

ORDINANCE NO. 2169

AN ORDINANCE REPEALING ARTICLE X, SECTIONS 25-57 THROUGH 25-69 OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION ENTITLED INDUSTRIAL COST RECOVERY, RE-ENACTING AND ADDING A NEW ARTICLE ESTABLISHING UNIFORM REQUIREMENTS FOR USERS OF THE CITY'S AND COUNTY'S WASTEWATER TREATMENT WORKS, AND ENABLING THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL WATER QUALITY AND SLUDGE DISPOSAL LAWS AND RELATING TO ARTICLE X, PRETREATMENT OF INDUSTRIAL WASTES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That Sections 25-57 through 25-69, which is Article X of Chapter 25 of the Code of Ordinances of the City of Grand Junction, are repealed and reenacted as follows:

ARTICLE X. PRETREATMENT OF INDUSTRIAL WASTES

Sec. 25-57. Purpose and Policy.

(a) PURPOSE. This Article sets forth uniform requirements for users of the City's and County's Publicly Owned Wastewater Treatment Works (WWTW) and enables the City to comply with applicable State and Federal laws, including the Clean Water Act of 1977, the federal General Pretreatment Regulations, 40 CFR Part 403, and the Colorado Water Quality Control Act, all as amended. The objectives of this Article are to:

(1) Prevent the introduction of pollutants into the municipal wastewater system and the WWTW which will interfere with or upset the operation of the WWTW treatment plant, or contaminate treatment plant sludge with toxic or hazardous materials.

(2) Minimize the introduction of incompatible pollutants into the municipal wastewater system and the WWTW which may pass through the system without adequate treatment and into receiving waters or the atmosphere.

(3) Prevent water quality violations resulting from direct discharges into waters of the State, or violations of the NPDES permit for the WWTW.

(4) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(5) Provide for equitable distribution of the costs of the municipal wastewater system and the WWTW.

(6) Establish and maintain a data base and inspection program sufficient to determine compliance with pretreatment requirements.

(7) Enhance the efficiency and cost-effective operation of the

WWTW.

(8) Protect the health and safety of City and County residents and WWTW workers.

(b) POLICY. This Article provides for the regulation of direct or indirect contributors or users of the City's and County's WWTW through the development of an Industrial Pretreatment Program, including issuance of permits to certain non-domestic users, and through enforcement of general requirements for the other users. This Article authorizes monitoring and enforcement activities, requires user reporting, protects the WWTW treatment and hydraulic capacity, improves the ability to serve existing and new customers within the service area of the WWTW, sets fees for the equitable distribution of costs resulting from the program established herein, and establishes penalties and remedies for violations of pretreatment requirements.

(c) APPLICABILITY. This Article applies within the City of Grand Junction and to persons outside the City who are, by contract or agreement with the City, connector districts, or Mesa County, users of the City's and County's WWTW. This Article supplements Articles I through IX and Article XI of Chapter 25 of the City Code. Except as otherwise provided herein, the Director of the Departments of Public Works and Utilities of the City of Grand Junction, or his designee, shall implement, administer, and enforce the provisions of this article.

Sec. 25-58. Definitions.

Unless the context specifically indicates otherwise, and despite previous definition in Section 25-14 of Chapter 25, the words and terms used herein are defined and shall be interpreted for purposes of this Article as follows:

(a) ACCIDENTAL DISCHARGE means the unintentional and temporary discharge to the WWTW of the prohibited waters or wastes, including those described in Section 25-33 or Section 25-60 of this Code.

(b) ACT OR "THE ACT" means the Federal Water Pollution Control Act, Public Law 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water Act of 1977, Public Law 95-217, 33 U.S.C. Section 466, et set., and as subsequently amended.

(c) APPROVAL AUTHORITY is the Administrator of the EPA, unless Colorado's Industrial Pretreatment Program has been approved, in which case the approval authority shall be the Director of the Colorado Department of Health.

(d) AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER INCLUDES:

(1) A principal executive officer of at least the level of vice-

president having full actual authority to act on behalf of the corporation, if the industrial user is a corporation.

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of facilities from which any discharge originates.

(e) CATEGORICAL STANDARDS means National Categorical Pretreatment Standards or Pretreatment Standard.

(f) CODE means the Code of Ordinances of the City of Grand Junction.

