OR A SOURCE
13 OF INDIRECT DISCHARGE. INDUSTRIAL WASTES: The liquid or solid wastes from the
14 industrial manufacturing processes, trade, or business as distinct from sanitary wastewater.

15
16 INDUSTRIAL WASTEWATER PERMIT: The document or documents issued to a
17 SIGNIFICANT INDUSTRIAL User by the city in accordance with the terms of this chapter that
18 allows, limits and/or prohibits the discharge or pollutants or flow to the POTW.

19 INDUSTRIAL WASTE SURVEY: A QUESTIONNAIRE USED BY THE CITY TO
20 IDENTIFY AND LOCATE ALL POSSIBLE INDUSTRIAL USERS WHICH MIGHT BE
21 SUBJECT TO THE POTW PRETREATMENT PROGRAM.

22
23 INSTANTANEOUS LIMIT: The maximum concentration of a pollutant or measurement of a
24 pollutant property allowed to be discharged at any time.

25
26 INTERFERENCE: A discharge which, alone or in conjunction with a discharge or discharges
27 from other sources:

28 1. Inhibits or disrupts the POTW treatment processes, collection system flow, operations, or sludge
29 processes, use, or disposal; and

30 2. Therefore, is a cause of violation of any requirement of the POTW's CDPS permit or of the
31 prevention of sewage sludge use or disposal in compliance with any of the following
32 statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local
33 regulations: section 405 of the act; the solid waste disposal act, including title II commonly
34 referred to as the resource conservation and recovery act (RCRA); any state regulations
35 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.

LOCAL LIMIT: Specific discharge limits and BMPs developed, applied, and enforced upon SIGNIFICANT Industrial Users OR INDUSTRIAL USERS ISSUED A DISCHARGE PERMIT BY THE CITY to implement the general and specific discharge prohibitions listed in subsection (C)1 of this section. Local limits are pretreatment standards and are specified at subsection (C) of this section.

MANAGER OR PLANT MANAGER: The plant manager of the Littleton-Englewood wastewater treatment plant or their designee responsible for the day to day implementation of the industrial pretreatment program.

MEDICAL WASTES: INCLUDE CERTAIN RADIOACTIVE WASTES, BLOOD AND BODY FLUIDS, POTENTIALLY INFECTIOUS WASTE, PATHOLOGICAL WASTE, HAZARDOUS WASTE, WASTE PHARMACEUTICALS AND VACCINES, SHARPS, TRAUMA SCENE WASTE, AND ANY OTHER WASTE DETERMINED TO POSE A SUFFICIENT RISK OF INFECTIOUSNESS AS ESTABLISHED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

NEW SOURCE: 1. 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 that 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 on 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 subsection 1(a) or 1(b) of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

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

3 (a) Begun, or caused to begin, as part of a continuous on site construction program:

4 (1) Any placement, assembly, or installation of facilities or equipment; or

5 (2) Significant site preparation work including clearing, excavation, or removal of existing
6 buildings, structures, or facilities which is necessary for the placement, assembly, or installation
7 of new source facilities or equipment; or

8 (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is
9 intended to be used in its operation within a reasonable time. Options to purchase or contracts for
10 feasibility, engineering, and design studies do not constitute a contractual obligation under this
11 definition.

12 **NONCONTACT COOLING WATER:** Cooling water that does not come into direct contact with
13 any raw material, intermediate product, waste product, or finished product.

14
15 **NONSIGNIFICANT INDUSTRIAL USER:** Any user which does not meet the definition of a
16 "significant industrial user", but is otherwise required by the city through permit, order or notice
17 to comply with specific provisions of this chapter and is so notified by the city.

18 **NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER:** UPON A FINDING THAT A
19 SIGNIFICANT INDUSTRIAL USER SUBJECT TO CATEGORICAL PRETREATMENT
20 STANDARDS NEVER DISCHARGES MORE THAN 100 GALLONS PER DAY OF TOTAL
21 CATEGORICAL WASTEWATER (EXCLUDING SANITARY, NON-CONTACT COOLING
22 AND BOILER BLOWDOWN WASTEWATER, UNLESS SPECIFICALLY INCLUDED IN
23 THE PRETREATMENT STANDARDS) THE CITY MAY DETERMINE THE INDUSTRIAL
24 USER A NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER RATHER THAN A
25 SIGNIFICANT INDUSTRIAL USER IF THE CONDITIONS IN 40 CFR PART 403.3 (V)(2)
26 ARE MET.

27
28 **NORMAL DOMESTIC STRENGTH WASTEWATER:** Wastewater, when analyzed in
29 accordance with procedures established by the EPA pursuant to 40 CFR part 136, as amended,
30 contains no more than three hundred milligrams per liter (300 mg/l) of TSS, five hundred
31 milligrams per liter (500 mg/l) of COD, and/or two hundred milligrams per liter (200 mg/l) of
32 BOD.

33 **NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS):** A STANDARD
34 USED BY FEDERAL STATISTICAL AGENCIES IN CLASSIFYING BUSINESS
35 ESTABLISHMENTS FOR THE PURPOSE OF COLLECTING, ANALYZING, AND
36 PUBLISHING STATISTICAL DATA RELATED TO THE U.S. BUSINESS ECONOMY

1 ISSUED BY THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF
2 MANAGEMENT AND BUDGET, AS AMENDED.

3 **POGS FACILITIES:** Any nondomestic dischargers located within the city's service area where
4 work or service is performed including, automotive service, machine shops, automotive care
5 centers, auto body shops, car washes, or any other facility that generates sand, petroleum oil,
6 grease or other petroleum product, grit, gravel or other aggregate that may discharge into a
7 wastewater collection system.

8
9 **PASS-THROUGH:** A discharge which exits the POTW into waters of the United States in
10 quantities or concentrations which, alone or in conjunction with a discharge or discharges from
11 other sources, is a cause of a violation of any requirement of the POTW's CDPS permit
12 (including an increase in the magnitude or duration of a violation).

13
14 **PERSON:** Any individual, partnership, copartnership, firm, company, corporation, association,
15 joint stock company, trust, estate, governmental entity or any other legal entity, or their legal
16 representatives, agents or assigns. This definition includes all federal, state, and local
17 government entities.

18
19 **PETROLEUM OIL, GREASE AND SAND (POGS):** Any hydrocarbon or petroleum product
20 including oils and greases, and/or sand, grit, gravel or any other aggregate.

21
22 **pH:** A measure of the acidity or alkalinity of a solution, expressed in standard units (SU) and is
23 calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration expressed
24 in moles per liter of solution.

25
26 **POLLUTANT:** Any dredged spoil, solids, incinerator residue, filter backwash, sewage, garbage,
27 sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance,
28 biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous
29 substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or
30 industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH,
31 temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) discharged into or with water.

32
33 **POLLUTION:** The manmade or man induced alteration of the chemical, physical, biological,
34 and radiological integrity of water.

35
36 **PRETREATMENT OR TREATMENT:** The reduction of the amount of pollutant(s), the
37 elimination of pollutant(s), or the alteration of the nature of pollutant properties in wastewater
38 prior to or in lieu of discharging or otherwise introducing such pollutant(s) into a POTW. The
39 reduction or alteration can be obtained by physical, chemical or biological processes, or process
40 changes by other means, except as prohibited by subsection (C)2(a) of this section unless
41 allowed by an applicable pretreatment standard.

42
43 **PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to

pretreatment, other than a pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARD OR STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to subsection (C) of this section and includes local limits and best management practices. In cases of differing standards or regulations, the more stringent shall apply.

PROCESS WASTEWATER: 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, byproduct, or waste product.

SAND/OIL INTERCEPTOR: A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept sand (or other aggregate) and petroleum based oil and grease from a wastewater discharge and are designed considering retention times, volumes in gallons calculated for each facility, and gravity separation; such interceptors include baffle(s) and a minimum of two (2) compartments.

SEPTIC WASTE RECEIVING FACILITY (SWRF): The receiving facility located on the Littleton-Englewood wastewater plant's property designated for receiving trucked and hauled septage into the POTW.

SHALL, WILL, MAY: "Shall" and "will" are mandatory; "may" is permissive.

SIGNIFICANT INDUSTRIAL USER: 1. All industrial users subject to categorical pretreatment standards under 40 CFR section 403.6 and chapter I, subchapter N; and

2. Any other industrial user that:

(a) Discharges an average of twenty five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up to five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(c) Is designated by the city 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.

1 **SIGNIFICANT NONCOMPLIANCE (SNC):** Any industrial user is in significant
2 noncompliance if its violation meets one or more of the following criteria:

- 3 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty six
4 percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by
5 any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- 6 2. Technical review criteria (TRC) violations, defined here as those in which thirty three percent
7 (33%) or more of all of the measurements for each pollutant parameter taken during a six (6)
8 month period equal or exceed the product of the numeric pretreatment standard or requirement
9 including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats,
10 oil, and grease, and 1.2 for all other pollutants except pH);
- 11 3. Any other violation of a pretreatment standard or requirement (daily maximum, long term
12 average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone
13 or in combination with other discharges, interference or pass-through (including endangering the
14 health of POTW personnel or the general public);
- 15 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare,
16 or the environment or has resulted in the POTW's exercise of its emergency authority to halt or
17 prevent such a discharge;
- 18 5. Failure to meet, within ninety (90) days after the schedule date a compliance schedule milestone
19 contained in a local control mechanism or enforcement order for starting construction,
20 completing construction, or attaining final compliance;
- 21 6. Failure to provide, within FORTY-FIVE (45) days after the due date, required reports such as
22 baseline monitoring reports, compliance reports, periodic self-monitoring reports, and reports on
23 compliance with compliance schedules;
- 24 7. Failure to accurately report noncompliance;
- 25 8. Any other violation or group of violations, which may include a violation of best management
26 practices, which the POTW determines will adversely affect the operation or implementation of
27 the local pretreatment program.

28 **SLUDGE:** The accumulated solids separated from liquids, such as water or wastewater, during
29 processing, or deposits on bottoms of streams or other bodies of water, or the precipitate
30 resulting from chemical treatment, coagulation, or sedimentation of water or wastewater.

31
32 **SPILL OR SLUG DISCHARGE:** Any discharge at a flow rate or concentration, which could
33 cause a violation of the prohibited discharge standards in subsection (C)1 of this section or local
34 limits specified at subsection (C)2 of this section. A spill or slug discharge is any discharge of a
35 nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary

1 batch discharge, which has a reasonable potential to cause interference or pass-through, or in any
2 other way violate any provision of this chapter, including discharges which exceed the hydraulic
3 and/or mechanical design of a user's treatment system.

4
5
6 STATE: State of Colorado.

7
8 STATE WATERS: Any and all surface and subsurface waters which are contained in or flow in
9 or through this state, except waters in sewage systems, waters in treatment works or disposal
10 systems, waters in potable water distribution systems, and all waters withdrawn for use until use
11 and treatment have been completed.

12
13 STORM SEWER: Publicly owned facilities by which stormwater is collected or conveyed,
14 including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs,
15 inlets, piped storm drains, pumping facilities, retention and detention basins, natural and
16 humanmade or altered drainage channels, reservoirs, and other drainage structures.

17
18 STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from any
19 form of natural precipitation and resulting from such precipitation, including snowmelt.

20
21 SUPERVISORY COMMITTEE: The committee is comprised of two (2) representatives each
22 from the city of Englewood and the city of Littleton. This committee is responsible for
23 administrative and operational oversight of the Littleton-Englewood wastewater treatment plant,
24 including implementation of the industrial pretreatment program.

25
26
27 TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations
28 promulgated by the administrator of the EPA under the provisions of section 307(a) of the act
29 (33 USC section 1317(a)) or as otherwise listed at 40 CFR part 122, appendix D.

30
31 WASTEWATER (SEWAGE): Liquid and water carried industrial wastes and/or sewage from
32 residential dwellings, commercial buildings, industrial and manufacturing facilities, and
33 institutions, whether treated or untreated, which are contributed to the POTW.

34 WASTEWATER CONTROL PERMIT: THE DOCUMENT OR DOCUMENTS ISSUED TO
35 AN INDUSTRIAL USER OR GROUP OF USERS (WHO IS NOT OTHERWISE A
36 SIGNIFICANT INDUSTRIAL USER) BY THE CITY IN ACCORDANCE WITH THE
37 TERMS OF THIS SECTION THAT ALLOWS, LIMITS AND/OR PROHIBITS THE
38 DISCHARGE OR POLLUTANTS OR FLOW TO THE POTW.

39 (C) General Wastewater Prohibitions And Limitations:

- 1 1. General And Specific Prohibitions: A user may not introduce into a POTW any pollutant(s)
2 which causes pass-through or interference. These general prohibitions and the specific
3 prohibitions of this section apply to each user introducing pollutants into a POTW whether or not
4 the user is subject to other pretreatment standards or requirements. It shall be unlawful for any
5 user to discharge or deposit or cause or allow to be discharged or deposited into the wastewater
6 treatment system of the city any wastewater which contains the following:
- 7 (a) Any "hazardous waste" as defined in 40 CFR part 261, unless specifically authorized by the
8 POTW.
- 9 (b) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be,
10 sufficient either alone or by interaction with other substances to cause fire or explosion or be
11 injurious in any other way to the POTW or to the operation of the POTW. At no time shall two
12 (2) successive readings on any explosion hazard meter, at the point of discharge into the system
13 (or at any point in the system), be more than five percent (5%) nor any single reading over ten
14 percent (10%) of the lower explosive limit (LEL) of the meter. Fire or explosion hazard may also
15 be determined using flashpoint concentration, by closed cup method as specified in 40 CFR
16 section 261.21. The flashpoint shall not be less than sixty degrees Celsius (60°C) or one hundred
17 forty degrees Fahrenheit (140°F).
- 18 (c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other
19 interference with the POTW.
- 20 (d) Any wastewater having a pH less than 5.0 unless the POTW is specifically designed to
21 accommodate such wastewater, or wastewater having any other corrosive property capable of
22 causing damage or hazard to structures, equipment and/or personnel of the POTW.
- 23 (e) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction
24 with other pollutants, to cause pass-through or interference.
- 25 (f) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with
26 other wastes is sufficient to prevent entry into the sewers for their maintenance and repair.
- 27 (g) Any substance which may cause the POTW's effluent or any other product of the POTW, such
28 as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the
29 reclamation process where the POTW is pursuing a reuse and reclamation program. In no case
30 shall a substance discharged to the POTW cause the POTW to be in noncompliance with the
31 sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal.
- 32 (h) Any substance which will cause the POTW to violate its CDPS permit or the receiving water
33 quality standards.
- 34 (i) Any wastewater with objectionable color not removable in the treatment process, such as, but
35 not limited to, dye wastes and vegetable tanning solutions.

