

Enforcement Response Matrix

Violating Party: _____

IPP Staff Member & Date of Evaluation: _____

Nature of the Violation

Weight

<input checked="" type="checkbox"/>	Local or permit limit exceedance	+1
<input type="checkbox"/>	Late report	+1
<input type="checkbox"/>	Improper sampling technique or documentation / invalid sample	+1
<input type="checkbox"/>	Miscellaneous permit, ordinance, or Federal regulation violation	+2
<input type="checkbox"/>	Failure to monitor or report	+2
<input type="checkbox"/>	Violation of order (i.e. Administrative order, IPP requirement, missed compliance order milestone)	+2
<input type="checkbox"/>	Prohibited discharge	+3
<input type="checkbox"/>	Intent to deceive	+3
<input type="checkbox"/>	Endangering POTW staff or threatening public health	+3

Severity of the Violation

<input checked="" type="checkbox"/>	Exceedance below TRC	+1
<input type="checkbox"/>	Exceedance above TRC	+2
<input type="checkbox"/>	Report less than 30 days late	+1
<input type="checkbox"/>	Report more than 30 days late	+2
<input type="checkbox"/>	Negligent in sample collection, preservation, or documentation	+1
<input type="checkbox"/>	Grossly negligent in sample collection, preservation, or documentation	+2
<input type="checkbox"/>	Minor permit violation (i.e. does not impact POTW, does not cause additional violations)	+1
<input type="checkbox"/>	Major permit violation (i.e. interferes with enforcement or implementation of IPP, impacts POTW)	+3
<input type="checkbox"/>	Single parameter	+1
<input type="checkbox"/>	Multiple parameters	+2
<input type="checkbox"/>	Any action that is in violation of order or requirement (Unintentional, lack of training)	+1
<input type="checkbox"/>	Any action that is in direct violation of order or requirement (Intent or failure to respond to multiple notifications)	+3
<input type="checkbox"/>	Missed deadline does not seriously impact remaining compliance schedule	+1
<input type="checkbox"/>	Missed deadline causes major changes to compliance schedule	+3
<input type="checkbox"/>	Minor hindrance of the POTW	+2
<input type="checkbox"/>	Direct violation of General or Specific Prohibitions	+4
<input type="checkbox"/>	Falsification of documentation, tampering with monitoring devices, unauthorized dilution or other	+4
<input type="checkbox"/>	Requires medical attention	+3
<input type="checkbox"/>	Death	+5

Duration

<input type="checkbox"/>	Isolated	+1
<input checked="" type="checkbox"/>	On-going / Prolonged	+2

Frequency

<input type="checkbox"/>	First occurrence	+1
<input checked="" type="checkbox"/>	Repeated occurrence (1 < x ≤ 3 within past 3 years)	+2
<input type="checkbox"/>	Frequent occurrence (3 < x within past 3 years)	+3

SNC – Do any of the violations rise to the level of SNC? Specify in Notes Section

<input checked="" type="checkbox"/>	Yes	+2
<input type="checkbox"/>	No	---

Commented [JK4]: Do we need to add in Reporting violations for unpermitted IU's like we used against the dental office

Commented [DB5R4]: No, I've tried to create this so that it can be used against permitted and non-permitted users alike. So, if they fail to submit a report back, I would file that under "Violation of order". If an unpermitted user had a spill or discharged something hazardous to the system → "Unauthorized discharge". We can add some wording or change the qualifications so its clearer what it's meant to address. The challenge is keeping the wording vague enough so that we have some wiggle room in the future to apply a qualifier to some violation that we might not have foreseen. If we make it too explicit, then we will have to start adding more and more qualifiers to account for everything.

Commented [JK6]: So you could have a invalid sample causing failure to monitor being more than 30 days late for a total score of 5, which is Isolated Minor violation but it is SNC

Commented [DB7R6]: In that instance, I would probably assign the heavier "Failure to monitor" & "negligent attempt at sample collection" & "single" or "multiple parameter". Each section should be taken into account whenever trying to determine enforcement. So, at the very least, each decision should have at least 4 weighted selections.

Commented [JM8]: Is the intent of this section to enable the person completing it to check multiple boxes if applicable?