(g) COOLING WATER means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(h) DIRECTOR refers to the Director of Public Works and Utilities of the City of Grand Junction, or his designee.

(i) DISCHARGE is the direct or indirect introduction of treated or untreated wastewater into to the waters of the State of Colorado, either through the municipal wastewater system and WWTW, or through a point source into State waters.

(j) DOMESTIC WASTES OR SANITARY WASTES MEANS LIQUID WASTES:

(1) From the non-commercial preparation, cooking and handling of food; or,

(2) Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

(k) ENVIRONMENTAL PROTECTION AGENCY, OR EPA means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(l) GRAB SAMPLE means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(m) HARMFUL CONTRIBUTION means an actual or threatened discharge or introduction of industrial wastes to the WWTW which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment; or which inhibits or interferes with the physical or lawful operation of the WWTW; or which causes the City or the WWTW to violate any condition of its NPDES permit.

(n) HOLDING TANK WASTE means any waste from holding tanks such as vessels, chemical toilets, campers, or trailers.

(o) INDUSTRIAL means of or pertaining to industry, manufacturing, agriculture, commerce, trade, or business, as distinguished from domestic or residential.

(p) INDUSTRIAL DISCHARGE PERMIT is a document as set forth in Section 25-62 of this Article, which licenses and conditions the nature and amount of contribution of industrial wastes into the WWTW.

(q) INDUSTRIAL USER means any person or source that introduces or discharges wastewater from industrial processes into the WWTW, or any nondomestic user or source regulated under Sections 307(b), (c), or (d) of the Clean Water Act.

(r) INDUSTRIAL WASTES or wastewater means the liquid or water-carried wastes from industrial manufacturing or processing, as distinct from domestic or sanitary wastes. The term also includes, by way of example and not by limitation, the trade wastes produced by food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, commercial laundries and cleaning establishments, cooling plants, industrial plants, factories, feedlots, and chemical treatment installations.

(s) INTERFERENCE means the inhibition or disruption of the WWTW treatment processes or operations which causes or materially contributes to a violation of any requirement of the WWTW's NPDES Permit, or of the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters. The term also includes contamination of treatment works sludge byproducts.

(t) NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDARD means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. Section 1317) which applies to a specific category of Primary Industrial Users.

(u) NATIONAL PROHIBITIVE DISCHARGE STANDARD 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).

(v) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT is a permit issued pursuant to Section 402 of the Act (33 U.S.C. Section 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State of Colorado.

(w) PERSON means any individual, partnership, copartnership, firm, company, corporation, group, association, trust, estate, governmental entity, political subdivision, or any other legal

entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(x) POLLUTION means the alteration of the chemical, physical, biological, or radiological integrity of water by human activity.

(y) POLLUTANT means any dredged soil, solid waste, incinerator residue, sewage, garbage, septic waste, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water.

(z) 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 a 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).

(aa) PRETREATMENT REQUIREMENT means any substantive or procedural requirement related to pretreatment, including National Categorical Pretreatment Standards, imposed on an industrial user.

(bb) SIGNIFICANT INDUSTRIAL USER is any industrial user of the City's and County's wastewater collection, treatment and disposal system who:

(1) Has a discharge flow, including sanitary wastes, of 25,000 gallons or more per average work day; or who

(2) Creates or discharges toxic pollutants as defined in Section 25-58(gg) of this Article; or who

(3) Is found by the City, Colorado Department of Health, or EPA to have a significant impact, separately or in combination with other contributing industries, on the wastewater collection and treatment works, including the sludge quality, effluent, or air emissions generated by the WWTW.

(cc) SIGNIFICANT VIOLATOR means a user who remains in noncompliance with provisions of this Article for 45 days or more after notification thereof, which noncompliance is part of a pattern occurring over a twelve-month period, or who fails to accurately report noncompliance.

(dd) SOURCE means any building, structure, facility, or installation from which there may be a discharge of pollutants.

(ee) STATE means the State of Colorado.

(ff) STANDARD INDUSTRIAL CLASSIFICATION (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

(gg) 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.

(hh) USER means any person who contributes, causes, or permits the contribution or introduction of wastewater into the WWTW.

(ii) WASTEWATER or SEWAGE means the spent water of a community that enters the WWTW. The term also refers to a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water or stormwater that may be present.

