

ORDINANCE NO. 2523

AMENDING SECTIONS NUMBERED 25-14, 25-33, 25-58, 25-60, 25-62, 25-63 AND 25-64 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO

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

That Sections 25-14, 25-33, 25-58, 25-60, 25-62, 25-63 and 25-64 of the Code of Ordinances of the City of Grand Junction be amended by changing the adding certain paragraphs to read as follows:

(New material is indicated by all capitals)

25-14 Is amended to read:

(c) Building sewer means the extension from the building drain to the PUBLIC SEWER.

(ee) Waste water treatment plant means any arrangement of devices and structure for treating waste water, industrial wastes and sludge, INCLUDING BUT NOT LIMITED TO THE PERSIGO WASTE WATER TREATMENT WORKS ALSO KNOWN HEREIN AS THE WWTW.

(gg) POLLUTANT MEANS ANY DREDGED SPOIL, SOLID WASTE, INCINERATOR RESIDUE, SEWAGE, GARBAGE, SEWAGE SLUDGE, MUNITIONS, CHEMICAL WASTES, BIOLOGICAL MATERIALS, RADIOACTIVE MATERIALS, HEAT, WRECKED OR DISCARDED EQUIPMENT, ROCK, DIRT, SAND, INDUSTRIAL, MUNICIPAL AND AGRICULTURAL WASTE DISCHARGED INTO WATER.

23-55 Is amended to read: (In relevant part)

25-33 a) Any solid or viscous substances in quantities OR AMOUNTS or of such size capable of causing obstruction to the flow in sewers, PASS THROUGH, or other interference with the proper operation of the sewerage system such as, but not limited to, PETROLEUM OIL, NONBIODEGRADABLE CUTTING OIL OR PRODUCTS OF MINERAL OIL ORIGIN, . . .

(g) Any waters, POLLUTANTS or wastes having a pH lower than five and one-half (5.5) or higher than nine and one-half (9.5), WHICH MAY CAUSE CORROSIVE STRUCTURAL DAMAGE TO THE WWTW OR WHICH HAS OR POSSESSES any other corrosive property capable of causing damage or hazard to structures, equipment and/OR personnel of the wastewater facilities.

h) . . . OR ANY WATERS OR WASTES CONTAINING OR POSSESSING HEAT IN AMOUNTS WHICH WILL INHIBIT BIOLOGICAL ACTIVITY IN THE WWTW RESULTING IN INTERFERENCE. IN NO CASE HEAT SHALL BE ALLOWED IN SUCH QUANTITIES THAT THE TEMPERATURE AT THE WWTW EXCEEDS ONE HUNDRED FOUR (104) DEGREES FAHRENHEIT.

j) . . . OR POLLUTANT WHICH CREATES A FIRE OR EXPLOSION HAZARD,

INCLUDING BUT NOT LIMITED TO, WASTESTREAMS WITH A CLOSED CUP FLASHPOINT OR LESS THAN ONE HUNDRED FORTY (140) DEGREES FAHRENHEIT USING THE TEST METHODS SPECIFIED IN 40 CFR 261.21.

n) Any waters or wastes containing OR WHICH RESULT IN THE PRESSURE OF toxic or poisonous solids, liquids, VAPORS, FUMES or gases in sufficient quantity, either singly or by interaction with other wastes, WHICH contaminate the sludge of any municipal system, OR injure or interfere with any sewage treatment process, OR constitute a hazard to the HEALTH OR SAFETY OF humans or animals,

. . .

s) ANY POLLUTANT, waters or wastes, INCLUDING OXYGEN DEMANDING POLLUTANTS, discharged AT A FLOW RATE OR POLLUTANT CONCENTRATION OR in such volume WHICH WILL EXCEED the hydraulic capacity of the wastewater facilities OR WHICH WILL CAUSE INTERFERENCE WITH THE WWTW.

u) ANY TRUCKED OR HAULED POLLUTANTS, EXCEPT AT DISCHARGE POINTS DESIGNATED BY THE WWTW PERSONNEL.