- 1 (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) which will cause pass-
2 through or interference.
- 3 (k) Radioactive wastes or isotopes of such a half-life or concentration that they do not meet limits
4 established by the city or other regulations set forth by the Colorado department of public health
5 and environment, state of Colorado, in the latest edition of "Rules And Regulations Pertaining
6 To Radiological Control", and any applicable federal regulations that may apply.
- 7 (l) Any wastewater having a temperature which will cause the temperature of the influent to the
8 wastewater treatment plant to exceed one hundred four degrees Fahrenheit (104°F) or forty
9 degrees Celsius (40°C) and/or inhibit the biological activity in the POTW.
- 10 (m) Any water or waste which contains grease or oil or any other substances that will solidify or
11 become discernibly viscous at temperatures between thirty two degrees Fahrenheit (32°F) (0°C)
12 and one hundred fifty degrees Fahrenheit (150°F) (65.5°C).
- 13 (n) Any water or waste containing free or floating oil and grease, or any discharge containing
14 animal fat or grease byproduct in excess of two hundred milligrams per liter (200 mg/l).
- 15 (o) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that
16 will cause interference or pass-through.
- 17 (p) Trucked or hauled wastes or wastewater, except at locations authorized by the city, that meets
18 all standards and requirements established by the city.
- 19 (q) Waters containing solids that have not been ground or comminuted to such a degree that all
20 particles will be carried freely in suspension under conditions normally prevailing in public
21 sewers. Solid particles shall be no more than one-half inch ($\frac{1}{2}$ ") in any dimension.
- 22 (r) Ammonia nitrogen or substances readily converted thereto, in amounts that would cause or
23 contribute to pass-through or interference.
- 24 (s) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a
25 quantity that may cause acute worker health and safety problems.
- 26 (t) Stormwater drainage from ground, surface, roof drains, catch basins, unroofed area drains (e.g.,
27 commercial car washing facilities) or any other source unless otherwise approved by the city.
28 Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway
29 drains, or other sources of surface runoff or ground water to a building sewer or building drain
30 which in turn is connected directly or indirectly to the city's wastewater collection system. No
31 person shall connect or discharge water from underground drains, sump pump discharges, natural
32 springs and seeps, water accumulated in excavation or grading or any other water associated with
33 construction activities.

1 (u) Any substance directly into a manhole or other opening in the POTW unless specifically
2 authorized by the city or as otherwise permitted under this chapter. Prohibited is the opening of a
3 manhole or discharging into any opening in violation of this chapter.

4 (v) Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which
5 have been collected and/or held in tanks or other containers shall not be discharged into the
6 POTW except at locations authorized by the city to collect such wastes.

7 (w) Wastes where such wastes have been collected and/or held in a tank or other container and
8 where such wastes fail to comply with any applicable limitation set out in this chapter.

9 (X) ANY WATER OR WASTEWATER FROM ALKALINE HYDROLYSIS OR OTHER
10 CHEMICAL DECOMPOSITION PROCESSES OF HUMAN OR ANIMAL TISSUES,
11 REMAINS, OR BODIES WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY.

12 (Y) MEDICAL WASTES IN AMOUNTS OR CONCENTRATIONS THAT WILL CAUSE A
13 VIOLATION OF ANY ONE OF THE OBJECTIVES INCLUDED IN SUBSECTION (A)1 OF
14 THIS SECTION.

15 (Z) ANY WATER OR WASTEWATER ASSOCIATED WITH HYDRAULIC FRACTURING
16 (FRACKING) AND DRILLING ACTIVITIES, WITHOUT PRIOR WRITTEN APPROVAL
17 FROM THE CITY.

18 2. Wastewater Discharge Limitations: THE CITY IS AUTHORIZED TO ESTABLISH LOCAL
19 LIMITS PURSUANT 40 CFR Part 403.5(C). It shall be unlawful for any user to discharge,
20 deposit, cause, or allow to be discharged any waste or wastewater which fails to comply with the
21 limitations imposed by this section.

22 (a) Dilution is prohibited as a substitute for treatment and shall be a violation of this chapter.
23 Except where expressly authorized to do so by an applicable pretreatment standard or
24 requirement, no industrial user shall ever increase the use of process water, or in any other way
25 attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve
26 compliance with a pretreatment standard or requirement. The city may impose mass limitations
27 on industrial users which are using dilution to meet applicable pretreatment standards or
28 requirements or in other cases where the imposition of mass limitations is appropriate.

29 (b) No significant industrial user shall discharge OR CAUSE TO BE DISCHARGED wastewater
30 that exceeds the following LOCAL limits AS SPECIFIED IN THE INDUSTRIAL
31 WASTEWATER PERMIT USING THE METHODS AND PROCEDURES PRESCRIBED IN
32 SUBSECTION (H) :

33

1

<u>Pollutant</u> ¹	<u>DAILY MAXIMUM Limit (mg/l)</u>
Arsenic (As)	0 .55
Cadmium (Cd)	0 .30
Chromium-total (Cr)	2 .9
Chromium (VI) (Cr VI)	0 .86
Copper (Cu)	3 .94
Lead (Pb)	0 .51
Mercury (Hg)	0 .005
Molybdenum (Mo)	2 .82
Nickel (Ni)	2 .66
Selenium (Se)	0 .054
Silver (Ag)	0 .112
Zinc (Zn)	8 .8
Benzene ²	0 .050
BTEX ^{2,3}	0 .750

2

3 Notes:

4 1.All pollutants are to be analyzed as total.

5 2.These pollutants and limits generally apply to wastewaters from the cleanup of petroleum or
6 gasoline underground storage tanks. In addition, the pollutants may be required of other users or
7 included in permits where sampling and analysis indicate that the wastewater contains
8 concentrations of these pollutants in excess of the stated limits.

9 3.This is the sum of measured concentrations for benzene, toluene, ethylbenzene, and xylene.

10 (c) All users subject to a categorical pretreatment standard shall comply with all requirements of
11 such standard, and shall also comply with any limitations contained in this chapter. Where the
12 same pollutant is limited by more than one pretreatment standard, the limitations which are more
13 stringent shall prevail. Compliance with categorical pretreatment standards shall be the time
14 frame specified in the applicable categorical pretreatment standard.

1 (d) The city may establish more stringent pollutant limits, additional site specific pollutant limits,
2 best management practices, or additional pretreatment requirements when, in the judgment of the
3 city, such limitations are necessary to implement the provisions of this chapter.

4 (D) Pretreatment And Monitoring Facilities:

- 5 1. Users shall provide wastewater treatment as necessary to comply with this chapter and shall
6 achieve compliance with all pretreatment standards and requirements set out in this chapter
7 within the time limitations specified by EPA, the state, or the city, whichever is more stringent.
8 Any facility determined by the city to be necessary for compliance or monitoring shall be
9 provided, operated, and maintained at the user's expense. All treatment facilities shall be properly
10 operated and maintained. Detailed plans describing such facilities and operating procedures shall
11 be submitted to the city for review, and shall be approved before such facilities are constructed.
12 The review of such plans and operating procedures shall in no way relieve the user from the
13 responsibility of modifying such facilities as necessary to produce a discharge acceptable to the
14 city under the provisions of this chapter. Any subsequent alterations or additions to such
15 pretreatment or flow control facilities shall not be made without due notice to and prior approval
16 of the city.
- 17 2. The city may require users to restrict their discharge during peak flow periods, designate that
18 certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of
19 discharge, separate sewage waste streams from industrial waste streams, and such other
20 conditions as may be necessary to protect the POTW and demonstrate the user's compliance with
21 the requirements of this chapter.
- 22 3. The city may require any user discharging into the POTW to install and maintain, on their
23 property and at their expense, a suitable storage and flow control facility to ensure equalization
24 of flow. An industrial wastewater permit may be issued solely for flow equalization.
- 25 4. Users with the potential to discharge flammable substances may be required to install and
26 maintain an approved combustible gas detection meter.
- 27 5. The city may require an industrial user to install at the user's expense, suitable monitoring
28 facilities or equipment that allows for the representative sampling and accurate observation of
29 wastewater discharges. Such equipment shall be maintained in proper working order and kept
30 safe and accessible at all times to city personnel.
- 31 6. The monitoring equipment shall be located and maintained on the industrial user's premises
32 outside of the building unless otherwise approved by the city. When such a location would be
33 impractical, the city may allow such facility to be constructed in the public street or easement
34 area, with the approval of the agency having jurisdiction over such street or easement, and
35 located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

1 7. When more than one user is able to discharge into a common service line, the city may require
2 installation of separate monitoring equipment for each user. When there is a significant
3 difference in wastewater constituents and characteristics produced by different operations of a
4 single user, the city may require that separate service lines and connections and monitoring
5 facilities be installed for each separate discharge.

6 8. Whether constructed on public or private property, the monitoring facilities shall be constructed
7 in accordance with the city's requirements and all applicable construction standards and
8 specifications.

9 9. To fulfill the purposes of this chapter, the city may order other industrial users of the city's
10 POTW to maintain records and/or install and maintain similar facilities or equipment as
11 described above.

12 10. Industrial users who discharge process wastewaters determined by the city to contain pollutants
13 necessitating continuous pH measurement to demonstrate compliance shall, subsequent to
14 notification by the city, install a continuous recording pH meter as approved by the city. Such
15 meter shall be installed, operated and maintained at the user's own cost and expense. Such
16 records generated by this meter shall be retained for three (3) years and shall be made available
17 to the city upon request.

18 11. If the city determines that an industrial user needs to measure and report wastewater flow, the
19 user shall install an approved flow meter. Such meter shall be installed, operated and maintained
20 at the user's own cost and expense. Such records generated by this meter shall be retained for
21 three (3) years and shall be made available to the city upon request.

22 (E) Industrial Wastewater Permits:

23 1. Permits Required: All significant industrial users proposing to connect to, or discharge into any
24 part of the wastewater system, shall apply for and obtain an industrial wastewater permit prior to
25 commencing discharge to the POTW. A separate permit may be required for each user, building
26 or complex of buildings. The discharge of wastewater to the POTW without a valid permit from
27 a significant industrial user shall be a violation of this chapter as specified in subsection (E)2 of
28 this section. Such users shall immediately contact the city and obtain a permit for discharge.

29 (A) UPON A FINDING THAT A SIGNIFICANT INDUSTRIAL USER SUBJECT TO
30 CATEGORICAL PRETREATMENT STANDARDS NEVER DISCHARGES MORE THAN
31 100 GALLONS PER DAY (GPD) OF TOTAL CATEGORICAL WASTEWATER
32 (EXCLUDING SANITARY, NON-CONTACT COOLING AND BOILER BLOWDOWN
33 WASTEWATER, UNLESS SPECIFICALLY INCLUDED IN THE PRETREATMENT
34 STANDARDS) THE CITY MAY DETERMINE THE INDUSTRIAL USER A NON-
35 SIGNIFICANT CATEGORICAL INDUSTRIAL USER RATHER THAN A SIGNIFICANT
36 INDUSTRIAL USER IF THE FOLLOWING CONDITIONS ARE MET:

(1) THE INDUSTRIAL USER, PRIOR TO THE CITY'S FINDING, HAS CONSISTENTLY COMPLIED WITH ALL APPLICABLE CATEGORICAL PRETREATMENT STANDARDS AND REQUIREMENTS;

(2) THE INDUSTRIAL USER ANNUALLY SUBMITS THE CERTIFICATION STATEMENT REQUIRED IN 40 CFR PART 403.12(Q) TOGETHER WITH ANY ADDITIONAL INFORMATION NECESSARY TO SUPPORT THE CERTIFICATION STATEMENT;
AND

(3) THE INDUSTRIAL USER NEVER DISCHARGES ANY UNTREATED CONCENTRATED WASTEWATER.

(B) UPON A FINDING THAT A SIGNIFICANT INDUSTRIAL USER NOT SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS HAS NO REASONABLE POTENTIAL FOR ADVERSELY AFFECTING THE POTW'S OPERATION OR FOR VIOLATING ANY PRETREATMENT STANDARD OR REQUIREMENT, THE CITY MAY AT ANY TIME, ON ITS OWN INITIATIVE OR IN RESPONSE TO A PETITION RECEIVED FROM AN INDUSTRIAL USER, DETERMINE THAT SUCH INDUSTRIAL USER IS NOT A SIGNIFICANT INDUSTRIAL USER.

(C) BY REQUEST FROM A SIGNIFICANT INDUSTRIAL USER AND AT THE DISCRETION OF THE CITY, A NON-DISCHARGING INDUSTRIAL WASTEWATER PERMIT MAY BE ISSUED TO THE SIGNIFICANT INDUSTRIAL USER THAT REQUIRES SPECIFIC CONTROLS AND/OR PROCESS CONFIGURATIONS TO PREVENT THE DISCHARGE OF WASTEWATER FROM SPECIFIC PROCESS OPERATIONS, OR OF SPECIFIC POLLUTANTS TO THE POTW.

2. Enforceability: Any violation of the terms and conditions of an industrial wastewater permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of this chapter and subjects the industrial user to the sanctions set out in subsection (K) of this section. Obtaining an industrial wastewater permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements.