Commented [DB9R8]: The first two sections are meant for the evaluator to check off all relevant selections in relation to the violations that are being considered. If there are multiple violations of varying magnitude, that should be taken into consideration. However, it is not intended to stack selections against a user. If a violation may fall into multiple categories within a selection, I would choose the option with the heavier weight. But if multiple selections are necessary to characterize multiple violations, then I would choose however many are necessary to characterize each.

Scaled Enforcement Response Guide

Based on the Enforcement Response Guide Matrix, use the Scaled Enforcement Response Guide below to determine what course of action and personnel may be required. Additional enforcement or personnel may be necessary and should be evaluated on a case-by-case basis. When sampling violations occur, retesting may be required. Consider requiring a retest to confirm a user has come back into compliance when exceedances occur, or when a sample has been deemed invalid due to poor technique.

<u>Score</u>	<u>Enforcement Response</u>	<u>Personnel</u>
<u>4 – 5</u> <u>Isolated, Minor</u> <u>violations</u>	<ul style="list-style-type: none"> ○ <u>Verbal Communication - Phone call, in person meeting/conversation</u> ○ <u>Written Communication – Email</u> 	<ul style="list-style-type: none"> • <u>IPP Staff</u>
<u>6 – 8</u> <u>Increasing</u> <u>severity</u>	<u>May include any of the above, as well as:</u> <ul style="list-style-type: none"> ○ <u>Notice of Violation</u> ○ <u>Administrative Fine</u> ○ <u>Show Cause Hearing</u> 	<u>Will include the above, as well as:</u> <ul style="list-style-type: none"> • <u>Technical Services Manager</u> • <u>WTRF Superintendent</u>
<u>9 – 11</u> <u>Extreme</u> <u>frequency or</u> <u>severity</u>	<u>May include any of the above, as well as:</u> <ul style="list-style-type: none"> ○ <u>Compliance Order</u> ○ <u>Cease and Desist</u> ○ <u>Permit Suspension</u> 	<u>Will include the above, as well as:</u> <ul style="list-style-type: none"> • <u>W&S Director</u> • <u>W&S Attorney</u>
<u>12 or more</u> <u>Most Severe</u>	<u>May include any of the above, as well as:</u> <ul style="list-style-type: none"> ○ <u>Permit Revocation</u> ○ <u>Termination of Service</u> ○ <u>Civil Suit</u> ○ <u>Criminal Prosecution</u> 	<u>Will include all of the above. W&S staff may also consider consulting:</u> <ul style="list-style-type: none"> • <u>State Environmental Crimes Unit</u> • <u>EPA Enforcement Unit</u>

Notes:



DRAFT

~~There will not be any modifications to the existing Wastewater Discharge Permit that will be issued as a result of this modification. A new General Discharge Permit has been drafted but there are no immediate plans to issue a general permit~~

Commented [JK10]: Add in EPR and Penalty Matrix

1.1.6. ~~Other Documentation~~ Revised Program Procedures

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SECTION 4

INDUSTRIAL USER IDENTIFICATION AND CHARACTERIZATION

General

The City of Greeley identifies industrial users (IUs) that may be subject to the City's Pretreatment Program. Identification of all industries within the City that could be subject to discharge controls is performed by researching Greeley's utility records for non-residential customers, internet investigations, local newspaper research, reviewing industry lists from the local Chamber of Commerce, business license review, and by direct investigations of locations through field work.

Information such as knowledge of an industry's product and processes, field investigations of discharge locations, and discharge profiling through laboratory sampling, are used to determine whether or not Users may have a potential impact on the operations of the Wastewater Treatment & Reclamation Facility (WTRF). The Commercial/Industrial Waste Questionnaire (Appendix B) is sent to industries when it is determined that more information on processes, products and discharges is needed.

The City of Greeley presently regulates all IUs within the political jurisdiction of the City. If any special service collection districts are established, the City of Greeley reserves the right to define legal requirements for the IUs of these districts. These IUs shall then be evaluated and categorized into the City's Industrial Pretreatment Program. Pretreatment program costs will also be proportionally recovered from these jurisdictions.