(jj) WASTEWATER TREATMENT PLANT (WWTP) is that portion of the WWTW designed to provide treatment to wastewater. The term includes the Persigo Wastewater Treatment Plant which is owned and operated by Mesa County and the City of Grand Junction.

(kk) 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, but excludes pipes, sewers, or other conveyances not directly or indirectly connected to the treatment facility. For the purposes of this Article, "WWTW" shall also include 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.

(ll) WATERS OF THE STATE means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Sec. 25-59. Abbreviations.

The following abbreviations shall have the designated meanings:

(a) CFR: Code of Federal Regulations.

(b) EPA: Environmental Protection Agency.

(c) mg/l: Milligrams per Liter.

(d) NPDES: National Pollutant Discharge Elimination System.

(e) SIC: Standard Industrial Classification.

(f) WWTP: Wastewater Treatment Plant.

(g) WWTW: Wastewater Treatment Works.

(h) U.S.C.: United States Code.

(i) TSS: Total Suspended Solids.

Sec. 25-60. Regulations.

(a) GENERAL DISCHARGE PROHIBITIONS.

(1) No person or user shall introduce, discharge, or cause to be discharged into the municipal wastewater system or WWTW, any pollutant or wastewater which may cause interference with the operation or performance of the WWTW, or which constitutes a harmful contribution to the WWTW, or which may pass through the WWTW so as to cause the WWTW to violate terms of its NPDES permit or other applicable laws and regulations. These general prohibitions apply to all users of the WWTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or requirements, including specific pollutant limitations developed pursuant to Section 25-60(j).

(2) In addition to the prohibited waters or wastes described above or in Section 25-33 of this Article, a user shall not introduce or discharge the following substances into the WWTW:

(a) Any wastewater containing toxic pollutants in sufficient quantity to exceed the limitation set forth in a National Categorical Pretreatment Standard.

(b) Any substance which may cause the WWTW's effluent or any other products such as residues, sludges, or scums to be unsuitable for reclamation or reuse.

(3) No person or user shall discharge a pollutant into the WWTW which may cause the WWTW or its management agency to be in non-compliance with any sludge use or disposal law, or regulations, including Section 405 of the Clean Water Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any State criteria applicable to sludge management.

(b) ACTIONS OF DIRECTOR. Whenever the Director determines through an industrial waste survey or otherwise that a user is contributing to the WWTW any of the substances referred to in Section 25-33 of this Chapter, or in Section 25-60 of this Article in such amounts as to interfere with the operation of the WWTW, or

to constitute a harmful contribution to the WWTW, the Director shall:

(1) Advise the user of the impact of the contribution on the WWTW; and

(2) Develop and apply specific effluent limitations and pretreatment requirements for the user to correct the interference with or harm to the WWTW.

(3) Perform the actions listed in Section 25-34 of Article VI as deemed necessary.

(c) PRE-EMPTION BY NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12. Failure to notify shall not relieve a user from any requirements under the law.

(d) MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS. When the WWTW has achieved consistent removal of pollutants limited by National Pretreatment Standards, the City may apply to the Approval Authority for modification of or exemption from specific limits in the National Pretreatment Standards.

(e) STATE REQUIREMENTS. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Article.

(f) CITY'S RIGHT OF REVISION. Notwithstanding the provisions of Section 25-60(c) of this Article, the City reserves the right to establish by ordinance, resolution, or permit more stringent specific pollutant limitations or pretreatment requirements pursuant to Section 25-60(j) for discharges to the WWTW, if deemed necessary to comply with the objectives and intent of Section 25-57 of this Article.

(g) EXCESSIVE DISCHARGE. No industrial user shall increase the use of process water or dilute industrial wastewater with tap water, unpolluted water, sanitary sewage, or other liquid dilutants as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the City or State.

(h) ACCIDENTAL DISCHARGES. Each significant industrial user shall provide adequate protection against accidental discharge of the prohibited waters or wastes described in Section 25-33 of Article VI, or in Section 25-60 of Article X, or other substances



regulated by this Article. Facilities to prevent accidental discharge of prohibited waters or wastes shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection, unless already provided, shall be submitted to the City for review and shall be approved by the Director before construction of the accidental discharge prevention facility. All significant industrial users shall submit such a plan within ninety days after passage of this ordinance or after being permitted as a significant industrial user, whichever is later. No industrial user who commences contribution to the WWTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures and facilities have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from any responsibility to pretreat as necessary to meet the industrial pretreatment requirements of this Article.