25-58 The subparagraphs noted below are amended to read as follows: (Some in only relevant part)

Adding subparagraph (e)1

(e)1 CATEGORICAL INDUSTRIAL USER IS DEFINED AS AN INDUSTRIAL USER DISCHARGING INTO THE CITY'S 201 AREA WASTEWATER COLLECTION, TREATMENT AND DISPOSAL SYSTEM, WHICH IS CLASSIFIED AS A CATEGORICAL INDUSTRY AND BECAUSE OF THE NATURE OF ITS DISCHARGE IS GOVERNED BY THE NATIONAL CATEGORICAL PRETREATMENT STANDARDS. THESE MAY INCLUDE USERS SUCH AS ELECTROPLATERS AND METAL FINISHERS.

bb) Significant industrial user is a PERMITTED industrial user discharging into the CITY'S 201 AREA wastewater treatment WORKS and which MAYBE classified AS ONE OF THE FOLLOWING, CATEGORICAL USER, POTENTIAL CONTRIBUTOR OR AN INDUSTRIAL USER. These include ANY INDUSTRIAL DISCHARGER SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS; OR

bb.1) ANY OTHER INDUSTRIAL USER THAT DISCHARGES AN AVERAGE OF 25,000 GALLONS PER DAY OR MORE PROCESS WASTEWATER TO THE WWTW, EXCLUDING SANITARY, NONCONTACT COOLING WATER AND BOILER BLOWDOWN WASTEWATER; OR

bb.2) CONTRIBUTES A PROCESS WASTESTREAM WHICH MAKES UP 5 PERCENT OR MORE OF THE AVERAGE DRY WEATHER HYDRAULIC OR ORGANIC CAPACITY OF THE WWTW, WHICHEVER IS LESS; OR

bb.3) IS DESIGNATED AS SUCH BY THE WWTW ON THE BASIS THAT THE INDUSTRIAL USER HAS A REASONABLE POTENTIAL FOR ADVERSELY AFFECTING THE WWTW OPERATION OR FOR VIOLATING ANY PRETREATMENT STANDARD OR REQUIREMENT.

bb.4) SIGNIFICANT INDUSTRIAL USER IS SUBCLASSIFIED AS FOLLOWS: CATEGORICAL; POTENTIAL OR INDUSTRIAL USER; OR ANY OTHER DESCRIPTIVE TERM NECESSARY TO READILY IDENTIFY AN INDUSTRIAL WASTE DISCHARGE OR PERMIT CLASSIFICATION.

25-58 bbb) AN INDUSTRIAL USER IS IN SIGNIFICANT NONCOMPLIANCE IF ITS VIOLATION MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:

bbb.1) CHRONIC VIOLATIONS OF WASTEWATER DISCHARGE LIMITS, DEFINED HERE AS THOSE IN WHICH SIXTY-SIX PERCENT OR MORE OF ALL THE MEASUREMENTS TAKEN DURING A SIX MONTH PERIOD EXCEED (BY ANY AMOUNT) THE DAILY MAXIMUM LIMIT FOR THE SAME POLLUTANT PARAMETER; OR

bbb.2) TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS, DEFINED HERE AS THOSE IN WHICH THIRTY-THREE PERCENT OR MORE OF ALL THE MEASUREMENTS FOR EACH POLLUTANT PARAMETER TAKEN DURING A SIX-MONTH PERIOD EQUAL OR EXCEED THE PRODUCT OF THE DAILY MAXIMUM LIMIT OR THE AVERAGE LIMIT MULTIPLIED BY THE APPLICABLE TRC (TRC = 1.4 FOR BOD, TSS, FATS, OIL AND GREASE AND 1.2 FOR ALL OTHER POLLUTANTS EXCEPT pH.); OR

bbb.3) ANY OTHER VIOLATION OF A PRETREATMENT EFFLUENT LIMIT (DAILY MAXIMUM OR LONGER TERM MEAN AVERAGE) THAT THE WWTW DETERMINES HAS CAUSED, ALONE OR IN COMBINATION WITH OTHER DISCHARGES, INTERFERENCE OR PASS THROUGH, INCLUDING ENDANGERING THE HEALTH OF WWTW PERSONNEL OR THE PUBLIC; OR

bbb.4) ANY DISCHARGE OF A POLLUTANT THAT HAS CAUSED IMMINENT ENDANGERMENT TO HUMAN HEALTH, WELFARE OR TO THE ENVIRONMENT OR HAS RESULTED IN THE WWTW'S EXERCISE OF ITS EMERGENCY AUTHORITY TO HALT OR PREVENT SUCH A DISCHARGE; OR

