

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 3722**

AN ORDINANCE AMENDING SECTIONS AND/OR PORTIONS OF SECTIONS OF  
ARTICLE II OF CHAPTER 38, UTILITIES,  
OF THE  
CODE OF ORDINANCES

Recitals:

The Industrial Pretreatment Program is audited by the Environmental Protection Agency (EPA) on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other changes have been made for clarification purposes.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION  
THAT:

Article II of Chapter 38 of the Code is amended as follows:

1. The definitions in Section 38-26 for *Interference*, *Slug*, and *Wastewater treatment works* are replaced with the following definitions for each word respectively:

*Interference* means an introduction of pollutants into the Wastewater Treatment Works ("WWTW") from any nondomestic source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW's National Pollutant Discharge Elimination System ("NPDES") permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act

("SWDA") (including title II, more commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five (in case of heavy metals, three) times the average twenty-four hour concentration or flows during normal operation and may adversely affect the wastewater facilities.

*Wastewater treatment works ("WWTW")* means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature." It further includes, "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems." For the purposes of sections 38-62 through 38-70, "WWTW" shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City's and County's WWTW.

2. Section 38-29 shall now read as follows:

**Sec. 38-29. Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.**

The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

3. Section 38-63 is amended by adding the definition for *Control Authority* set forth below and the definitions for the listed respective words shall be replaced with the following definitions:

*Act* or *the Act* means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water

Act of 1977, PL 95-217, 33 U.S.C. section 466 *et seq.*, and as subsequently amended.

*Approval Authority* means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

*Categorical industrial user* means an industrial user discharging into the City's 201 area wastewater collection, treatment and disposal system, the WWTW, which is classified as a categorical industry and because of the nature of its discharge is governed by the national categorical pretreatment standards as specified in 40 CFR Chapter I, Subchapter N, and 40 CFR Section 403.6.

*Control Authority* is the WWTW.

*Interference* means an introduction of pollutants into the Wastewater Treatment Works ("WWTW") from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW's National Pollutant Discharge Elimination System ("NPDES") permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act ("SWDA") (including title II, more commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

*National pollutant discharge elimination system ("NPDES") permit* means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State.

*National pretreatment standard, pretreatment standard, or standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

*National prohibitive discharge standards or prohibitive discharge standard* means

any federal regulation developed under the authority of section 307(b) of the Clean Water Act, including the general pretreatment regulations (40 CFR Section 403.5).

*New Source* means any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR Section 403.3(k)(1) through (k)(3).

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the rate of their introduction into the WWTW, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into the WWTW. The reduction or alteration can be achieved by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

*Toxic pollutant* includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act or other applicable laws.

*Wastewater treatment works ("WWTW")* means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature." It further includes, "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems." For the purposes of sections 38-62 through 38-70, "WWTW" shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City's and County's WWTW.

4. Section 38-65(e) shall now read as follows:

(e) *Requirements.* The more stringent requirements and limitations imposed on discharges by the State, federal or those found in this article or otherwise required by City rules and regulations shall apply in any case where the requirements and/or limitations may vary.

5. Section 38-70(a) and Section 38-70(b) shall now read as follows:

(a) In order to achieve and maintain compliance with the Clean Water Act, federal pretreatment standards and requirements, state regulations, sewage grant

conditions, and WWTP discharge permit requirements, the City, as manager/operator of the Persigo WWTP, must possess and demonstrate a clear legal right to require compliance with pretreatment standards and requirements by any industrial user of the WWTP located outside of the City's territorial jurisdiction. To that end all governmental sewage connectors, including sanitation districts and the County, have been requested to adopt, and have adopted, by resolution, a regulatory pretreatment program either parallel to Ordinance No. 2169 or incorporating the provisions of Ordinance No. 2169, and requiring industrial users to comply with the City's pretreatment program.

(b) The connector districts and the County shall also be requested to approve necessary revisions to existing sewer service agreements or joint agreements granting the City the right to administer and physically enforce the connector's pretreatment program on behalf of and as agent for the connector district or County. Such supplemental or indirect regulatory authority accorded to the City shall only be used where the industrial discharge permit program has proved insufficient to ensure compliance with the pretreatment program.

The remainder of Article II, Chapter 38, not specifically amended herein, shall remain in full force and effect

Introduced on first reading this 2<sup>nd</sup> day of February 2005.

PASSED and ADOPTED on second reading this 16<sup>th</sup> day of February 2005.

/s/ Bruce Hill  
Mayor

Attest:

/s/ Stephanie Tuin  
City Clerk