(i) NOTICE OF ACCIDENTAL DISCHARGE. In the case of an accidental discharge, it is the responsibility of any industrial user to immediately telephone and notify the Director of the incident. The notification shall include the location of discharge, type of waste or wastes, concentration, volume, duration, time of episode, and corrective actions undertaken.

(1) Within fifteen days following an accidental discharge, the industrial user shall submit to the Director a detailed written report describing the cause of the discharge and the measures taken or planned by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

(2) A sign shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. The industrial user shall insure that all employees who may cause such an accidental discharge to occur are advised of the emergency notification procedure.

(j) SPECIFIC POLLUTANT LIMITATIONS. No person shall discharge into the WWTW any wastewater containing pollutants generally prohibited by Section 25-33 of Article VI of this Code, pollutants in excess of Specific Pollutant Limitations as established by resolution of the City Council of the City of Grand Junction, specific limitations contained in any Industrial Discharge Permit, or limitations imposed by National Categorical Pretreatment Standards.

(k) METHODOLOGY. All measurements, tests, and analyses of the

characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with either the latest edition of the "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, or the ASTM Annual Book of Standards, or the "Methods for Chemical Analysis of Waters and Wastes" published by the EPA.

Sec. 25-61. Fees.

(a) PURPOSE. The purpose of this Section is to provide for the payment to the City Sewer Fund by industrial users of the WWTW for all costs incurred in the implementation and administration of the Industrial Pretreatment program. The applicable charges and fees shall be set forth in a schedule developed by the Director.

(b) CHARGES AND FEES. The Director may adopt separate charges and fees that relate solely to the matters covered by this Article, including fees for:

(1) Industrial Discharge Permit applications.

(2) Reimbursement of costs of setting up and operating the Industrial Pretreatment Program.

(3) Measuring, monitoring, inspection and surveillance procedures, sampling, testing, and analyzing user wastewater.

(4) Reviewing and approving accidental discharge procedures and facilities.

(5) Fees as the City may deem necessary to carry out the requirements contained herein.

(6) Fees to cover the added cost of handling or treating any wastes not covered by existing or regular monthly sewer service charges.

(c) The charges and fees shall be established so that the permit application fee will cover the administrative costs of processing the permit. All other costs will be reviewed annually and established as part of the regular billing for each industrial user.

Sec. 25-62. Pretreatment Program Administration.

(a) UNLAWFUL DISCHARGE. It shall be unlawful to discharge any industrial wastewater or polluted waters into any natural outlet within the City of Grand Junction, or within any area under the jurisdiction of the City, except where suitable treatment has been provided, and except as authorized by the Director in accordance with the provisions of this Article.

(b) INDUSTRIAL DISCHARGE PERMITS.

(1) Permit Required. No significant industrial user shall discharge wastewater to the public sewers or WWTW without having a valid Industrial Discharge Permit issued by the Director. Any discharge in violation of pretreatment requirements contained therein is prohibited.

(2) Permit Application. Users required to obtain an Industrial Discharge Permit shall complete and file with the Director an application in the form prescribed by the Director and accompanied by the permit application fee. The user shall submit, in units and terms suitable for evaluation, all information required by the permit application, and any relevant supplemental information requested by the Director. All significant industrial users connected to or discharging to the WWTW shall apply for an Industrial Discharge Permit within sixty days after the effective date of this Article. Other persons proposing to connect to the WWTW who are determined to be subject to Industrial Discharge Permit requirements shall apply at least thirty days prior to commencing discharge. When a user becomes subject to a National Categorical Pretreatment Standard and has not previously submitted an application for an Industrial Discharge Permit the user shall apply for an Industrial Discharge Permit within ninety days after the promulgation of the applicable National Categorical Pretreatment Standard.

(3) Issuance. After evaluation of the permit application, the Director may issue an Industrial Discharge Permit subject to terms and conditions provided herein. In determining whether a permit shall be issued and/or what conditions shall be applied, the Director shall consider all applicable National Categorical and Local Pretreatment Standards as well as those factors listed in Section 25-33 of Article VI of this Chapter.