bbb.5) FAILURE TO MEET, WITHIN 90 DAYS AFTER THE SCHEDULE DATE, A COMPLIANCE SCHEDULE MILESTONE OF A LOCAL CONTROL MECHANISM OR ENFORCEMENT ORDER, FOR STARTING OR COMPLETING CONSTRUCTION OR FOR ATTAINING COMPLIANCE; OR

bbb.6) FAILURE TO PROVIDE, WITHIN 30 DAYS AFTER THE DATE DUE, A REQUIRED REPORT SUCH AS A BASELINE MONITORING REPORT (BMR), A 90 DAY COMPLIANCE REPORT, A PERIODIC SELF MONITORING REPORT AND A REPORT ON COMPLIANCE WITH COMPLIANCE SCHEDULES; OR

bbb.7) FAILURE TO ACCURATELY REPORT NONCOMPLIANCE;

bbb.8) ANY OTHER VIOLATION OR GROUP OF VIOLATIONS WHICH THE PROGRAM DIRECTOR, ALSO KNOWN AS THE WWTW INDUSTRIAL PRETREATMENT COORDINATOR, OR THE DIRECTOR'S DESIGNEE, DETERMINES WILL ADVERSELY AFFECT THE OPERATION OR IMPLEMENTATION OF THE LOCAL PRETREATMENT PROGRAM.

25-60 Is amended to read, by the addition of paragraph (f)1

(f)1 AS OF THE EFFECTIVE DATE OF THIS ORDINANCE THE LOCAL LIMITS

SET AND PRESCRIBED BY THE WWTW PRE-TREATMENT COORDINATOR ARE AS FOLLOWS AND SHALL BE ADMINISTERED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE CFR. LOCAL LIMITS SHALL BE ENFORCED TO THE MORE STRINGENT OF THE ADOPTED LOCAL LIMITS OR THOSE REQUIRED BY THE CFR.

BOD (BIOCHEMICAL OXYGEN DEMAND) 200 mg/l  
TSS (TOTAL SUSPENDED SOLIDS) 250 mg/l  
AMMONIA (NH<sub>3</sub>) 40 mg/l  
CADMIUM, TOTAL 0.30 mg/l  
CHROMIUM, TOTAL 5 mg/l  
COPPER, TOTAL 5 mg/l  
CYANIDE, TOTAL 1.2 mg/l  
LEAD, TOTAL 0.69 mg/l  
MERCURY, TOTAL 0.08 mg/l  
NICKEL, TOTAL 3.98 mg/l  
SILVER, TOTAL 0.43 mg/l  
ZINC, TOTAL 5.0 mg/l  
PHENOL 10 mg/l  
ARSENIC 0.7 mg/l  
SELENIUM, TOTAL 0.5 mg/l  
TDS (TOTAL DISSOLVED SOLIDS) 628 mg/l  
PCB'S (POLYCHLORINATED BIPHENYLS) 0.002 mg/l  
pH 5.5 TO 9.5 STANDARD UNITS  
FATS, OILS AND GREASE  
a. ANIMAL AND VEGETABLE FATS 100 mg/l  
b. PETROLEUM BASE OILS AND GREASE 60 mg/l  
TEMPERATURE 40 DEGREES C OR 104 DEGREES F

IGNITABILITY, POLLUTANTS WHICH MAY CREATE A FIRE OR EXPLOSION HAZARD, INCLUDING BUT NOT LIMITED TO, WASTESTREAMS WITH A CLOSED CUP FLASHPOINT OF LESS THAN 60 DEGREES C OR 140 DEGREES F USING TEST METHODS SPECIFIED IN 40 CFR 261.21

ETHYLENE GLYCOL (ANTIFREEZE), SMALL AMOUNTS ARE CONSIDERED TO BE 0.5 GALLONS OR LESS. CLEANUP SPILL WITH ABSORBENT MATERIALS AND FLUSH WITH LARGE AMOUNTS OF WATER. LARGE AMOUNTS (OVER 0.5 GALLONS) MUST BE HELD FOR A RECLAIMER.