3. New Users; Applying For An Industrial Wastewater Permit: Any user required to obtain an industrial wastewater permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The user shall file a wastewater permit application on forms provided by the city, containing the information specified in subsection (E)5 of this section. The completed application for the industrial wastewater permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

1 4. Existing Users; Applying For Industrial Wastewater Permit Reissuance: A user with an expiring
2 industrial wastewater permit shall apply for a new permit by submitting a complete permit
3 application at least ninety (90) days prior to the expiration of the user's existing discharge permit.
4 The user shall file a wastewater permit application on forms provided by the city containing the
5 information specified in subsection (E)5 of this section. An industrial user with an existing
6 permit that has filed a complete and timely application may continue to discharge as approved by
7 the city through an administrative extension of the existing permit.

8 5. Wastewater Permit Application Contents: In support of the application, the user shall submit, in
9 units and terms appropriate for evaluation, the following information:

10 (A) IDENTIFYING FACILITY INFORMATION.

11 (1) THE NAME OF INDUSTRY AND ADDRESS OF THE FACILITY, MAILING ADDRESS IF
12 DIFFERENT;

13 (2) THE NAME OF THE BUSINESS OPERATOR AND OWNER;

14 (3) THE DESIGNATED SIGNATORY AUTHORITY AND DESIGNATED FACILITY
15 CONTACT;

16 (B) BUSINESS ACTIVITIES.

17 (1) IDENTIFICATION OF INDUSTRIAL PROCESSES, INDUSTRIAL CATEGORIES, OR
18 BUSINESS ACTIVITIES;

19 (2) A BRIEF DESCRIPTION OF OPERATIONS INCLUDING MATERIALS USED,
20 PRODUCTS PRODUCED, MATERIALS HANDLING, TESTING, STORAGE, CLEANING,
21 WASTE HANDLING, AND WASTEWATER PRETREATMENT;

22 (3) THE STANDARD INDUSTRIAL CLASSIFICATION(S) OR NORTH AMERICAN
23 INDUSTRY CLASSIFICATION SYSTEM (NAICS) OF THE OPERATION(S) CARRIED
24 OUT BY SUCH USER;

25 (4) ENVIRONMENTAL PERMITS. A LIST OF ANY ENVIRONMENTAL CONTROL
26 PERMITS HELD BY OR FOR THE FACILITY;

27 (5) FACILITY OPERATIONAL CHARACTERISTICS INCLUDING WORK DAYS, WORK
28 SHIFTS, NUMBER OF EMPLOYEES, AND SEASONAL VARIATIONS;

29 (6) PLANNED OR POTENTIAL EXPANSION;

- 1 (C) WATER SUPPLY AND CONSUMPTION.
- 2 (1) WATER SOURCES, WATER BILL INFORMATION;
- 3 (2) WATER USE DISTRIBUTION THROUGHOUT FACILITY;
- 4 (D) SEWER CONNECTION INFORMATION.
- 5 (E) RAW MATERIALS AND CHEMICALS USED AND STORED.
- 6 (F) FACILITY INFRASTRUCTURE AND SITE DIAGRAMS.
- 7 (1) EXTERIOR SITE PLANS, INTERIOR BUILDING/FLOOR PLAN, PLUMBING
- 8 DIAGRAMS;
- 9 (G) WASTEWATER DISCHARGE INFORMATION.
- 10 (1) METHOD OF WASTEWATER DISCHARGE;
- 11 (2) WASTEWATER DISCHARGE FLOW RATES;
- 12 (3) WASTEWATER MONITORING EQUIPMENT AND LOCATIONS;
- 13 (4) CHARACTERISTICS OF WASTEWATER INCLUDING POLLUTANT
- 14 MEASUREMENTS;
- 15 (H) PROCESS FLOW DIAGRAM.
- 16 (I) GENERATED WASTE HANDLING PROCEDURES.
- 17 (J) WASTEWATER TREATMENT EQUIPMENT AND OPERATIONS.
- 18 (K) CONTROL PLAN FOR SPILL PREVENTION.
- 19 (L) ANY OTHER INFORMATION AS MAY BE DEEMED NECESSARY BY THE CITY TO
- 20 EVALUATE THE PERMIT APPLICATION.
- 21 (M) CERTIFICATION. A STATEMENT, REVIEWED BY AN AUTHORIZED
- 22 REPRESENTATIVE OF THE INDUSTRIAL USER AND CERTIFIED BY A QUALIFIED
- 23 PROFESSIONAL, INDICATING WHETHER PRETREATMENT STANDARDS ARE BEING

MET ON A CONSISTENT BASIS, AND, IF NOT, WHETHER ADDITIONAL OPERATION AND MAINTENANCE (O&M) AND/OR ADDITIONAL PRETREATMENT IS REQUIRED FOR THE INDUSTRIAL USER TO MEET THE PRETREATMENT STANDARDS AND REQUIREMENTS.

(1) COMPLIANCE SCHEDULE. IF ADDITIONAL PRETREATMENT AND/OR O&M WILL BE REQUIRED TO MEET THE PRETREATMENT STANDARDS OR REQUIREMENTS, THE SHORTEST SCHEDULE BY WHICH THE INDUSTRIAL USER WILL PROVIDE SUCH ADDITIONAL PRETREATMENT AND/OR O&M. THE COMPLETION DATE IN THIS SCHEDULE SHALL NOT BE LATER THAN THE COMPLIANCE DATE ESTABLISHED FOR THE APPLICABLE PRETREATMENT STANDARD. A COMPLIANCE SCHEDULE MUST BE IN ACCORDANCE WITH SUBSECTION (F)7 OF THIS SECTION;

(N) APPLICATION SIGNATORIES AND CERTIFICATIONS. ALL INDUSTRIAL WASTEWATER PERMIT APPLICATIONS, INDUSTRIAL USER REPORTS AND CERTIFICATION STATEMENTS MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE USER AND CONTAIN THE APPLICABLE CERTIFICATION STATEMENT IN SUBSECTION (F)6(A) OF THIS SECTION.

(O) ANY REQUESTS FOR A MONITORING WAIVER (OR A RENEWAL OF AN APPROVED MONITORING WAIVER) FOR A POLLUTANT NEITHER PRESENT NOR EXPECTED TO BE PRESENT IN THE DISCHARGE PER SUBSECTION (F)1(E) OF THIS SECTION.

6. Industrial Wastewater Permit Issuance:

(a) The city shall issue an industrial wastewater permit to the applicant if the city finds that all of the following conditions are met:

(1) The applicant has provided a timely and complete permit application to the city;

(2) The proposed discharge by the applicant is in compliance with the limitations established in this chapter;

(3) The proposed operation and discharge of the applicant would permit the normal and efficient operation of the POTW; and

(4) The proposed discharge of the applicant would not result in a violation by the city of the terms and conditions of its CDPS permit or cause pass-through or interference.

1 (b) If the city finds that the condition set out in subsection (E)6(a)(2) of this section is not met, the
2 city may, at its discretion, issue an industrial wastewater permit to the applicant if the conditions
3 set out in subsections (E)6(a)(1), (E)6(a)(3) and (E)6(a)(4) of this section have been met and if
4 the applicant submits, and the city approves, a compliance schedule setting out the measures to
5 be taken by the applicant and the dates that such measures will be implemented to ensure
6 compliance with the local limits. At no time shall a discharge be allowed to cause violations of
7 the general and specific prohibitions established in subsection (C)1 of this section nor shall the
8 final compliance date for a categorical standard be extended.

9 7. Industrial Wastewater Permit Denial And Hearing:

10 (a) In the event an application for an industrial wastewater permit is denied, the city shall notify the
11 applicant in writing of such denial. Such notification shall state the grounds for such denial with
12 that degree of specificity which will inform the applicant of the measures or actions which must
13 be taken by the applicant prior to issuance of a permit.

14 (b) Upon receipt of notification of denial of a permit, the applicant may request, and shall be
15 granted, a hearing to be held by the city. At such hearing the applicant shall have the burden of
16 establishing that the conditions set out in subsection (E)6 of this section have been met and that a
17 permit should be issued.

18 (c) The city may conduct the hearing and take the evidence or may designate a representative to:

19 (1) Issue in the name of the city notices of hearings requesting the attendance and testimony of
20 witnesses and the production of evidence relevant to any matter involved in such hearings;

21 (2) Take the evidence; and

22 (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, to the
23 city, together with recommendations for action thereon.

24 (d) Testimony taken at any public hearing shall be under oath and recorded. The transcript as
25 recorded shall be made available to any member of the public or any party to the hearing upon
26 payment of any required duplication charges.

27 (e) Upon review of the evidence by the city, the city shall make written findings of fact. Thereupon
28 the city may issue an order directing the issuance of an industrial wastewater permit, or directing
29 that such permit shall not be issued, or give such other or further orders and directives as are
30 necessary and appropriate.

31 8. Industrial Wastewater Permit Conditions: Industrial wastewater permits shall be expressly
32 subject to all provisions of this chapter and all other regulations, and user charges and fees
33 established by the city. The conditions of industrial wastewater permits shall be uniformly
34 enforced in accordance with this chapter and applicable state and federal regulations. An

1 industrial wastewater permit shall include such conditions as are deemed reasonably necessary
2 by the city to prevent pass-through or interference, protect the quality of the receiving water,
3 protect worker health and safety, facilitate sludge management and disposal, and protect against
4 damage to the POTW.

5 (a) Industrial wastewater permits shall contain, as appropriate:

6 (1) A statement that indicates the permit's issuance date, expiration date and effective date;

7 (2) A statement that the permit is nontransferable;

8 (3) Effluent limits, including best management practices (BMPs), based on applicable pretreatment
9 standards;

10 (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These
11 requirements shall include an identification of pollutants (or best management practices) to be
12 monitored, sampling location, sampling frequency, and sample type based on federal, state, and
13 local law;

14 (5) A statement of applicable administrative, civil and criminal penalties for violation of
15 pretreatment standards and requirements, the permit, this chapter and any applicable compliance
16 schedule. Such schedule may not extend the time for compliance beyond that required by
17 applicable federal, state, or local law;

18 (6) BMPs to control specific pollutants as necessary to meet the objectives of this chapter;

19 (7) Closure requirements for permitted facilities undergoing partial or complete closure activities to
20 ensure closure activities are completed and wastes have been properly disposed and remaining
21 access to sanitary and storm sewers are protected;

22 (8) Requirements to notify the city immediately of any changes at its facility affecting potential for
23 a spill or slug discharge and to notify the POTW immediately in the event of a slug, spill or
24 accidental discharge to the POTW;

25 (9) Compliance schedules;

26 (10) Requirements to reapply for a new permit at least ninety (90) days prior to expiration of the
27 existing permit;

28 (11) The general and specific prohibitions;

29 (12) Additional monitoring to be reported.

1 (13) THE PROCESS FOR SEEKING A WAIVER FROM MONITORING FOR A POLLUTANT
2 NEITHER PRESENT NOR EXPECTED TO BE PRESENT IN THE DISCHARGE IN
3 ACCORDANCE WITH SUBSECTION (F)1(E) OF THIS SECTION. ANY GRANT OF THE
4 MONITORING WAIVER BY THE CITY MUST BE INCLUDED AS A CONDITION IN THE
5 PERMIT.

6 (b) Industrial wastewater permits may contain, but need not be limited to, the following conditions:

7 (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or
8 requirements for flow regulation and equalization;

9 (2) Requirements for the installation of pretreatment technology, pollution control, or construction
10 of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of
11 pollutants into the treatment works;

12 (3) Requirements for the development and implementation of slug or spill control plans or other
13 special conditions including management practices necessary to adequately prevent accidental,
14 unanticipated, or nonroutine discharges;

15 (4) Development and implementation of waste minimization plans to reduce the amount of
16 pollutants discharged to the POTW;

17 (5) Requirements for installation and maintenance of inspection and sampling facilities and
18 equipment, including flow measurement devices; and

19 (6) Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and
20 state and federal laws and regulations.

21 9. Industrial Wastewater Permit Duration:

22 (a) Discharge permits shall be issued for a specified time period, not to exceed five (5) years. A
23 permit may be issued for a period of less than five (5) years at the city's discretion or may be
24 stated to expire on a specific date. The terms and conditions of the permit may be subject to
25 modification and change by the city during the life of the permit, as limitations or requirements
26 as identified in this chapter are modified and changed pursuant to subsection (E)11 of this
27 section. The user shall be informed of any proposed changes in its permit at least thirty (30) days
28 prior to the effective date of change unless such change is initiated by a violation of this chapter.
29 Any such change or new condition in the permit shall include a reasonable time schedule for
30 compliance or as otherwise required by state or federal regulations.

31 (b) Where the city is establishing permit specific local limits, the permit shall be public noticed for
32 comment for thirty (30) days in a newspaper of meaningful circulation. The city shall consider

1 all comments that are received and incorporate any comments as appropriate prior to issuing the
2 permit.

3 10. Industrial Wastewater Permit Transfer: Industrial wastewater permits are issued to a specific
4 user for a specific operation. No permit shall be reassigned or transferred to a different premises
5 or a new or changed operation. PERMITS MAY BE TRANSFERRED TO A NEW OWNER OR
6 OPERATOR ONLY IF THE PERMITTEE GIVES AT LEAST 30 DAYS ADVANCE NOTICE
7 TO THE CITY AND THE CITY APPROVES THE PERMIT TRANSFER. THE NOTICE TO
8 THE CITY MUST INCLUDE A WRITTEN CERTIFICATION BY THE NEW OWNER OR
9 OPERATOR WHICH:

10 (A) STATES THAT THE NEW OWNER AND/OR OPERATOR HAS NO IMMEDIATE
11 INTENT TO CHANGE THE FACILITY'S OPERATIONS AND PROCESSES;

12 (B) IDENTIFIES THE SPECIFIC DATE ON WHICH THE TRANSFER IS TO OCCUR; AND

13 (C) ACKNOWLEDGES FULL RESPONSIBILITY FOR COMPLYING WITH THE EXISTING
14 PERMIT.