To better organize the development and administration of the Pretreatment Program, industrial users are classified as: Significant Industrial Users (SIUs), Categorical Industrial Users (CIUs), Non-Significant Categorical Industrial Users (NSCIUs), Best Management Practice (BMP) required IUs, Sector Controlled Users, & Domestic Waste Haulers.

The following definitions are used to determine which classification is used:

1. SIU or CIU

Industrial Users which:

- (i) are subject to a Categorical Pretreatment Standard under 40 CFR §403.6 and 40 CFR Chapter I, subchapter N;
- (ii) discharge greater than 25,000 gallons per day of process wastewater;
- (iii) contribute a process wastestream which is greater than 5% of the

Commented [DB11]: Something I've wanted to do for a while is to consolidate all sections into 1 document so that we can update the formatting for all of them and create an interactive table of contents. It would help ensure that cross-references are still relevant and would also be easier to determine whether acronyms and abbreviations have already been used or not.

Commented [JK12R11]: OK with me

Commented [JM13]: Same as business license search?

Commented [DB14R13]: No.

Commented [JK15R13]: Not the same

Commented [JM16]: How often is this actually done or should we delete this part?

Commented [JK17R16]: Yes I think we would use these with new IU's
What did you do with the CBD operation?

Commented [DB18]: Several appendices appear to no longer exist. Will have to rename. This document does exist and has been updated.

Commented [JK19R18]: Yes

Commented [DB20]: I think waste haulers could be contained within BMP. Have left them separate due for simplicity right now.

Commented [JK21R20]: They require special category due to 40 CFR 403.5(b)(8) POTW's must prohibit hauled waste except at designated points

Commented [JM22]: Do we want to call out Satellite Dump Stations here too or just have them fall under the Sector Controlled Users?

Commented [JK23R22]: I consider them similar to Domestic Waste Haulers They require special category due to 40 CFR 403.5(b)(8) POTW's must prohibit hauled waste except at designated points

Commented [DB24]: Dropped classes since they aren't used. Try to cover all of currently permitted users and the types of permits we issue rather than condensed groups. Open to discuss classifications.

Commented [JK25R24]: I like it

- 'WTRF's design capacity for BOD₅ and TSS loading; or
(iv) are designated as such by the City on the basis that the User may have reasonable potential to adversely affect the WTRF by inhibition, pass-through, sludge contamination, endangerment of WTRF workers or to violate any Pretreatment Standard.

2. Non-Significant Categorical Industrial User (NSCIU)

An Industrial User subject to a Categorical Pretreatment Standard under 40 CFR §403.6 and 40 CFR Chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (i) The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- (ii) The Industrial User annually submits the certification statement required in 14.11.770(b), together with additional information necessary to support the certification statement; and
- (iii) The Industrial User never discharges any untreated concentrated wastewater.

Upon finding that a User meeting the above criteria has no reasonable potential to adversely affect the WTRF's operation or to violate any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR §403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

3. BMP Required IUs or Sector Controlled Users

Industrial/Commercial users that:

- (i) have been cited during the previous three years for a violation of a

Commented [JM26]: Use the same formatting for these conditions as for #1 above.

Commented [DB27]: This probably needs refinement on how we want to address these kind of users, what they should be called, etc.

Commented [JK28R27]: What you have is ok

Commented [DB29]: Not really sure why this is relevant. It's not really used in our determination. I think the second two criteria would more likely be used in determining whether a user should be permitted.

Commented [JK30R29]: 4000 gpd was just a starting point to query. OK to delete. This section is for classifying all non domestic users. Permitting requirements are explained later

Pretreatment Standard; or
(ii) discharge pollutants to the public sewer in amounts that, on a routine basis, have non-significant impact on the treatment works, but may present the potential to impact the collection or treatment system or to violate the City of Greeley's Pretreatment Ordinance. This includes Users that are regulated under a Best Management Practices program or that have the potential to produce slug loads, chemical spills or sewer blockages.

4. Domestic Waste Haulers

A. Portable Toilet Waste Haulers

Businesses that haul domestic-only portable toilet waste or domestic-only wastewater to the Greeley WTRF for treatment.