BENZENE 50 ug/l

BETX (AGGREGATE PARAMETER OF BENZENE, ETHYL BENZENE, TOLUENE AND XYLENE) 750 ug/l.

25-62 (b)1 Permit required, No CATEGORICAL industrial user shall discharge wastewater to the public sewers or the WWTW without having a valid discharge permit issued by the PROGRAM director .

. .

(b)2 shall be renumbered to and included in paragraph b(4) as the first paragraph in that section, paragraph (b)2 shall read: NO POTENTIAL CONTRIBUTOR SHALL DISCHARGE WASTEWATER TO THE PUBLIC SEWERS OR THE WWTW WITHOUT HAVING A CURRENT INDUSTRIAL DISCHARGE PERMIT AND/OR DISCHARGE PERMIT APPLICATION SUBMITTED TO AND

APPROVED BY THE PROGRAM DIRECTOR.

(b)3 is amended by the inclusion of the following language as the last sentence of that paragraph: POTENTIAL CONTRIBUTORS AND INDUSTRIAL USERS SHALL BE PERMITTED ON A CASE BY CASE BASIS AND AS NECESSARY BASIS.

(c)3 Is amended to read, by the addition of a new paragraph:

REPORTING VIOLATIONS. FAILURE TO SUBMIT SELF MONITORING REPORTS, TOTAL TOXIC ORGANICS COMPLIANCE CERTIFICATIONS OR COMPLIANCE SCHEDULE PROGRESS REPORTS WITHIN 30 DAYS OF DEADLINES AND OR FAILURE TO COMPLETE MILESTONES WITHIN 90 DAYS OF DEADLINES.

25-63 Is amended to read, by the addition of a new introductory paragraph:

THE PERSIGO WWTW SHALL DEVELOP AND IMPLEMENT AN ENFORCEMENT RESPONSE PLAN. THE PLAN SHALL BE REVIEWED AS REQUIRED BY AND FOR CONFORMANCE WITH FEDERAL LAW AND SHALL AT A MINIMUM CONTAIN DETAILED PROCEDURES INDICATING HOW THE PERSIGO WWTW WILL INVESTIGATE AND RESPOND TO INSTANCES OF INDUSTRIAL NONCOMPLIANCE. THE PLAN SHALL DESCRIBE HOW THE WWTW WILL INVESTIGATE INSTANCES OF NONCOMPLIANCE; DESCRIBE THE TYPES OF ESCALATING ENFORCEMENT THE WWTW WILL TAKE IN RESPONSE TO ALL ANTICIPATED USER VIOLATIONS AND THE TIME PERIODS WITHIN WHICH SUCH RESPONSES WILL OCCUR. THE PLAN SHALL IDENTIFY, BY TITLE, THE OFFICIAL(S) RESPONSIBLE FOR VARIOUS RESPONSES AND REFLECT THE PERSIGO WWTW PRIMARY RESPONSIBILITY TO ENFORCE ALL APPLICABLE PRETREATMENT REQUIREMENTS AND STANDARDS AS ESTABLISHED HEREIN OR BY OTHER APPLICABLE STANDARDS.

25-64 (b) Is amended by striking the second sentence of the paragraph, beginning with "The penalty . . ." and ending with ". . . or both".

(d) Is amended by the inclusion of the third sentence of paragraph 24-62(b) as the new concluding sentence of paragraph (d).

Each day in which any such violation occurs shall be deemed a separate and distinct offense.

(E) AFTER NOVEMBER 16, 1990, UNDER 40 CFR 403(a)(vi) (A) THE CITY SHALL HAVE THE AUTHORITY TO SEEK OR ASSESS CIVIL OR CRIMINAL PENALTIES IN AT LEAST THE AMOUNT OF ONE THOUSAND DOLLARS (\$1000.00) A DAY FOR EACH VIOLATION AS INJUNCTIVE RELIEF FOR NONCOMPLIANCE BY INDUSTRIAL WASTEWATER DISCHARGERS WHO FAIL TO COMPLY WITH PROVISIONS OF AN INDUSTRIAL PRETREATMENT PERMIT, PROGRAM CONDITION OR PRETREATMENT STANDARD AND/OR REQUIREMENTS ISSUED THEREUNDER.

Introduced this 5th day of June, 1991.

PASSED and ADOPTED this 3rd day of July, 1991.