15 11. Industrial Wastewater Permit Modification: The city may modify an industrial wastewater
16 permit for good cause, including, but not limited to, the following reasons:

17 (a) To incorporate any new or revised federal, state, or local pretreatment standards or
18 requirements;

19 (b) To address significant alterations or additions to the user's operation, processes, or wastewater
20 volume or character since the time of the industrial wastewater permit issuance;

21 (c) A change in the POTW that requires either a temporary or permanent reduction or elimination
22 of the authorized discharge;

23 (d) Information indicating that the permitted discharge poses a threat to the POTW, city personnel,
24 or the receiving waters;

25 (e) Violation of any terms or conditions of the industrial wastewater permit;

26 (f) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater
27 permit application or in any required reporting; or

28 (g) To correct typographical or other errors in the industrial wastewater permit.

1 12. Industrial Wastewater Permit Revocation: A violation of the conditions of a permit or of this
2 chapter or of applicable state and federal regulations shall be reason for revocation of such
3 permit by the city. Upon revocation of the permit, any wastewater discharge from the affected
4 user shall be considered prohibited and illegal. Grounds for revocation of a permit include, but
5 are not limited to, the following:

6 (a) Failure of a user to accurately disclose or report the wastewater constituents and characteristics
7 of its discharge;

8 (b) Failure of the user to report significant changes in operations or wastewater constituents and
9 characteristics;

10 (c) Refusal of access to the user's premises for the purpose of inspection or monitoring;

11 (d) Falsification of records, reports or monitoring results;

12 (e) Tampering with monitoring equipment;

13 (f) Violation of conditions of the permit;

14 (g) Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater
15 permit application;

16 (h) Failure to pay fines or penalties;

17 (i) Failure to pay sewer charges;

18 (j) Failure to pay permit and sampling fees; or

19 (k) Failure to meet compliance schedules.

20

21 (F) Reporting Requirements:

22 1. Periodic Compliance Reports; All Significant Industrial Users:

23 (a) EXCEPT AS SPECIFIED IN SUBSECTION (F)1(F) OF THIS SECTION, Any industrial user
24 subject to a federal, state, or city pretreatment standard or requirement must, at a frequency
25 determined by the city submit no less than once per six (6) months, unless required more
26 frequently in the permit or by the city, reports indicating the nature, concentration of pollutants
27 in the discharge which are limited by pretreatment standards and the average and maximum daily
28 flows for the reporting period. In cases where the pretreatment standard requires compliance with
29 best management practices (BMPs) or pollution prevention alternatives, the user must submit

documentation required by the city or the pretreatment standard necessary to determine compliance status of the user. All periodic compliance reports must be signed and certified in accordance with subsection (F)6 of this section.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that the sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city, using the methods and procedures prescribed in subsection (H) of this section, the results of this monitoring shall be included in the report.

(d) The sampling and analyses required for the reporting outlined above may be performed by the city in lieu of the permittee. Where the city itself makes arrangements with the user to collect all the information required for the report, the user will not be required to submit the report.

(E) THE CITY MAY AUTHORIZE A SIGNIFICANT INDUSTRIAL USER SUBJECT TO A CATEGORICAL PRETREATMENT STANDARD TO FOREGO SAMPLING OF A POLLUTANT REGULATED BY A CATEGORICAL PRETREATMENT STANDARD IF THE SIGNIFICANT INDUSTRIAL USER HAS DEMONSTRATED THROUGH SAMPLING AND OTHER TECHNICAL FACTORS THAT THE POLLUTANT IS NEITHER PRESENT NOR EXPECTED TO BE PRESENT IN THE DISCHARGE, OR IS PRESENT ONLY AT BACKGROUND LEVELS FROM INTAKE WATER AND WITHOUT ANY INCREASE IN THE POLLUTANT DUE TO ACTIVITIES OF THE INDUSTRIAL USER. THIS AUTHORIZATION IS SUBJECT TO THE FOLLOWING CONDITIONS:

(1) THE WAIVER MAY BE AUTHORIZED WHERE A POLLUTANT IS DETERMINED TO BE PRESENT SOLELY DUE TO SANITARY WASTEWATER DISCHARGED FROM THE FACILITY PROVIDED THAT THE SANITARY WASTEWATER IS NOT REGULATED BY AN APPLICABLE CATEGORICAL STANDARD AND OTHERWISE INCLUDES NO PROCESS WASTEWATER.

(2) THE MONITORING WAIVER IS VALID ONLY FOR THE DURATION OF THE EFFECTIVE PERIOD OF THE INDIVIDUAL WASTEWATER DISCHARGE PERMIT, BUT IN NO CASE LONGER THAN 5 YEARS. THE USER MUST SUBMIT A NEW REQUEST FOR THE WAIVER BEFORE THE WAIVER CAN BE GRANTED FOR EACH PERMIT.

1 (3) IN MAKING A DEMONSTRATION THAT A POLLUTANT IS NOT PRESENT, THE
2 INDUSTRIAL USER MUST PROVIDE DATA FROM AT LEAST ONE SAMPLING OF THE
3 FACILITY'S PROCESS WASTEWATER PRIOR TO ANY TREATMENT PRESENT AT
4 THE FACILITY THAT IS REPRESENTATIVE OF ALL WASTEWATER FROM ALL
5 PROCESSES.

6 (4) THE REQUEST FOR A MONITORING WAIVER MUST BE SIGNED AND CERTIFIED IN
7 ACCORDANCE WITH SUBSECTION (F)6(A) OF THIS SECTION.

8 (5) NON-DETECTABLE SAMPLE RESULTS MAY BE USED ONLY AS A
9 DEMONSTRATION THAT A POLLUTANT IS NOT PRESENT IF THE EPA APPROVED
10 METHOD FROM 40 CFR PART 136 WITH THE LOWEST MINIMUM DETECTION LEVEL
11 FOR THAT POLLUTANT WAS USED IN THE ANALYSIS.

12 (6) ANY GRANT OF THE MONITORING WAIVER BY THE CITY MUST BE INCLUDED AS
13 A CONDITION IN THE USER'S PERMIT. THE REASONS SUPPORTING THE WAIVER
14 AND ANY INFORMATION SUBMITTED BY THE USER IN ITS REQUEST FOR THE
15 WAIVER MUST BE MAINTAINED BY THE CITY FOR 3 YEARS AFTER EXPIRATION
16 OF THE WAIVER.

17 (7) UPON APPROVAL OF THE MONITORING WAIVER AND REVISION OF THE USER'S
18 PERMIT BY THE CITY, THE INDUSTRIAL USER MUST CERTIFY ON EACH REPORT
19 WITH THE STATEMENT IN SUBSECTION (F)6(D) OF THIS SECTION, THAT THERE
20 HAS BEEN NO INCREASE IN THE POLLUTANT IN ITS WASTESTREAM DUE TO
21 ACTIVITIES OF THE INDUSTRIAL USER.

22 (8) IN THE EVENT THAT A WAIVED POLLUTANT IS FOUND TO BE PRESENT OR IS
23 EXPECTED TO BE PRESENT BECAUSE OF CHANGES THAT OCCUR IN THE USER'S
24 OPERATIONS, THE USER MUST IMMEDIATELY: COMPLY WITH THE MONITORING
25 REQUIREMENTS OF SUBSECTION (F)1(A) OF THIS SECTION, OR OTHER MORE
26 FREQUENT MONITORING REQUIREMENTS IMPOSED BY THE CITY, AND NOTIFY
27 THE CITY.

28 (9) THIS PROVISION DOES NOT SUPERSEDE CERTIFICATION PROCESSES AND
29 REQUIREMENTS ESTABLISHED IN CATEGORICAL PRETREATMENT STANDARDS,
30 EXCEPT AS OTHERWISE SPECIFIED IN THE CATEGORICAL PRETREATMENT
31 STANDARD.

1 (F) THE CITY MAY REDUCE THE REQUIREMENT FOR PERIODIC COMPLIANCE
2 REPORTS IN SUBSECTION (F)1(A) OF THIS SECTION TO A REQUIREMENT TO
3 REPORT NO LESS FREQUENTLY THAN ONCE A YEAR, UNLESS REQUIRED MORE
4 FREQUENTLY IN THE PRETREATMENT STANDARD OR BY THE EPA, WHERE THE
5 INDUSTRIAL USER'S TOTAL CATEGORICAL WASTEWATER FLOW DOES NOT
6 EXCEED ANY OF THE FOLLOWING:

7 (1) 0.01 PERCENT OF THE POTW'S DESIGN DRY-WEATHER HYDRAULIC CAPACITY OF
8 THE POTW, OR FIVE THOUSAND (5,000) GALLONS PER DAY, WHICHEVER IS
9 SMALLER, AS MEASURED BY A CONTINUOUS EFFLUENT FLOW MONITORING
10 DEVICE UNLESS THE INDUSTRIAL USER DISCHARGES IN BATCHES

11 (2) 0.01 PERCENT OF THE DESIGN DRY-WEATHER ORGANIC TREATMENT CAPACITY
12 OF THE POTW; AND

13 (3) 0.01 PERCENT OF THE MAXIMUM ALLOWABLE HEADWORKS LOADING FOR ANY
14 POLLUTANT REGULATED BY THE APPLICABLE CATEGORICAL PRETREATMENT
15 STANDARD FOR WHICH APPROVED WASTEWATER DISCHARGE LIMITS WERE
16 DEVELOPED IN ACCORDANCE WITH SUBSECTION (C)2(B) OF THIS SECTION.

17 REDUCED REPORTING IS NOT AVAILABLE TO INDUSTRIAL USERS THAT HAVE IN
18 THE LAST TWO (2) YEARS BEEN IN SIGNIFICANT NONCOMPLIANCE. IN ADDITION,
19 REDUCED REPORTING IS NOT AVAILABLE TO AN INDUSTRIAL USER WITH DAILY
20 FLOW RATES, PRODUCTION LEVELS, OR POLLUTANT LEVELS THAT VARY SO
21 SIGNIFICANTLY THAT, IN THE OPINION OF THE CITY, DECREASING THE
22 REPORTING REQUIREMENT FOR THIS INDUSTRIAL USER WOULD RESULT IN
23 DATA THAT ARE NOT REPRESENTATIVE OF CONDITIONS OCCURRING DURING
24 THE REPORTING PERIOD.

25 2. Baseline Monitoring Reports; Categorical Industrial Users:

26 (a) Within either one hundred eighty (180) days after the effective date of a categorical
27 pretreatment standard, or the final administrative decision on a category determination under 40
28 CFR section 403.6(a)(4), whichever is later, existing industrial users SUBJECT TO
29 CATEGORICAL PRETREATMENT STANDARDS AND currently discharging to or scheduled
30 to discharge to the POTW shall submit to the city a report which contains the information listed
31 in subsection (F)2(b) of this section. At least ninety (90) days prior to commencement of their
32 discharge, new sources, and sources that become categorical industrial users subsequent to the
33 promulgation of an applicable categorical standard, shall submit to the city a report which
34 contains the information listed in subsection (F)2(b) of this section. A new source shall report the

1 method of pretreatment it intends to use to meet applicable pretreatment standards. A new source
2 also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from
3 regulated process streams and other nonprocess streams.

4 (b) Users described above shall submit the information set forth below:

5 (1) Required Information: All information required in subsection (E)5 of this section.

6 (2) Measurement Of Pollutants:

7 A. The user shall take a minimum of one representative sample to compile the data necessary to
8 comply with the requirements of this subsection.

9 B. Samples should be taken immediately downstream from pretreatment facilities if such exist or
10 immediately downstream from the regulated process if no pretreatment exists. If other
11 wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should
12 measure the flows and concentrations necessary to allow use of the combined waste stream
13 formula in 40 CFR section 403.6(e) in order to evaluate compliance with the pretreatment
14 standards. Where an alternate concentration or mass limit has been calculated in accordance with
15 40 CFR section 403.6(e) this adjusted limit along with supporting data shall be submitted to the
16 city.

17 C. Sampling and analysis shall be performed in accordance with subsection (H) of this section.

18 D. The city may allow the submission of a BMR which utilizes only historical data so long as the
19 data provides information sufficient to determine the need for industrial pretreatment measures.

20 E. The BMR shall indicate the time, date, and place of sampling and methods of analysis, and shall
21 certify that such sampling and analysis is representative of normal work cycles and expected
22 pollutant discharges to the POTW.

23 (3) Signature And Report Certification: All baseline monitoring reports must be signed in
24 accordance with subsection (F)6(A) of this section and signed by an authorized representative as
25 defined in subsection (B) of this section.

26 3. Ninety Day Compliance Reports; Categorical Industrial Users:

27 (a) New Sources: All new sources subject to existing categorical pretreatment standards shall
28 submit a report to the city within ninety (90) days from the date of first discharge to the POTW
29 demonstrating actual and continuing compliance with those standards.

30 (b) Existing Sources: All existing sources required to comply with newly promulgated categorical
31 pretreatment standards shall submit a report to the city within ninety (90) days of the date on

1 which compliance is required with those standards demonstrating that actual and continuing
2 compliance with such standards has been achieved.

3 (c) Minimum Information: Such ninety (90) day compliance report shall contain at a minimum the
4 information required in subsections (E)5(G), (E)5(L), (E)5(M), AND (E)5(N) of this section.

5 4. Twenty Four Hour Notice And Thirty Day Resampling: If sampling performed by a user
6 indicates a violation of this chapter, the user shall notify the city within twenty four (24) hours of
7 becoming aware of the violation. The user shall also repeat the sampling and analysis and submit
8 the results of the repeat analysis to the city within thirty (30) days after becoming aware of the
9 violations. FOR THE PURPOSES OF THIS SECTION "BECOMING AWARE" SHALL BE
10 DEFINED AS THE SHORTEST REASONABLE TIME TO DETERMINE COMPLIANCE
11 STATUS NOT TO EXCEED FIVE (5) DAYS AFTER RECEIPT OF SAMPLING DATA. The
12 user is not required to resample if the following occurs:

13 (a) The city performs sampling at the user's facility at a frequency of at least once per month.