(4) Categorical Pretreatment Standards. Within six months after the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require compliance by the prescribed compliance date. In addition, any industrial user with an existing Industrial Discharge Permit shall submit to the Director within one hundred and eighty days after the promulgation of an applicable National Categorical Pretreatment Standard a baseline report and any information required by 40 CFR Section 403.12 and by Section (E)(2) of the Industrial Discharge Permit application.

(5) Permit Conditions. Industrial Discharge Permits and Significant Industrial User Permittees shall be subject to all the provisions of Chapter 25 of the City Code and all other applicable City laws, user charges, and fees. Permits shall contain, but shall not be limited to, the following requirements or conditions:

a. Unit charge or schedule of industrial user charges and fees for the wastewater to be discharged to the WWTW.

b. Notice of the general and specific prohibitions required under

Sections 25-33 and 25-60(j) of this Chapter.

c. Prohibitions on discharge of any specific materials.

d. Notice of applicable National Categorical Pretreatment Standards.

e. Limits equal to or more stringent than the Specific Pollutant Limitations as established pursuant to Section 25-60(j) concerning average and maximum wastewater constituents, and on characteristics of either the individual industrial process wastes or combined industrial wastewater discharge.

f. Limits on average and maximum rate and time of discharge, or requirements for flow regulations and equalization.

g. Monitoring facilities as described in Section 25-62(d).

h. Monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules.

i. Installation, maintenance, and cleaning of any pretreatment technology necessary to achieve compliance with the requirements of this Chapter, including filtration, chemical treatment, grease, oil, and sand traps, and other necessary equipment.

j. Compliance schedules and any periodic progress or compliance reports required by this Article or by federal pretreatment regulations, including 40 CFR 403.12.

k. Submission of technical reports or discharge reports, as provided for in Section 25-62(c).

l. Maintenance and retention of plant records relating to wastewater discharge, as specified by the Director.

m. Notification of the Director of any discharge of new wastewater constituents, or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

n. Notification of any slug or accidental discharge as per Section 25-60(i) (1).

o. Agreement to pay additional costs of handling or treating any industrial wastewater discharges not authorized by this Article or by any permit issued hereunder. These discharges shall include harmful contributions to the WWTW, interference with the WWTW, facilities, equipment, or receiving waters, and any discharges which may otherwise create a hazard to life or which constitute a public nuisance.

p. Agreement by the industrial user to allow reasonable access by

the Director to ensure compliance with permit conditions; to agree to perform all permit conditions; to submit to the remedy of specific performance for breach of contract; and to pay liquidated damages for violation of Pretreatment Standards and requirements where damages are not readily ascertainable.

q. Other appropriate conditions, in the judgement of the Director, necessary to ensure compliance with this Article.

(6) Permit Duration. Industrial Discharge Permits are valid only for a specified time period, not to exceed five years from the date of issuance or modification. A temporary permit may be issued for a period less than a year. Each significant industrial user shall apply for permit renewal at least ninety days prior to the expiration date of the existing permit.

(7) Permit Modifications. The terms and conditions of any permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in Sections 25-60 and 25-62 are modified, or as other just cause exists. The user shall be notified of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(8) Permit Transfer. Industrial Discharge Permits are issued to a specific user for a specific operation. An Industrial Discharge Permit is not transferrable, and is voidable if reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without written approval by the Director.

#### (c) REPORTING REQUIREMENTS

(1) Compliance Date Report. Within ninety days following the date for final compliance with applicable Pretreatment Standards or requirements, or in the case of a new source, following commencement of the introduction of wastewater into the WWTW, any industrial user subject to Federal, State or City pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standards and requirements. The report shall also indicate the average and maximum daily flow or predicted flow for the process units in the user facility subject to the Federal, State or City standards and requirements, whether these standards are being met on a consistent basis and, if not, what additional operations, maintenance, or pretreatment is or will be necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and shall be certified by a qualified professional engineer or a person with adequate wastewater discharge experience.

(2) Mass Limits. The Director may impose mass limitations in addition to concentration limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or upon other users when deemed necessary. In such cases, the reports required by Sections 25-62(b)(5)(1) and 25-62(c)(1) shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature, concentration, production, and mass of pollutants which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Industrial Discharge Permit.