B. Satellite Dump Stations

Businesses that receive hauled domestic-only Recreational Vehicle (RV) toilet waste or domestic-only wastewater.

Commented [JK31]: See comment above Needs formatting or rewording

This classification system organizes industrial users into categories from which they are assigned a priority rating in the City's Industrial Pretreatment Program.

SIUs, CIUs, and NSCIUs present the greatest potential to adversely affect the WTRF and therefore receive the most attention from the Pretreatment Program.

BMP IUs and Sector Controlled Users receive less attention than SIUs & CIUs but are subject to inspection and sampling. Any necessary action will be taken to prevent the possibility of these Users from adversely affecting the WTRF.

Domestic Waste Haulers only discharge domestic wastewater, but receive a greater amount of regulatory attention because the wastewater is hauled via truck or RV. Domestic Waste Haulers must obtain a Wastewater Discharge Permit. Additionally, Portable Toilet Waste Haulers must submit a manifest form with every discharged load. Likewise, Satellite Dump Stations must submit a monthly reporting form with every discharged load.

General Commercial Users are less likely to negatively impact the WTRF and will be permitted if needed.

Any IU in the above classifications will be reclassified if monitoring and sampling data indicate that such a change is necessary.

The Industrial and Commercial User database is updated using methods mentioned above. Additionally, new businesses are continually noted when surveying the City during sampling and inspection events, as well as during personal driving time. The City of Greeley's Finance Department maintains copies of each sales tax license application received during the previous month. A Commercial Sewer User Classification Questionnaire is attached to the application. The questionnaire requires the applicant to provide information regarding the business for billing classification. New businesses are identified and appropriately classified from these questionnaires.

All newly identified or reclassified businesses are issued a Commercial/Industrial Wastewater Survey or Food Service Establishment Questionnaire, if applicable. A subsequent Wastewater Discharge Permit application (Appendix A) will be requested if it is determined that a User requires a permit. Additionally, if a User meets the Categorical Industrial User criteria, Greeley will request a Baseline Monitoring Report be submitted. Newly permitted Users may be inspected or sampled prior to permit issuance. All new Users are required to submit a Hazardous Waste Notification Questionnaire (Appendix A) as indicated in 40 CFR 403.12 (p)(1).

The existing Industrial/Commercial User database is updated at least every three years. The existing wastewater questionnaires for all Commercial Users are re-issued on a rotating basis. For example, Commercial Users with names beginning with letters A-H are reissued questionnaires in year 1; Commercial Users with names beginning with letters I – Q are reissued questionnaires in year 2; and Commercial users with names beginning with letters R – Z are reissued questionnaires in year 3.

Information regarding relevant Commercial Users is maintained both electronically and in hard copy files at the WTRF.

Commented [JM32]: Should User be capitalized throughout? Whatever we decide, we should be consistent with its use.

Commented [JK33R32]: From the Ordinance definition: "User or Industrial User. A source of Indirect Discharge" Either is ok but be consistent

Commented [JK34]: Daniel/Jen is this what you want to do?

Commented [DB35R34]: I don't think it's a bad system. There just wasn't documentation after 2015 to show that it was being implemented. We may need to look at the data base to determine whether it is divided equally. Some letters in the alphabet may be more frequently used and may result in "heavier" years than others. We should aim to split the database as equally as reasonable based on number of entries rather than equal divisions of the alphabet.

Commented [JM36]: I thought we were going to change the rationale here to a certain # of surveys sent per year...

SECTION 5

PROGRAM PROCEDURES

Procedures to ensure compliance with Industrial Pretreatment Program (IPP) objectives have been developed by the City of Greeley (City or Greeley). The following elements have been incorporated into City procedures to implement its Pretreatment Program:

- Permit program for Significant/Categorical Industrial Users, Domestic Waste Haulers, and BMP-required IUs;
- Sector control programs;
- Notification of requirements to Industrial Users;
- Monitoring and inspections by City Pretreatment personnel;
- Self-monitoring reports by Industrial Users;
- Compliance enforcement;
- Public notification of significant noncompliance; and
- Public outreach and education.