14 (b) The city performs sampling at the user's facility between the time when the user performs its
15 initial sampling and the time when the user receives the results of this sampling. It is the sole
16 responsibility of the user to verify if the city has performed this sampling.

17 5. Reports For Nonsignificant Industrial Users: Should the city deem it necessary to assure
18 compliance with provisions of this chapter, any user of the POTW may be required to submit an
19 industrial wastewater permit application, INDUSTRIAL WASTE SURVEY, or questionnaire to
20 the city. Any user subject to this reporting requirement shall submit a completed report no later
21 than thirty (30) days after receipt of the notification and appropriate forms.

22 6. Signatory Certification:

23 (A) ALL REPORTS AND OTHER SUBMITTALS REQUIRED TO BE SUBMITTED TO THE
24 CITY BY A SIGNIFICANT INDUSTRIAL USER, INCLUDING PERMIT APPLICATIONS,
25 SHALL INCLUDE THE FOLLOWING CERTIFICATION STATEMENT SIGNED BY AN
26 AUTHORIZED REPRESENTATIVE.

27 *I certify under penalty of law that this document and all attachments were prepared under my*
28 *direction or supervision in accordance with a system designed to ensure that qualified personnel*
29 *properly gather and evaluate the information submitted. Based on my inquiry of the person or*
30 *persons who manage the system or the persons directly responsible for gathering the*
31 *information, the information submitted is, to the best of my knowledge and belief, true, accurate,*
32 *and complete. I am aware that there are significant penalties for submitting false information,*
33 *including the possibility of a fine and imprisonment for knowing violations.*

1 (B) PERIODIC COMPLIANCE REPORTS SUBMITTED BY SIGNIFICANT INDUSTRIAL
2 USERS ISSUED A NON-DISCHARGING INDUSTRIAL WASTEWATER PERMIT SHALL
3 ALSO INCLUDE THE FOLLOWING CERTIFICATION STATEMENT SIGNED BY AN
4 AUTHORIZED REPRESENTATIVE. *“I CERTIFY UNDER PENALTY OF LAW THAT*
5 *(PERMITTEE NAME) HAS NOT DISCHARGED ANY REGULATED WASTEWATER TO THE*
6 *L/E WWTP DURING THIS REPORTING PERIOD”* (IF APPLICABLE).

7 (C) A FACILITY DETERMINED TO BE A NON-SIGNIFICANT CATEGORICAL
8 INDUSTRIAL USER MUST ANNUALLY SUBMIT THE FOLLOWING CERTIFICATION
9 STATEMENT SIGNED BY AN AUTHORIZED REPRESENTATIVE.

10 *“BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR*
11 *MANAGING COMPLIANCE WITH THE CATEGORICAL PRETREATMENT STANDARDS*
12 *UNDER 40 CFR ____ [SPECIFY APPLICABLE NATIONAL PRETREATMENT STANDARD*
13 *PART(S)], I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT*
14 *DURING THE PERIOD FROM _____, TO _____, _____ [MONTH, DAYS,*
15 *YEAR]:*

16 *(1) THE FACILITY DESCRIBED AS _____ [FACILITY NAME] MET THE*
17 *DEFINITION OF A NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER AS*
18 *DESCRIBED IN 40 CFR 403.3(V)(2);*

19 *(2) THE FACILITY COMPLIED WITH ALL APPLICABLE PRETREATMENT STANDARDS AND*
20 *REQUIREMENTS DURING THIS REPORTING PERIOD; AND*

21 *(3) THE FACILITY NEVER DISCHARGED MORE THAN 100 GALLONS OF TOTAL*
22 *CATEGORICAL WASTEWATER ON ANY GIVEN DAY DURING THIS REPORTING PERIOD.*
23 *THIS COMPLIANCE CERTIFICATION IS BASED UPON THE FOLLOWING INFORMATION:*
24 _____

25 (D) SIGNIFICANT INDUSTRIAL USERS THAT HAVE AN APPROVED MONITORING
26 WAIVER BASED ON SECTION F(1)(E) OF THIS SECTION MUST SUBMIT ON EACH
27 COMPLIANCE REPORT WITH THE FOLLOWING CERTIFICATION STATEMENT
28 SIGNED BY AN AUTHORIZED REPRESENTATIVE THAT THERE HAS BEEN NO
29 INCREASE IN THE POLLUTANT IN ITS WASTESTREAM DUE TO ACTIVITIES OF THE
30 USER. *“BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY*
31 *RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE PRETREATMENT STANDARD*
32 *FOR 40 CFR ____ [SPECIFY APPLICABLE NATIONAL PRETREATMENT STANDARD*
33 *PART(S)], I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE*

1 *HAS BEEN NO INCREASE IN THE LEVEL OF _____ (LIST POLLUTANT(S)) IN THE*
2 *WASTEWATERS DUE TO THE ACTIVITIES AT THE FACILITY SINCE FILING OF THE LAST*
3 *PERIODIC COMPLIANCE REPORT.*

4 (E) If the authorized representative is no longer accurate because a different individual or position
5 has responsibility for the overall operation of the facility, or overall responsibility for
6 environmental matters for the company, a new authorization satisfying the requirements of
7 subsection (B) of this section must be submitted to the city prior to or together with any reports
8 to be signed by an authorized representative.

9 (F) INDUSTRIAL WASTE SURVEYS OR QUESTIONNAIRES REQUIRED TO BE
10 SUBMITTED TO THE CITY BY AN INDUSTRIAL USER SHALL INCLUDE THE
11 FOLLOWING STATEMENT AND SIGNATORY REQUIREMENTS. THE
12 REPRESENTATIVE SIGNING ANY INDUSTRIAL WASTE SURVEY OR
13 QUESTIONNAIRE MUST SIGN THE FOLLOWING CERTIFICATION STATEMENT. *"I*
14 *HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION*
15 *SUBMITTED IN THIS DOCUMENT AND ATTACHMENTS. BASED UPON MY INQUIRY OF*
16 *THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE*
17 *INFORMATION REPORTED HEREIN, I BELIEVE THAT THE SUBMITTED INFORMATION*
18 *IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT*
19 *PENALTIES FOR SUBMITTING FALSE INFORMATION."* INDUSTRIAL WASTE
20 SURVEYS OR QUESTIONNAIRES SHALL BE SUBMITTED TO THE CITY, IN
21 ELECTRONIC OR HARD COPY FORMAT, WITHIN THIRTY (30) DAYS OF RECEIPT.

22 7. Compliance Schedules: Should any schedule of compliance be established in accordance with
23 the requirements of this chapter, the following conditions shall apply to such schedule:

24 (a) The schedule shall contain increments of progress in the form of dates for the commencement
25 and completion of major events leading to the construction and operation of additional
26 pretreatment required for the user to meet the applicable categorical pretreatment standards (e.g.,
27 hiring an engineer, completing preliminary plans, completing final plans, executing contract for
28 major components, commencing construction, completing construction, etc.);

29 (b) No increment referred to above shall exceed nine (9) months; and

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

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

6 (a) Adding or removing processing, manufacturing or other production operations.

7 (b) New substances used which may be discharged.

8 (c) Changes in the listed or characteristic hazardous waste for which the user has submitted or is
9 required to submit information to the city under this chapter and 40 CFR part 403.12(p) as
10 amended.

11 9. SPILL PREVENTION AND Control Plans:

12 (a) Discharge Prevention: Each user shall provide protection from accidental discharges and slug
13 loads of pollutants regulated under this chapter. Facilities to prevent the discharge of spills or
14 slug loads shall be provided and maintained at the user's expense.

15 (b) Evaluation: The city shall evaluate whether each significant industrial user needs a spill
16 prevention and control plan or other action to control spills and slug discharges as defined in
17 subsection (B) of this section. The city may require a user to develop, submit for approval, and
18 implement a spill prevention and control plan or take such other action that may be necessary to
19 control spills and slug discharges.

20 (c) Plan Requirements: A spill prevention and control plan shall address, at a minimum, the
21 following:

22 (1) Detailed plans (schematics) showing facility layout and plumbing representative of operating
23 procedures;

24 (2) Description of contents and volumes of any process tanks;

25 (3) Description of discharge practices, including nonroutine batch discharges;

26 (4) Listing of stored chemicals, including location and volumes;

27 (5) Procedures for immediately notifying the city of any spill or slug discharge. It is the
28 responsibility of the user to comply with the reporting requirements in subsection (F)10 of this
29 section;

30 (6) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures
31 include, but are not limited to, inspection and maintenance of storage areas, handling and transfer

1 of materials, loading and unloading operations, control of plant site runoff, worker training,
2 building of containment structures or equipment, measures for containing toxic organic
3 pollutants, including solvents, and/or measures and equipment for emergency response; and

4 (7) Any other information as required by the city.

5 (d) Notice To Employees: A notice shall be permanently posted on the user's bulletin board or other
6 prominent place advising employees who to call in the event of an accidental or slug discharge.
7 Employers shall ensure that all employees who work in any area where an accidental or slug
8 discharge may occur or originate are advised to the emergency notification procedures.

9 10. Reports Of Potential Problems:

10 (a) In the case of any discharge, including, but not limited to, spills, accidental discharges,
11 discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or
12 a discharge that may cause potential problems for the POTW, the user shall immediately
13 telephone and notify the city of the incident. This notification shall include:

14 (1) Name of the facility;

15 (2) Location of the facility;

16 (3) Name of the caller;

17 (4) Date and time of discharge;

18 (5) Date and time discharge was halted;

19 (6) Location of the discharge;

20 (7) Estimated volume of discharge;

21 (8) Estimated concentration of pollutants in discharge;

22 (9) Corrective actions taken to halt the discharge; and

23 (10) Method of disposal if applicable.

24 (b) Within five (5) working days following such discharge, the user shall, unless waived by the
25 city, submit a detailed written report describing the cause(s) of the discharge and the measures to
26 be taken by the user to prevent similar future occurrences. Such notification shall not relieve the
27 user of any expense, loss, damage, or other liability which might be incurred as a result of
28 damage to the POTW, natural resources, or any other damage to person or property; nor shall

1 such notification relieve the user of any fines, penalties, or other liability which may be imposed
2 pursuant to this chapter.

3 11. Notification Of The Discharge Of Hazardous Waste:

4 (a) Any user shall notify the city, the EPA regional waste management division director, and state
5 hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if
6 otherwise disposed of, would be hazardous waste under 40 CFR part 261. Such notification to
7 the city shall be made within the appropriate time frames specified in subsection (F)10 (A) of
8 this section. Notification to the state and EPA is the responsibility of the user and shall be made
9 as required under 40 CFR section 403.12(p). The user shall copy the city on all notifications
10 made to the state and EPA.

11
12 Such notification must include:

13 (1) The name of the hazardous waste as set forth in 40 CFR part 261;

14 (2) The EPA hazardous waste number;

15 (3) The type of discharge (continuous, batch, or other);

16 (4) An identification of the hazardous constituents contained in the wastes;

17 (5) An estimation of the mass and concentration of such constituents in the waste stream discharged
18 during that calendar month;

19 (6) An estimation of the mass of constituents in the waste stream expected to be discharged during
20 the following twelve (12) months;

21 (7) Certification that the user has a program in place to reduce the volume and toxicity of hazardous
22 wastes generated to the degree it has determined to be economically practical; and

23 (8) Signatory certification as required by subsection (F)6 of this section.

24 (b) In the case of any new regulation under section 3001 of RCRA identifying additional
25 characteristics of hazardous waste or listing any additional substance as hazardous waste, the
26 user must notify the city, the EPA regional waste management waste division director, and state
27 hazardous waste authorities of the discharge of such substance within ninety (90) days of the
28 effective date of such regulations.

29 (c) This provision does not create a right to discharge any substance not otherwise allowed to be
30 discharged by this chapter, a permit issued hereunder, or any applicable federal or state law.

1 12. Date Of Receipt Of Reports: Written reports will be deemed to have been submitted on the date
2 postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by
3 the United States postal service, the date of the receipt of the report shall govern.

4 (G) Inspection And Records:

5 1. Records And Monitoring: Users subject to the reporting requirements of this chapter shall retain,
6 and make available for inspection and copying, all records of information obtained pursuant to
7 any monitoring activities required by this chapter, any additional records of information obtained
8 pursuant to monitoring activities undertaken by the user independent of such requirements, and
9 documentation associated with best management practices. Records shall include the date, exact
10 place, method, and time of sampling, and the name of the person(s) taking the sample; the dates
11 analyses were performed; who performed the analyses; and analytical techniques or methods
12 used; and the results of such analyses. These records shall remain available for a period of three
13 (3) years. This period shall be automatically extended for the duration of any litigation
14 concerning the user or the city, or where the user has been specifically notified of a longer
15 retention period by the city OR WHEN REQUESTED BY THE EPA.

16 2. Admission To Property And Access To Information:

17 (a) City's Entrance Into Facility: Whenever it shall be necessary for the purposes of this chapter, the
18 city may enter upon any user's facility, property or premises subject to this chapter that is located
19 or conducted or where records are required to be kept for the purposes of:

20 (1) Performing all inspection, surveillance and monitoring procedures necessary to determine,
21 independent of information supplied by industrial or other users, compliance or noncompliance
22 with applicable pretreatment standards and requirements by a user. Compliance monitoring and
23 inspection shall be conducted at a frequency as determined by the city and may be announced or
24 unannounced. PHOTO DOCUMENTATION OR ELECTRONIC RECORDING DEVICES
25 MAY BE USED BY THE CITY DURING INSPECTION, SURVEILLANCE AND
26 MONITORING PROCEDURES;

27 (2) Examining and copying any records required to be kept under the provisions of this chapter or
28 of any other local, state or federal regulation;

29 (3) Inspecting any monitoring equipment or method, pretreatment system equipment and/or
30 operation;

31 (4) Sampling any discharge of wastewater into POTW; and/or

32 (5) Inspecting any production, manufacturing, fabricating or storage area where pollutants,
33 regulated under this chapter, could originate, be stored, or be discharged to the POTW.