(d) MONITORING FACILITIES.

(1) Each significant industrial user shall provide, calibrate, and operate at its expense sufficient monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and internal drainage systems. The monitoring facilities, including control manholes and continuous flow recorders, shall normally be situated on the user's premises. If such a location would be impractical or cause undue hardship on the industrial user, the Director may allow the facility to be constructed in a public right-of-way if the facility will not be obstructed by landscaping or parked vehicles.

(2) A sampling manhole or facility shall have sufficient room for accurate sampling and preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.

(3) Whether constructed on public or private property, any sampling and monitoring facilities shall be built in accordance with City requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following receipt of a written order by the Director to install the facility.

(e) INSPECTION AND SAMPLING.

The Director may inspect the facilities of any user to determine whether the purpose of this Article and all applicable requirements are being complied with. Owners, employees or occupants of premises where wastewater is discharged shall allow the Director and other City representatives or agents ready access at all reasonable times to all parts of the premises where wastewater is created or discharged, including industrial process areas, for the purposes of inspection, sampling, records examination, or performance evaluation. The Director may set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which require proper identification and clearance before entry into user's premises, the user shall make necessary arrangements with

the security guards so that upon presentation of suitable identification, personnel authorized by the City or from the State or EPA will be permitted to enter without delay for the purpose of performing their specific responsibilities under this Article.

(f) PRETREATMENT.

(1) Industrial users shall provide whatever wastewater pretreatment is required, in the opinion of the Director, to comply with this Article and shall comply with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and this Ordinance. Any facilities required to pretreat wastewater to a level of quality acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and must be approved by the Director before construction of the facilities. The review or approval of such plans and operating procedures shall in no way relieve a user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and approved by the Director prior to such change.

(2) The Director shall annually publish, in a newspaper of general circulation within the City, a list of any significant violators of this Article. The list shall designate significant violators as identified by the Director during the preceding annual period, and significant violations determined to have occurred during the same period. The notification shall also summarize any enforcement action taken against the significant violators.

(3) All records relating to compliance with pretreatment standards or requirements shall be made available to officials of the EPA or the Colorado Department of Health upon request to the Director.

(g) CONFIDENTIAL INFORMATION.

(1) Information and data regarding a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or governmental agencies without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information entitled to protection as a trade secret of the user. In such case, restricted information shall not be made available to other governmental agencies for limited purposes related to water pollution control, including judicial review or enforcement of the provisions of this Article.

(2) Wastewater constituents and characteristics will not be recognized as confidential information.

(3) Information accepted by the Director as confidential shall be handled in compliance with applicable State law.

Sec. 25-63. Enforcement.

(a) HARMFUL CONTRIBUTIONS OR INTERFERENCE WITH THE WWTW.

(1) The Director may cancel a user's permission to discharge wastewaters into the WWTW, may reject such wastewater, may cease wastewater treatment service, and/or may suspend a user's Industrial Discharge Permit when such suspension is necessary, in the opinion of the Director, in order to stop or preclude a harmful contribution to the WWTW, or a discharge which interferes with or has a deleterious effect upon the WWTW.

(2) Any user notified of a suspension or cancellation of wastewater treatment service and/or the Industrial Discharge Permit shall immediately stop or eliminate the contribution or discharge. In the event of a failure by such person to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWTW system, danger to individuals, or harm to the receiving water. The Director may reinstate the Industrial Discharge Permit and/or the wastewater treatment service only upon proof of compliance with the order, including payment of any fees or penalties. A detailed written statement submitted by the user describing the causes of the harmful contribution, and the measures actually taken to prevent any future occurrence, shall be submitted to the City within five business days from the date of occurrence.

(b) REVOCATION OF PERMIT. Any significant industrial user who violates the following conditions of this Article, Chapter, or applicable state and federal laws or regulations, is subject to permit revocation in accordance with the procedures of Section 25-63 of this Article:

(1) Failure to factually report wastewater constituents and characteristics.

(2) Failure to report significant changes in operations, or wastewater constituents and characteristics.

(3) Refusal or physical obstruction of reasonable access to the user's premises for the purposes of inspection, monitoring, review of records concerning wastewater, or any purpose listed under Section 25-63(e).