5.1 Permit Process

All industries classified as Significant Industrial Users (SIUs), Categorical Industrial Users (CIUs), BMP-Required IUs, or Domestic Waste Haulers are required to have a Wastewater Discharge Permit. Through processes described in previous sections, Greeley will determine if an IU is a significant contributor. If the City classifies an industry as one of the categories above, information about the Pretreatment Program's requirements will be provided to the industry electronically. The City's Pretreatment website provides access to the Pretreatment Chapter of the City Code (Pretreatment Chapter), a Wastewater Discharge Permit application form, and Federal Pretreatment related documents.

The Wastewater Discharge Permit application and an example Wastewater Discharge Permit form are furnished in Appendix A. Permit conditions will be based upon discharge characteristics and limitations imposed by the Pretreatment Chapter. Permit conditions will be developed to ensure the proper operation of the wastewater collection and treatment system. As new Federal or local requirements are promulgated, affected IUs will be notified, and their permits will be modified.

Wastewater Discharge Permits must be renewed every three (3) years. Updated applications will be used, in part, to detect any modifications in processes or wastewater characteristics. Additionally, permitted industries must notify the IPP of any new or increased contribution of pollutants that were not initially indicated in former permit applications.

5.1.1 Permit Limit Development

Where applicable, permittee's shall have limits developed for their discharge to be protective of the Publicly Owned Treatment Works (POTW). The City will allocate the daily Maximum Allowable Industrial Loading (MAIL) among SIUs through Wastewater Discharge Permits. The total mass of pollutants allocated to SIUs shall not exceed the MAIL. Allocation of the POTW's MAIL among all SIUs shall be based upon discharge volume, flow rate, or equitable and feasible distribution. Limits may be allocated from the MAIL based upon IU historical averages plus two (2) standard deviations, where reasonable. Limits developed in this fashion shall not exceed 5% of the WTRF's design capacity for a single User. Alternatively, parameters for which local limits exist, an IU's average flow in million gallons per day (MGD) may be multiplied by a parameter's respective Uniform Concentration Limit (UCL) and the pounds per gallon conversion factor of 8.34. The resulting value shall act as a mass limit for the respective parameter.

Commented [JM37]: Define WTRF here. If defined earlier in the document, no need.

Commented [DB38R37]: Chose to spell it out in Section 4 instead since there are several references in that section.

Commented [JK39]: YES

All permit limits are based on the Director's best judgement and are subject to change or restriction as needed to protect the POTW.

5.2 Sector Control Programs

Any IU not classified as Significant/Categorical is still subject to general and specific prohibitions regarding pollutants being introduced into a POTW. According to 40 CFR 403.5(a)(1), a User may not introduce any pollutant(s) into a POTW that cause pass through or interference. Further, 40 CFR 403.5(b)(3) indicates that solid or viscous pollutants shall not be introduced to the POTW in amounts that would cause obstruction to the flow in the POTW resulting in interference. Solid or viscous pollutants would include Fats, Oils, and Grease (FOG) generated by Food Service Establishments (FSEs).

Commented [JM40]: capitalize terms in this paragraph as needed to be consistent with the rest of the document

Commented [JK41]: OK Also as in Ordinance any defined term is caps.

Commented [JK42]: Add in BMP's for Breweries and Distilleries

The IPP has developed Best Management Practices (BMPs) to address specific limits on waste streams, such as FSE FOG (FSE BMPs provided in Appendix C). A new FSE is required to complete an initial Food Service Establishment BMP Certification/Survey and must submit the Certification Form every three years thereafter. Existing FSEs must complete and return the Certification Form every three years. FSEs are required to track grease trap/interceptor waste removed from their business to its final disposal site. Any FSE that has a grease trap/interceptor must keep an interceptor maintenance file with copies of cleaning manifests or receipts from grease haulers on-site, for a minimum of 3 years, and provide them to the City upon request.

Additionally, IPP has developed BMPs for Breweries and Distilleries. These users are required to fill out the Brewery/Distillery Compliance Report that describes their processes along with production values, discharge values, and practices of disposing bad batches or solid wastes such as spent grain generated during production. BMPs regarding spills are also requested through the compliance report. In the event that IPP feels that production volumes or poor BMP implementation warrants a permit, IPP reserves the right to permit Users as needed.