1 (b) Occupant Assistance Required: The occupant of such property or premises shall render all
2 proper assistance in such activities.

3 (c) Failure To Allow Entry: In the event the city or other duly authorized representative of the city
4 is refused admission for any purpose, the city may cause water and/or wastewater service to the
5 premises in question to be discontinued and other enforcement actions undertaken as allowed for
6 under this chapter.

7 (H) Sample Collection And Analytical Methods:

8 1. Sample Collection: Compliance determinations with respect to prohibitions and limitations in
9 this chapter may be made on the basis of either grab or composite samples of wastewater as
10 specified by the city. Such samples shall be taken at a point or points which the city determines
11 to be suitable for obtaining a representative sample of the discharge. Composite samples may be
12 taken over a twenty four (24) hour period, or over a longer or shorter time span, as determined by
13 the city to meet specific circumstances.

14 2. Sample Type: Samples collected to satisfy reporting requirements must be based on data
15 obtained through appropriate sampling and analysis performed during the period covered by the
16 report, and based on data that is representative of conditions occurring during the reporting
17 period.

18 (a) Except as indicated in subsections (H)2(b) and (H)2(c) of this section, the user must collect
19 representative wastewater samples using twenty four (24) hour flow proportional composite
20 sampling techniques, unless time proportional composite sampling or grab sampling is required
21 by the city. Where time proportional composite sampling or grab sampling is authorized by the
22 city, the samples must be representative of the permitted discharge.

23 (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile
24 organic compounds must be obtained using grab collection techniques. Using protocols
25 (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA
26 guidance, multiple grab samples collected during a twenty four (24) hour period may be
27 composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples
28 may be composited in the laboratory or in the field; for volatile organics and oil and grease, the
29 samples may be composited in the laboratory. Composited samples for other parameters
30 unaffected by the compositing procedures as documented in approved EPA methodologies may
31 be authorized by the city, as appropriate. In addition, grab samples may be required to show
32 compliance with instantaneous local limits, including pH.

33 (c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports
34 required in subsections (F)2 and (F)3 of this section, a minimum of four (4) grab samples must
35 be used for pH, total phenols, oil and grease, sulfide, and volatile organic compounds for
36 facilities for which historical representative sampling data do not exist. Where historical data are
37 available, the city may authorize a lower minimum. For the reports required by subsection (F)1

of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

3. Analytical Requirements: All pollutant analysis, including sampling techniques, to be submitted as part of an industrial wastewater permit application, report, permit or other analyses required under this chapter 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 city or other parties approved by the EPA.

(I) INDUSTRIAL USER PERMITS (NON-SIGNIFICANT INDUSTRIAL USERS)

(1) THE CITY MAY ISSUE A WASTEWATER CONTROL PERMIT TO ANY INDUSTRIAL USER, WHO IS NOT OTHERWISE CONSIDERED A SIGNIFICANT INDUSTRIAL USER, AND WHO IS DISCHARGING OR PROPOSES TO DISCHARGE WASTEWATER CONTAINING SUBSTANCES REGULATED UNDER SUBSECTION (C) OF THIS SECTION. THE TERMS AND CONDITIONS OF THE WASTEWATER CONTROL PERMIT SHALL BE ACCORDANCE WITH THIS CHAPTER.

(2) THE WASTEWATER CONTROL PERMIT MAY CONTAIN, AS CONDITIONS FOR DISCHARGING, REQUIREMENTS FOR TREATMENT, WASTEWATER DISCHARGE LIMITATIONS AND PROHIBITIONS, BMPS, MONITORING, SAMPLING AND ANALYSIS REQUIREMENTS, REPORTING AND RECORDKEEPING REQUIREMENTS, CONDITIONS FOR ACCESSIBLE INSPECTIONS AS REQUIRED IN 7-5-25 TO ENSURE COMPLIANCE WITH THIS CHAPTER.

(J) Sector Control Programs:

1. General Requirements:

(a) Authority: The city may establish specific sector control programs for industrial users to control specific pollutants as necessary to meet the objectives of this chapter. Pollutants subject to these sector control programs shall be controlled using best management practices (BMPs) or by permits as determined by the city who shall establish policies for each sector control program. THE CITY MAY DELEGATE THROUGH AGREEMENT SPECIFIC SECTOR CONTROL RESPONSIBILITIES TO MUNICIPALITIES OR SANITATION DISTRICTS THAT CONTRIBUTE WASTEWATER TO THE LITTLETON-ENGLEWOOD WASTEWATER TREATMENT PLANT.

1 (b) Facility Identification And Compliance: The city shall establish an industrial user identification
2 and characterization program through which users shall be identified for inclusion into applicable
3 sector control programs. Once identified and included into one or more sector control programs,
4 the facility shall be required to comply with each applicable program policy.

5 (c) Notification To The City By The User And Management Review: The city shall review new
6 construction and existing facilities undergoing any physical change, change in ownership,
7 change in operations, or other change that could change the nature, properties, or volume of
8 wastewater discharge, to ensure that current sector control program policies are incorporated and
9 implemented.

10

11 The user shall inform the city prior to:

12 (1) Sale or transfer of ownership of the business; or

13 (2) Change in the trade name under which the business is operated; or

14 (3) Change in the nature of the services provided that affect the potential to discharge sector control
15 program pollutants; or

16 (4) Remodeling of the facility that may result in an increase in flow or pollutant loading or that
17 otherwise requires the facility to submit plans or specifications for approval through a building or
18 zoning department, or any other formal approval process of a city, county, or other jurisdiction.

19 (d) Inspections:

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

22 (2) If any inspection reveals noncompliance with any provision of a sector control program policy
23 requirement, corrective action shall be required pursuant to the applicable sector control program
24 policy.

25 (3) Inspection results will be provided in writing OR ELECTRONICALLY SUBMITTED to the
26 facility.

27 (e) Closure: The city may require closure of plumbing, treatment devices, storage components,
28 containments, or other such physical structures that are no longer required for their intended
29 purpose. Closure may include the removal of equipment, the filling in of a void and/or
30 cementing, capping, plugging, etc. Closure requirements shall be described for each sector
31 control program in a respective policy.

32 (f) Variance: A variance as to the requirements of any sector control program for existing facilities
33 may be granted by the city for good cause. The facility has the burden of proof of demonstrating

through data and other information why a variance should be granted. In no case shall a variance result in violation of any requirement or effluent limit specified in this chapter. The granting of any variance shall be at the sole discretion of the city.

If a variance is granted, the facility shall institute best management practices and other mitigation TO ACHIEVE COMPLIANCE WITH THIS CHAPTER AS DETERMINED BY THE CITY.

(g) Enforcement And Compliance:

(1) Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of subsection (K) of this section.

(2) The city 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 city.

(3) Facility owners and lessees regulated under this section shall be jointly and severally responsible for complying with the pretreatment standard and requirements established by these requirements.

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

2. Program Descriptions:

(a) FOG (Fats, OilS, And Grease) Program Requirements: The requirements established in this section shall apply to users subject to the FOG sector control program established by the city. Nondomestic dischargers where preparation, manufacturing, or processing of food occurs include, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption. These users shall install and maintain a gravity grease interceptor as directed by the city.

All facilities subject to this section must comply with the requirements in the FOG sector control program implementing policy which includes both the requirement for installation and operation of a gravity grease interceptor and the best management practices.

(1) General Control Requirements:

- 1 A. A gravity grease interceptor shall be required when, in the judgment of the city, it is necessary
2 for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the
3 wastewater collection system or cause or contribute to interference or pass-through.
- 4 B. It shall be the responsibility of the user and owner of the property, business or industry or an
5 authorized representative of the user to contact the city for the purpose of obtaining a plan
6 review. The plan review shall determine the need, size, location, and other requirements of the
7 interceptor required to control discharges into the POTW. Written approval from the city must be
8 obtained prior to installation of the interceptor. The review of such plans and operating
9 procedures shall in no way relieve the user from the responsibility of modifying such facilities as
10 necessary to produce a discharge acceptable to the city under the provisions of this chapter.
- 11 C. The design and sizing of gravity grease interceptors shall be in accordance with the FOG sector
12 control program policy and this chapter. The gravity grease interceptor shall be designed, sized,
13 installed, maintained and operated so as to accomplish their intended purpose of intercepting
14 pollutants from the user's wastewater and preventing the discharge of such pollutants to the city's
15 wastewater collection system.
- 16 D. Hydromechanical grease interceptors shall not be permitted in lieu of a gravity grease
17 interceptor to comply with the requirements of this chapter **UNLESS EXPRESSLY**
18 **AUTHORIZED BY THE CITY.**
- 19 E. Toilets, urinals and similar fixtures shall not discharge waste through a gravity grease
20 interceptor. Such fixtures shall be plumbed directly into the building sewer and waste system.
- 21 F. All fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a
22 gravity grease interceptor shall be equipped with a fixed or removable mesh or screen which
23 shall catch garbage and food debris and prevent it from entering the gravity grease interceptor.
- 24 G. The user must ensure interceptors are easily accessible for inspection, cleaning, and removal of
25 FOG.
- 26 H. The user must maintain interceptors at their expense and keep in efficient operating condition at
27 all times.
- 28 (2) Required Maintenance:
- 29 A. Grease interceptors shall be maintained by regularly scheduled cleaning so that they will
30 properly operate as intended to efficiently intercept the fats, oil and grease from the FOG
31 facility's wastewater and prevent the discharge of said materials into the city's wastewater
32 collection system. **MAINTENANCE FREQUENCY SHALL BE IN ACCORDANCE WITH**
33 **THE FOG SECTOR CONTROL PROGRAM POLICY .**

1 B. Maintenance of grease interceptors shall be done in a workmanlike manner only by a
2 business/professional normally engaged in the servicing of such plumbing fixtures.

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

8 D. Biological treatment or enzyme treatment shall not be a substitute for the servicing of gravity
9 grease interceptors at the frequency determined by the city. Use of enzymes to emulsify FOG is
10 prohibited. THE DIRECT ADDITION OF ANY ENZYME OR CHEMICAL, MICROBIAL
11 AGENT TO A GGI IS PROHIBITED.

12 E. ALL RECORDS, RECEIPTS, AND MANIFESTS OF GGI MAINTENANCE, REMOVAL OF
13 GGI CONTENTS, AND OFF-SITE HAULING OF FOG WASTE INCLUDING WASTE
14 GREASE BIN CONTENTS SHALL REMAIN ON THE PREMISES OR MADE
15 ACCESSIBLE FOR REVIEW BY THE CITY AT ANY TIME FOR A MINIMUM OF THREE
16 (3) YEARS. THE CITY MAY REQUIRE A USER TO SUBMIT COPIES OF ALL RECORDS,
17 RECEIPTS, AND MANIFESTS OF GGI AND/OR WGB MAINTENANCE, REMOVAL OF
18 GGI AND/OR WGB CONTENTS, AND OFF-SITE HAULING OF FOG WASTE.

19 F. THE USER IS RESPONSIBLE FOR ENSURING THAT COMPANIES USED FOR THE
20 REMOVAL AND TRANSPORT OF GREASE WASTE FROM A GREASE INTERCEPTOR
21 ARE PROPERLY REGISTERED WITH THE STATE.

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

25 (b) POGS (Petroleum Oil, Grease And Sand) PROGRAM Requirements: The requirements
26 established in this section shall apply to users subject to the POGS program requirements
27 established by the city.

28

29 Nondomestic dischargers where work or service is performed includes automotive service,
30 machine shops, STONE CUTTERS, automotive care centers, PAINT/auto body AND DETAIL
31 shops, car washes, or any other facility that generates sand, SOLVENTS, petroleum oil, grease
32 or other petroleum product, grit, gravel or other aggregate that may discharge into a wastewater
33 collection system. Access to the wastewater collection system is often via floor drains located
34 inside shop areas that are not limited to nonpolluting wastewater sources; such drains must be
35 connected to a sand/oil interceptor.

36

37 All users subject to this section must comply with the requirements in the POGS sector control

1 program implementing policy which includes both the requirement for installation and operation
2 of a sand/oil interceptor and the best management practices.

3 (1) General Control Requirements:

4 A. A sand/oil interceptor shall be required when, in the judgment of the city, it is necessary for the
5 proper handling of wastes which may be harmful to, or cause obstruction in the wastewater
6 collection system or cause or contribute to interference or pass-through.

7 B. It shall be the responsibility of the user and owner of the property, business or industry or an
8 authorized representative of the user to contact the city for the purpose of obtaining a plan
9 review. The plan review shall determine the need, size, location, and other requirements of the
10 interceptor required to control discharges into the POTW. Written approval from the city must be
11 obtained prior to installation of the interceptor. The review of such plans and operating
12 procedures shall in no way relieve the user from the responsibility of modifying such facilities as
13 necessary to produce a discharge acceptable to the city under the provisions of this chapter.

14 C. The design and sizing of sand/oil interceptors shall be in accordance with the POGS sector
15 control program policy and this chapter. The sand/oil interceptor shall be designed, sized,
16 installed, maintained and operated so as to accomplish their intended purpose of intercepting
17 pollutants from the user's wastewater and preventing the discharge of such pollutants to the city's
18 wastewater collection system.

19 D. Upon change of ownership of any existing facility which would be required to have an
20 interceptor under this section, the applicant for sanitary sewer service shall have the burden to
21 demonstrate that a properly sized and functioning sand/oil interceptor is installed.

22 E. Toilets, urinals and similar fixtures shall not discharge waste through a sand/oil interceptor. Such
23 fixtures shall be plumbed directly into the building sewer and waste system.