(4) Violation of conditions of the Industrial Discharge Permit.

(c) NOTIFICATION OF VIOLATION. Whenever the City finds that any user has violated or is violating this Article, an Industrial Discharge Permit, or any prohibition, limitation, condition or requirements contained therein, the Director shall serve upon such



person a written notice stating the nature of the violation. Violation of any permit condition shall be considered to be a violation of this Article. Unless required earlier by another provision of this Article, within thirty days after the date of said notice the user shall submit to the Director evidence of the satisfactory correction of the violation, or a plan to correct the same.

(d) APPEAL OF ORDER OF DIRECTOR.

(1) Any person entitled to appeal an order of the Director pertaining to industrial wastewater discharge may do so by filing an appeal with the Director within ten days from the date of the Director's determination or order. The appeal shall contain the following items:

a. A heading in the words "Before the Utility Hearing Board of the City of Grand Junction, Colorado" or "Before the Utility Hearing Officer of the City of Grand Junction, Colorado";

b. A caption reading "Appeal of \_\_\_\_\_," giving the names of all participating appellants;

c. A statement of the legal interest of the appellants in the affected facility, together with the name of the authorized representative thereof;

d. A concise statement of the action protested, together with any material facts;

e. Verified signatures of all appellants, together with official mailing addresses and phone numbers;

f. Verification by declaration under perjury, of at least one appellant as to the truth of the matters stated in the appeal.

(2) Upon receipt of a properly filed appeal the Director shall notify the City Manager, who shall convene the Utility Hearing Board or appoint a Hearing Officer. The hearing shall commence no sooner than ten days, and no later than sixty days after the appeal is filed.

(e) SHOW CAUSE HEARING.

(1) The Director is authorized to order any industrial user who causes, makes, or allows an unauthorized direct or indirect discharge or a harmful contribution to the WWTW to show cause why appropriate enforcement action should not be taken. In such case a notice shall be served on the respondent user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken.

(2) The notice of the hearing shall be served upon the user personally or by certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or authorized representative of a corporation or partnership.

(f) PROCEDURE FOR APPEAL OR SHOW CAUSE HEARING.

(1) The City Manager may appoint a Hearing Officer, or may instead convene a Utility Hearing Board to conduct the hearing or appeal. The Board shall consist of a City Council member or designee, the City Manager, a County Commissioner or designee, an employee of the Department of Public Works or Utilities, and a connector district representative if the appellant or respondent industrial user is located within the jurisdiction of that district.

(2) The Hearing Officer or Utility Hearing Board shall have the power to:

(a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence.

(b) Hold a quasi-adjudicatory hearing, and receive relevant evidence relating to compliance with the requirements set forth in Article I through X of Chapter 25 of the City Code. Hearings shall be conducted informally. Rules of civil procedure and evidence shall not solely determine the conduct of the hearing or the admissibility of evidence. All testimony shall be given under oath, and a tape recording of the hearing shall be made. The burden of persuasion in either an appeal or show cause hearing shall be upon the appellant or respondent. The standard of proof to be utilized by the Officer or Board in making its findings or recommendations shall be a preponderance of the evidence.

(c) Determine and find whether just cause exists for not taking the proposed enforcement actions, or whether the order or action appealed is unwarranted.

(d) Transmit a report of the evidence and hearing, including transcript tapes and copies of other evidence if requested by any party, together with findings and recommendations to all parties to the hearing and to the City Council.

(g) EFFECT OF HEARING.

(1) Findings and recommendations of the Hearing Board or Officer shall be final and binding upon the Director and parties to the hearing, provided, however, that if the City Council disapproves the recommendations of the Hearing Board or Officer within thirty days thereof, the Council may conduct its own hearing, make its own findings, and issue its own orders.

(2) An order consistent with findings and recommendations of the

Hearing Board or Officer, or the City Council as the case may be, shall be issued by the Director. The order may direct that sewer service to the user responsible for the violation be discontinued unless and until adequate treatment facilities or related devices have been installed and approved within a specified period of time. The order may provide for imposition of appropriate penalty charges, and for administrative fines designed to reimburse the City for the costs of the permit enforcement action. Further orders and directives as are necessary and appropriate to enforce Industrial Waste Permits and provisions of this Chapter may be issued by the Director.