24 F. The user shall ensure interceptors are easily accessible for inspection, cleaning, and removal of
25 POGS.

26 G. The user MUST maintain interceptors at their expense and keep in efficient operating condition
27 at all times.

28 H. BIOLOGICAL TREATMENT OR ENZYME TREATMENT SHALL NOT BE A
29 SUBSTITUTE FOR THE SERVICING OF SAND/OIL INTERCEPTORS AT THE
30 FREQUENCY DETERMINED BY THE CITY. USE OF ENZYMES TO EMULSIFY
31 PETROLEUM OILS AND GREASE IS PROHIBITED. THE DIRECT ADDITION OF ANY
32 ENZYME OR CHEMICAL, MICROBIAL AGENT TO A SAND/OIL INTERCEPTOR IS
33 PROHIBITED.

34 (2) Required Maintenance:

1 A. Sand/oil interceptors shall be maintained by regularly scheduled cleaning so that they will
2 properly operate as intended to efficiently intercept the sand and oil from the facility's
3 wastewater and prevent the discharge of said materials into the city's wastewater collection
4 system. MAINTENANCE FREQUENCY SHALL BE IN ACCORDANCE WITH THE POGS
5 SECTOR CONTROL PROGRAM POLICY.

6 B. Maintenance of sand/oil interceptors shall be done in a workmanlike manner only by a
7 business/professional normally engaged in the servicing of such plumbing fixtures.

8 C. In the event an interceptor is not properly maintained by the user, owner, lessee, or other
9 authorized representative of the facility, the city may authorize such maintenance work be
10 performed on behalf of the facility. The costs of such maintenance shall be billed directly to the
11 customer and shall become part of the charges due and owing to the city and shall constitute a
12 lien against the property until paid in full.

13 D. The user must document each pump out with a waste manifest or trip ticket which must
14 REMAIN ON THE PREMISES OR MADE ACCESSIBLE FOR REVIEW BY THE CITY AT
15 ANY TIME FOR A MINIMUM OF three (3) years.

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

19 (c) Trucked And Hauled Septage:

20 (1) General Requirements: The requirements established in this section shall apply to operators of
21 companies subject to the trucked and hauled septage sector control program requirements
22 established by the city. Users who dispose of trucked and hauled septage waste at the POTW's
23 septage waste receiving facility (SWRF) shall obtain a permit to do so.

24 (2) General Control Requirements:

25 A. All users proposing to discharge trucked and hauled septage wastes shall apply for and obtain
26 the required SWRF permit from the POTW. A USER WITH AN EXPIRING SWRF PERMIT
27 SHALL APPLY FOR A NEW PERMIT BY SUBMITTING A COMPLETE PERMIT
28 APPLICATION AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE
29 USER'S EXISTING SWRF PERMIT.

30 B. SWRF permits are ISSUED TO THE USER FOR A SPECIFIC OPERATION. PERMITS
31 CANNOT BE REASSIGNED, TRANSFERRED, SUBLET OR SOLD TO A NEW USER,
32 DIFFERENT PREMISES OR A NEW OR CHANGED OPERATION.

33 C. The city shall establish standards and requirements that shall be met prior to the discharge of
34 trucked and hauled septage wastes to the POTW.

1 D. SWRF PERMITS MAY BE MODIFIED, SUSPENDED OR REVOKED IN WHOLE OR IN
2 PART WITH CAUSE AS DETERMINED BY THE POTW.

3 E. Any violation of the terms and conditions of an SWRF permit, failure to apply for an SWRF
4 permit as required, or discharging without a required SWRF permit shall be deemed a violation
5 of this chapter and subjects the hauler to the sanctions set out in subsection KJ) of this section.
6 Obtaining an SWRF permit does not relieve a permittee of its obligation to comply with all
7 federal and state pretreatment standards or requirements.

8 F. The city has the right to reject any waste which may be harmful to or cause obstruction of the
9 wastewater collection system, or which may cause or contribute to interference or pass-through
10 or violate any local limits adopted by the city. THE DISCHARGE OF INDUSTRIAL OR
11 COMMERCIAL WASTE THROUGH THE SEPTAGE WASTE PROGRAM IS PROHIBITED.

12 (K) Compliance And Enforcement:

13 1. Enforcement Response Plan: The city may adopt policies and procedures as set forth in the city's
14 enforcement response plan for carrying out the provisions of this chapter, provided that such
15 policies and procedures are not in conflict with this chapter or any applicable state or federal law
16 or regulation.

17 2. Publication Of Users In Significant Noncompliance: The city shall publish annually, in a
18 newspaper of general circulation that provides meaningful public notice within the jurisdictions
19 served by the POTW, a list of the significant industrial users which, at any time during the
20 previous twelve (12) months, were in significant noncompliance (subsection (B) of this section)
21 with applicable pretreatment standards and requirements. In addition, any user found to be in
22 significant noncompliance with subsection 3, 4 or 8 of the definition of "significant
23 noncompliance (SNC)", subsection (B) of this section, shall also be published in the newspaper.

24 3. Administrative Enforcement Actions:

25 (A) VERBAL NOTIFICATION. WHEN THE CITY FINDS A USER HAS COMMITTED A
26 MINOR ISOLATED VIOLATION OF A SECTOR CONTROL PROGRAM, THE CITY MAY
27 NOTIFY THE USER INFORMALLY THROUGH A PHONE CALL OR IN PERSON.
28 VERBAL NOTIFICATIONS RELATED TO ENFORCEMENT OR THE INVESTIGATION
29 OF SUSPECTED VIOLATIONS ARE DOCUMENTED IN WRITING AND PLACED IN THE
30 RESPECTIVE INDUSTRIAL USER FILE.

31 (B) WARNING LETTER. WHEN THE CITY FINDS A USER HAS COMMITTED A MINOR
32 ISOLATED VIOLATION OF ANY PROVISION OF THIS CHAPTER OR AN INDUSTRIAL
33 WASTEWATER PERMIT, THE CITY MAY SERVE UPON THE USER A WRITTEN
34 WARNING LETTER. WARNING LETTERS MAY BE ISSUED AS FOLLOW-UP
35 CORRESPONDENCE TO VERBAL NOTIFICATIONS OR IN LIEU OF VERBAL
36 NOTIFICATIONS.

1 (C) NOTICE OF NON-COMPLIANCE. WHEN THE CITY FINDS A USER HAS VIOLATED
2 REQUIREMENTS OF A SECTOR CONTROL PROGRAM, THE CITY MAY SERVE UPON
3 THE USER A WRITTEN NOTICE OF NON-COMPLIANCE CONTAINING CORRECTIVE
4 ACTIONS AND A SCHEDULE FOR COMPLETING THE CORRECTIVE ACTION IN
5 ACCORDANCE WITH THE SECTOR CONTROL PROGRAM POLICY.

6 (D) Notice Of Violation (NOV): When the city finds that a user has violated, or continues to
7 violate, any provision of this chapter, an industrial wastewater permit, or order issued hereunder,
8 or any other pretreatment standard or requirement, the city may serve upon the user a written
9 notice of violation. NOTICE OF VIOLATIONS MAY INCLUDE CONDITIONS AND
10 REQUIREMENTS TO ADDRESS THE VIOLATION INCLUDING an explanation of the
11 violation and a plan for the satisfactory correction or prevention thereof. WITHIN A TIME-
12 FRAME ESTABLISHED BY THE CITY, A WRITTEN PLAN to include specific required
13 actions, shall be submitted by the user to the city. Submission of such a plan in no way relieves
14 the user of liability for any violations occurring before or after receipt of the notice of violation.
15 Nothing in this section shall limit the authority of the city to take any action, including
16 emergency actions or any other enforcement action, without first issuing a notice of violation.

17 (E) Administrative Compliance Order: When the city finds that a user has violated, or continues to
18 violate, any provision of this chapter, an industrial wastewater permit, or order issued hereunder,
19 or any other pretreatment standard or requirement, the city may issue an order to the user
20 responsible for the discharge directing that the user come into compliance within a specific time.
21 If the user does not come into compliance within the time provided, sewer service may be
22 discontinued unless adequate treatment facilities, devices, or other related appurtenances are
23 installed and properly operated. Compliance orders also may contain ADMINISTRATIVE
24 FINES AND/OR other requirements to address the noncompliance, including additional self-
25 monitoring and management practices designed to minimize the amount of pollutants discharged
26 to the sewer. A compliance order may not extend the deadline for compliance established for a
27 pretreatment standard or requirement, nor does a compliance order relieve the user of liability for
28 any violation, including any continuing violation. Issuance of a compliance order shall not be a
29 bar against, or a prerequisite for, taking any other action against the user.

30 (F) Consent Orders: The city may enter into consent orders, assurances of compliance, or other
31 similar documents establishing an agreement with any user responsible for noncompliance. Such
32 documents shall include specific actions to be taken by the user to correct the noncompliance
33 within a time period specified by the document. A consent order may include penalties,
34 supplemental environmental projects, or other conditions and requirements as agreed to by the
35 city and the user.

36 (G) Show Cause Hearing:

37 (1) The city may order a user which has violated, or continues to violate, any provision of this
38 chapter, an industrial wastewater permit, an order issued hereunder, or any other pretreatment
39 standard or requirement, to appear before the city and show cause why the proposed enforcement

1 action should not be taken. Notice shall be served on the user specifying the time and place for
2 the hearing, the proposed enforcement action, the reasons for such action, and a request that the
3 user show cause why the proposed enforcement action should not be taken. The notice of the
4 hearing shall be served personally or by registered or certified mail (return receipt requested) at
5 least ten (10) days prior to the hearing. Such notice may be served on any authorized
6 representative of the user as defined in subsection (B) of this section. A show cause hearing shall
7 not be a bar against, or prerequisite for, taking any other action against the user.

8 (2) The city may conduct the hearing and take the evidence, or may designate a representative to:

9 A. Issue in the name of the city notices of hearings requesting the attendance and testimony of
10 witnesses and the production of evidence relevant to any matter involved in any such hearings;

11 B. Take the evidence;

12 C. Transmit a report of the evidence and hearing to the city, including transcripts and other
13 evidence, together with recommendations for action thereon.

14 (3) At any public hearing, testimony taken before the hearing authority or any person designated by
15 it shall be recorded. The transcript so recorded will be made available to any member of the
16 public or any party to the hearing upon payment of the usual charges therefor.

17 (4) Upon review of the evidence by the city, the city shall make written findings of fact and
18 conclusion upholding, modifying or striking the proposed enforcement action.

19 (H) Administrative Fines:

20 (1) When the city finds that a user has violated, or continues to violate, any provision of this
21 chapter, an industrial wastewater permit, or order issued hereunder, or any other pretreatment
22 standard or requirement, the city may fine such user in an amount not to exceed five thousand
23 dollars (\$5,000.00) per day per violation. Such fines shall be assessed on a per violation, per day
24 basis. In the case of monthly or other long term average discharge limits, fines shall be assessed
25 for each day during the period of violation.

26 (2) IN DETERMINING THE AMOUNT OF ADMINISTRATIVE FINE, THE CITY SHALL
27 TAKE INTO ACCOUNT ALL RELEVANT CIRCUMSTANCES, INCLUDING BUT NOT
28 LIMITED TO, THE IMPACT OR THREAT TO THE POTW, WORKER AND PUBLIC
29 HEALTH, OR THE ENVIRONMENT AS A RESULT OF THE VIOLATION, THE
30 MAGNITUDE AND DURATION OF THE VIOLATION, ANY ECONOMIC BENEFIT
31 GAINED THROUGH THE USER'S VIOLATION, COMPLIANCE HISTORY AND GOOD
32 FAITH ACTIONS BY THE USER, AND ANY OTHER FACTOR AS JUSTICE REQUIRES.

33 (3) THE CITY MAY SEEK COMPLIANCE HISTORY FROM OTHER LOCAL, STATE, OR
34 FEDERAL SOURCES AS IT RELATES TO THE PROVISIONS OF THIS CHAPTER.

1 (4) THE CITY PRESERVES ALL RIGHTS UNDER APPLICABLE LAW TO FILE A CLAIM
2 IN A COURT OF COMPETENT JURISDICTION TO RECOVER LIABILITIES IN EXCESS
3 OF THE ADMINISTRATIVE FINE THRESHOLD.

4 (5) A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

5 (6) Users desiring to appeal such fines must file a written request for the city to reconsider the fine
6 along with full payment of the fine amount within fifteen (15) days of being notified of the fine.
7 Such notice of appeal shall set forth the nature of the order or determination being appealed, the
8 date of such order or determination, the reason for the appeal, and request a hearing pursuant to
9 procedures outlined in subsection (K)3(G) of this section.

10 (7) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other
11 action against the user.

12 4. Judicial Enforcement Remedies:

13 (a) Injunctive Relief: When the city finds that a user has violated, or continues to violate, any
14 provision of this chapter, an industrial wastewater permit, or order issued hereunder, or any other
15 pretreatment standard or requirement, the city may petition the appropriate court for the issuance
16 of a temporary or permanent injunction, as appropriate, which restrains or compels the specific
17 performance of the industrial wastewater permit, order, or other requirement imposed by this
18 chapter on activities of the user. The city may also seek such other action as is appropriate for
19 legal and/or equitable relief, including a requirement for the user to conduct environmental
20 remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking
21 any other action against a user.

22 (b) Suspension Of Service:

23 (1) The director may suspend wastewater treatment service when such suspension is necessary, in
24 the opinion of the director, to stop an actual or threatened discharge which presents or may
25 present an imminent or substantial endangerment to the health or welfare of persons, to the
26 environment, causes interference to the POTW, or causes the POTW to violate any condition of
27 its CDPS permit.

28 (2) Any user notified of suspension of its wastewater treatment service and/or his/her wastewater
29 contribution permit shall immediately stop or eliminate the discharge. In the event of a failure of
30 the user to comply voluntarily with the suspension order, or in the event notification has been
31 attempted but not accomplished, the director may take such steps as deemed necessary, including
32 the entry onto private property, for the purpose of immediately severing the sewer connection or
33 otherwise ceasing the flow, to prevent or minimize damage to the POTW or endangerment to any
34 individual. Neither the POTW, the city, the director, nor their officers, agents or employees, shall
35 be liable for any damages resulting from any such entry or flow cessation. The director may
36 reinstate the wastewater treatment service upon proof of the elimination of the noncomplying

1 discharges. The user shall pay all POTW costs and expenses for any such suspension and
2 restoration of service. A detailed written statement submitted by the user describing the causes of
3 the harmful contribution and the measures taken to prevent any future occurrence shall be
4 submitted to the director within fifteen (15) days of the date of occurrence.