#### Sec. 25-64. Actions for Violation.

(a) REMEDIES. If any person violates any Order of the Director, a Hearing Board or Officer, or otherwise fails to comply with any provisions of this Chapter, Article or the orders, rules, regulations and permits issued hereunder, or discharges sewage, industrial wastes, or other wastes, into the WWTW or into State waters contrary to the provisions of this Article, Federal or State pretreatment requirements, or contrary to any order of the City, the City may commence an action in a Court of Record for appropriate legal and equitable relief. In such action, the City may recover from the defendant reasonable attorney fees, court costs, deposition and discovery costs, expert witness fees and other expenses of investigation, enforcement action, administrative hearings, and litigation, if the City prevails in the action or settles at the request of the defendant. Any person who violates any of the provisions of this Article shall become liable to the City for any expense, loss, damages to the City, or to the WWTW occasioned by such violation. In addition, upon proof of willful or intentional meter bypassing, meter tampering, or unauthorized metering, the City shall be entitled to recover as damages three times the amount of actual damages.

(b) MISDEMEANOR. Any person who violates or fails to comply with any provision of this Article or with any orders, rules, regulations, permits and permit, conditions issued hereunder shall be guilty of a misdemeanor. The penalty for such misdemeanor shall be a fine not to exceed \$300.00 or by imprisonment not to exceed ninety days, or both. Each day in which any such violation occurs or persists shall be deemed a separate and distinct offense.

(c) PENALTY FOR FALSE STATEMENT AND TAMPERING. Any person who knowingly makes, authorizes, solicits, aids, or attempts to make any false statement, representation or certification in any hearing, or in any permit application, record, report, plan, or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, bypasses, or knowingly renders inaccurate any monitoring device, testing method, or testing samples required under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$300.00 or imprisonment not to exceed ninety days or both.

(d) REMEDIES CUMULATIVE. The remedies provided for in this Article, including recovery of costs, administrative fines, and treble damages, shall be cumulative and in addition to any other penalties, sanctions, fines and remedies that may be imposed.

Sec. 25-65. Pretreatment Authority Outside of the City.

In order to achieve and maintain compliance with the Clean Water Act, federal Pretreatment Requirements, state regulations, sewage grant conditions, and WWTP discharge permit requirements, the City of Grand Junction, as Manager/Operator of the Persigo Wastewater Treatment Plant, must possess and demonstrate a clear legal right to require compliance with pretreatment 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 Mesa County shall be requested to adopt by resolution a regulatory pretreatment program either a) parallel to this Ordinance, or b) incorporating the provisions of this Ordinance and requiring industrial users to comply with the City pretreatment program.

The connector districts and Mesa 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 direct contractual relationships with industrial users through the Industrial Discharge Permit Program prove insufficient to ensure compliance with the pretreatment program.

2. Severability. If any part or parts of Article X of Chapter 25 of the Code of Ordinances are held by any court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of Article X.

3. Conflict. All other Articles and parts of other Articles inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency of conflict.

PASSED and ADOPTED this 4th day of January, 1984.

Gary A. Lucero

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Gary A. Lucero  
President of the Council  
City of Grand Junction

Attest:

Neva B. Lockhart, CMC

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City Clerk

ORDINANCE NO. 2169

I HEREBY CERTIFY that Ordinance No. 2169 entitled AN ORDINANCE REPEALING ARTICLE X, SECTIONS 25-57 THROUGH 25-69 OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION ENTITLED INDUSTRIAL COST RECOVERY, REENACTING AND ADDING A NEW ARTICLE ESTABLISHING UNIFORM REQUIREMENTS FOR USERS OF THE CITY'S AND COUNTY'S WASTEWATER TREATMENT WORKS, AND ENABLING THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL WATER QUALITY AND SLUDGE DISPOSAL LAWS AND RELATING TO ARTICLE X, PRETREATMENT OF INDUSTRIAL WASTES was introduced, read and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 21st day of December, 1983, and that Notice of publication in pamphlet form was published in The Daily Sentinel, a newspaper published and in general circulation in said City, on December 23, 1983, at least ten days before its final passage on January 4, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City this 5th day of January, 1984.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk

Published: December 23, 1983

Published: January 8, 1984

Effective: February 7, 1984