5 (c) Civil Penalties:

6 (1) A user who has violated, or continues to violate, any provision of this chapter, an industrial
7 wastewater permit, or order issued hereunder, or any other pretreatment standard or requirement
8 shall be liable to the city for a maximum civil penalty not to exceed five thousand dollars
9 (\$5,000.00) per day per violation. In the case of a monthly or other long term average discharge
10 limit, penalties shall accrue for each day during the period of violation.

11 (2) The city may recover reasonable attorney fees, court costs, and other expenses associated with
12 enforcement activities, including sampling and monitoring expenses, and the cost of any actual
13 damages incurred by the city.

14 (3) In determining the amount of civil liability, the court shall take into account all relevant
15 circumstances, including, but not limited to, the extent of harm caused by the violation, the
16 magnitude and duration of the violation, any economic benefit gained through the user's
17 violation, corrective actions by the user, the compliance history of the user, and any other factor
18 as justice requires.

19 (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other
20 action against a user.

21 (d) Criminal Prosecution: A user who wilfully or negligently violates any provision of this chapter
22 or wilfully, negligently introduces any substance into the POTW which causes personal injury or
23 property damage or knowingly makes any false statements, representations, or certifications in
24 any application, record, report, plan, or other documentation filed or required to be maintained,
25 an industrial wastewater permit or order issued hereunder, or any other pretreatment standard or
26 requirement, shall upon conviction, be guilty of a misdemeanor, punishable by a fine not to
27 exceed five thousand dollars (\$5,000.00) per day per violation and be subject to imprisonment
28 for not more than one year, or both.

29 (e) Remedies Nonexclusive: The remedies provided for in this chapter are not exclusive of any
30 other remedies that the city may have under the provisions of FEDERAL AND STATE law. The
31 city may take any, all, or any combination of these actions against a noncompliant user.
32 Enforcement of pretreatment violations will generally be in accordance with the enforcement
33 response plan. However, the city may take other action against any user when the circumstances
34 warrant and may take more than one enforcement action against any noncompliant user.

35 5. Supplemental Enforcement Actions:

1 (a) Performance Bonds: The city may decline to issue or reissue an industrial wastewater permit to
2 any user who has failed to comply with any provision of this chapter, a previous industrial
3 wastewater permit, or order issued hereunder, or any other pretreatment standard or requirement,
4 unless such user first files a satisfactory bond, payable to the city of Littleton, in a sum not to
5 exceed a value determined by the city to be necessary to assure consistent compliance.

6 (b) Liability Insurance: The city may decline to issue or reissue an industrial wastewater permit to
7 any user who has failed to comply with any provision of the permit or order issued hereunder, or
8 any other pretreatment standard or requirement, unless the user first submits proof that it has
9 obtained financial assurances sufficient to restore or repair damage to the POTW caused by its
10 discharge.

11 (c) Payment Of Outstanding Fees And Penalties: The city may decline to issue or reissue an
12 industrial wastewater permit to any user who has failed to pay any outstanding fees, fines or
13 penalties incurred as a result of any provision of this chapter, a previous industrial wastewater
14 permit, or order issued hereunder.

15 (d) Public Nuisances: A violation of any provision of this chapter, an industrial wastewater permit,
16 or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a
17 public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a
18 public nuisance shall be subject to the provisions of this code governing such nuisances,
19 including reimbursing the city for any costs incurred in removing, abating, or remedying said
20 nuisance.

21 6. Affirmative Defenses To Discharge Violations:

22 (a) Upset:

23 (1) For the purposes of this section, "upset" means an exceptional incident in which there is
24 unintentional and temporary noncompliance with categorical pretreatment standards because of
25 factors beyond the reasonable control of the user. An upset does not include noncompliance to
26 the extent caused by operational error, improperly designed treatment facilities, inadequate
27 treatment facilities, lack of preventative maintenance, or careless or improper operation.

28 (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with
29 categorical pretreatment standards if the requirements of subsection (K)6(a)(3) of this section are
30 met.

31 (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through
32 properly signed, contemporaneous operating logs, or other relevant evidence that:

33 A. An upset occurred and the user can identify the cause(s) of the upset;

1 B. The facility was at the time being operated in a prudent and workmanlike manner and in
2 compliance with applicable operation and maintenance procedures; and

3 C. The user has submitted the following information to the city within twenty four (24) hours of
4 becoming aware of the upset (if this information is provided orally, a written submission must be
5 provided within 5 days):

6 i. A description of the indirect discharge and cause of noncompliance;

7 ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated
8 time the noncompliance is expected to continue; and

9 iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the
10 noncompliance.

11 (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall
12 have burden of proof.

13 (5) Users shall have the opportunity for a judicial determination on any claim of upset only in an
14 enforcement action brought for noncompliance with categorical pretreatment standards.

15 (6) Users shall control production or all discharges to the extent necessary to maintain compliance
16 with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility
17 until the facility is restored or an alternative method of treatment is provided. This requirement
18 applies in the situation where, among other things, the primary source of power of treatment
19 facility is reduced, lost or fails.

20 (b) Prohibited Discharge Standards: A user shall have an affirmative defense to an enforcement
21 action brought against it for noncompliance with the general and specific prohibitions in
22 subsection (C)1 of this section if it can prove that it did not know, or have reason to know, that
23 its discharge, alone or in conjunction with discharges from other sources, would cause pass-
24 through or interference and that either:

25 (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit
26 directly prior to, and during, the pass-through or interference; or

27 (2) No local limit exists, but the discharge did not change substantially in nature or constituents
28 from the user's prior discharge when the city was regularly in compliance with its CDPS permit,
29 and in the case of interference, was in compliance with applicable sludge use or disposal
30 requirements, or

31 (3) The user disclosed the pollutants causing the violation in the wastewater permit application.

32 (C) BYPASS

1 (1) FOR THE PURPOSES OF THIS SECTION, BYPASS MEANS THE INTENTIONAL
2 DIVERSION OF WASTESTREAMS FROM ANY PORTION OF A USER'S TREATMENT
3 FACILITY. SEVERE PROPERTY DAMAGE MEANS SUBSTANTIAL PHYSICAL
4 DAMAGE TO PROPERTY, DAMAGE TO THE TREATMENT FACILITIES WHICH
5 CAUSES THEM TO BECOME INOPERABLE, OR SUBSTANTIAL AND PERMANENT
6 LOSS OF NATURAL RESOURCES WHICH CAN REASONABLY BE EXPECTED TO
7 OCCUR IN THE ABSENCE OF A BYPASS. SEVERE PROPERTY DAMAGE DOES NOT
8 MEAN ECONOMIC LOSS CAUSED BY DELAYS IN PRODUCTION.

9 (2) A USER MAY ALLOW ANY BYPASS TO OCCUR WHICH DOES NOT CAUSE
10 PRETREATMENT STANDARDS OR REQUIREMENTS TO BE VIOLATED, BUT ONLY IF
11 IT ALSO IS FOR ESSENTIAL MAINTENANCE TO ASSURE EFFICIENT OPERATION.
12 THESE BYPASSES ARE NOT SUBJECT TO THE PROVISION OF PARAGRAPHS (3) AND
13 (4).

14 (3) BYPASS NOTIFICATIONS

15 A. IF A USER KNOWS IN ADVANCE OF THE NEED FOR A BYPASS, IT SHALL SUBMIT
16 PRIOR NOTICE TO THE CITY, AT LEAST TEN (10) DAYS BEFORE THE DATE OF THE
17 BYPASS, IF POSSIBLE.

18 B. A USER SHALL SUBMIT ORAL NOTICE TO THE CITY OF AN UNANTICIPATED
19 BYPASS THAT EXCEEDS APPLICABLE PRETREATMENT STANDARDS WITHIN
20 TWENTY-FOUR (24) HOURS FROM THE TIME IT BECOMES AWARE OF THE BYPASS.
21 A WRITTEN SUBMISSION SHALL ALSO BE PROVIDED WITHIN FIVE (5) DAYS OF
22 THE TIME THE USER BECOMES AWARE OF THE BYPASS. THE WRITTEN
23 SUBMISSION SHALL CONTAIN A DESCRIPTION OF THE BYPASS AND ITS CAUSE;
24 THE DURATION OF THE BYPASS, INCLUDING EXACT DATES AND TIMES, AND, IF
25 THE BYPASS HAS NOT BEEN CORRECTED, THE ANTICIPATED TIME IT IS
26 EXPECTED TO CONTINUE; AND STEPS TAKEN OR PLANNED TO REDUCE,
27 ELIMINATE, AND PREVENT REOCCURRENCE OF THE BYPASS. THE CITY MAY
28 WAIVE THE WRITTEN REPORT ON A CASE-BY-CASE BASIS IF THE ORAL REPORT
29 HAS BEEN RECEIVED WITHIN TWENTY-FOUR (24) HOURS.

30 (4) BYPASS IS PROHIBITED, AND THE CITY MAY TAKE AN ENFORCEMENT ACTION
31 AGAINST A USER FOR A BYPASS, UNLESS:

32 A. BYPASS WAS UNAVOIDABLE TO PREVENT LOSS OF LIFE, PERSONAL INJURY, OR
33 SEVERE PROPERTY DAMAGE;

34 B. THERE WERE NO FEASIBLE ALTERNATIVES TO THE BYPASS, SUCH AS THE USE
35 OF AUXILIARY TREATMENT FACILITIES, RETENTION OF UNTREATED WASTES, OR
36 MAINTENANCE DURING NORMAL PERIODS OF EQUIPMENT DOWNTIME. THIS
37 CONDITION IS NOT SATISFIED IF ADEQUATE BACK-UP EQUIPMENT SHOULD

1 HAVE BEEN INSTALLED IN THE EXERCISE OF REASONABLE ENGINEERING
2 JUDGMENT TO PREVENT A BYPASS WHICH OCCURRED DURING NORMAL
3 PERIODS OF EQUIPMENT DOWNTIME OR PREVENTIVE MAINTENANCE; AND

4 C. THE USER SUBMITTED NOTICES AS REQUIRED UNDER PARAGRAPH (3).

5 (5) THE CITY MAY APPROVE AN ANTICIPATED BYPASS, AFTER CONSIDERING ITS
6 ADVERSE EFFECTS, IF THE CITY DETERMINES THAT IT WILL MEET THE THREE
7 CONDITIONS LISTED IN PARAGRAPH (4).

8 (L) Recovery Of Costs:

9 1. Separate Fees: It is the purpose of this section to provide for the recovery of costs from users of
10 the city's wastewater disposal system for the implementation of the program established herein.
11 These fees relate solely to the matters covered by these industrial pretreatment program
12 regulations and are separate from all other fees chargeable by the city.

13 2. Additional Charges: The city may adopt charges and fees that may include:

14 (a) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;

15 (b) Fees for INDUSTRIAL USER IDENTIFICATION, monitoring, inspections and surveillance
16 procedures;

17 (c) Fees for reviewing spill prevention and control procedures and construction;

18 (d) Fees for permit issuance, including public notice costs;

19 (e) Fees for filing appeals;

20 (f) Fees for consistent removal of pollutants otherwise subject to federal pretreatment standards;

21 (g) Fees for the cost of publication in the newspaper for annual significant noncompliance
22 notifications; and

23 (h) Other fees as the city may deem necessary to carry out the requirements contained herein.

24 3. Civil Fine Pass-Through: In the event that a user discharges such pollutants which cause the city
25 to violate any condition of its CDPS permit and the city is fined by EPA or the state for such
26 violation, then such user shall be fully liable for the total amount of the fine assessed against the
27 city by EPA and/or the state.

28 4. Industrial Surcharge Cost Recovery: Industries that are permitted as significant industrial users
29 OR HAVE BEEN ISSUED A WASTEWATER CONTROL DISCHARGE PERMIT and

1 discharge wastewater with BOD, COD and/or TSS in excess of normal domestic strength
2 wastewater (subsection (B) of this section) will be charged for the cost of handling and treatment
3 of these wastes as specified in section [7-5-20](#) of this chapter. The use of surcharges does not
4 permit the user to otherwise exceed any prohibitions, local limits, or BMPs specified at
5 subsection (C) of this section or any federal and state pretreatment standards or requirements.
6 (Ord. 8, Series of 2009)

7 **Footnotes** - Click any footnote link to go back to its reference.

8 [Footnote 1](#): CRS 24-72-101 et seq.
9

10 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
11 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
12 validity of the remaining sections of this ordinance. The City Council hereby declares that it
13 would have passed this ordinance, including each part, section, subsection, sentence, clause or
14 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
15 clauses or phrases may be declared invalid.

16
17 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in
18 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
19 repealer clauses of such ordinance nor revive any ordinance thereby.
20
21

22 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
23 of the City of Littleton on the 4th day of April, 2016, passed on first reading by a vote of ____
24 FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis Library,
25 the Municipal Courthouse and on the City of Littleton Website.

26 PUBLIC HEARING on the Ordinance to take place on the ____ day of
27 _____, 2017, in the Council Chambers, Littleton Center, 2255 West Berry Avenue,
28 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.
29

30

31 PASSED on second and final reading, following public hearing, by a vote of _____FOR
32 and _____ AGAINST on the _____ day of _____, 2017 and ordered published by
33 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton
34 Website.

35 ATTEST:

36 _____
37 Wendy Heffner
38 CITY CLERK

Bruce O. Beckman
MAYOR

39
40 APPROVED AS TO FORM:

41
42 _____
43 Kenneth S. Fellman
44 ACTING CITY ATTORNEY

45
46