Another recent change to POTW wastewater compliance includes regulation of amalgam discharges from dental facilities. Excluding certain exceptions detailed in 40 CFR 441, all dental offices are subject to the Dental Amalgam Rule requiring facilities to minimize mercury discharges to POTWs.

Dental facilities established after July 14, 2017 are considered new sources. New sources must install an amalgam separator that meets the ISO 11143 standard prior to discharge of any process wastewater. Additionally, new sources must submit a One-time Compliance Report within 90 days of wastewater discharges.

Dental Facilities established prior to July 14, 2017 are considered existing sources. Existing sources must submit a One-time Compliance Report prior to October 12, 2020. Existing sources with an EXISTING amalgam separator that does not meet the ISO 11143 standard must install a compliant separator by June 14, 2027 or when replacement is necessary, whichever is sooner. Existing sources that DID NOT have an amalgam separator installed prior to June 14, 2017, must install an ISO compliant separator by July 14, 2020.

Sector control programs may be implemented for other businesses such as automotive and truck repair shops as well as assisted living facilities. The Pretreatment Chapter provides enforcement authority with BMPs and general permitting authority for sector control programs, if needed.

5.3 Industrial Users Notification Requirement

The City will notify all IUs subject to the Pretreatment Program of any applicable pretreatment standards as well as any regulations under Sections 204(b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA) that may be pertinent. In order to remain current with Federal Pretreatment Standards, the IPP regularly reviews the Federal Register for items regarding the program.

5.4 Monitoring and Inspection

The monitoring portion of the Pretreatment Program is the greatest source of industrial discharge data available to IPP.

Compliance monitoring is used to determine IU compliance with the Pretreatment Chapter, to develop User charges, and to provide data needed for required reports. The IPP conducts compliance monitoring to assure that data collected by an industry is accurate when self-monitoring is required. Samples are taken at least annually during operational hours and up to 24 hours a day. Where flow-proportioning is not practical, time-proportioned samples may be collected. In addition, flow rates will be measured to detect any possible dilution of waste, and to determine mass based loading limits. Random compliance monitoring may be used to help determine compliance between required annual monitoring and to investigate additional sources of industrial discharge.

Demand monitoring is required in the form of re-test monitoring after a detected violation. Demand monitoring is also used to seek out causes of disruptions in the POTW such as corrosive materials, solvents, or gases. For this purpose, grab sampling is primarily used during demand monitoring.

SIUs may be required to install a monitoring station in the discharge line, which includes all, or regulated-only, wastestreams from the industry. Monitoring stations are to be equipped with a flow-measuring device, such as a Palmer-Bowlus flume or magnetic flow meter, which are used in conjunction with flow meters and samplers operated by the City.

Self-monitoring sampling and analysis is conducted by an industry when required by the facility's permit. Self-monitoring will be performed at least semi-annually. Self-monitoring report guidelines are presented later in this section.

Inspections of an industry's processes and pretreatment facilities are conducted to provide additional information at least annually. Inspections will be used to determine compliance with permit requirements, maintenance of pretreatment facilities and/or spill prevention devices, and to identify any inconsistencies between observations and reported information. Additional inspections may be initiated on-demand in cases of suspected non-compliance with the facility's permit.

For the remaining Commercial Users, inspections and sample collection will be initiated on-demand or when there is reason to believe sampling is needed (i.e. slug loads, solvents detected in collection system, etc.). Restaurants, service stations, dental offices, and car washes, which have caused previous problems, may be inspected as often as time permits.

The U.S. EPA Treatability Manuals (1981) and additional references are used to help determine what laboratory analyses should be performed on samples taken from various industries. All laboratory analyses performed at the City's wastewater laboratory follow procedures from the most current edition of Guidelines Establishing Test Procedures for the Analysis of Pollutants: Final Rule; 40 CFR 136. Laboratory analyses, which are not performed by the City are taken to an approved contract laboratory.

The majority of samples collected during a sampling period will be flow-proportioned 24-hour

Commented [DB43]: Is there any reason why we should limit the types of devices and IU can use?

Commented [JK44]: No, but it does say "such as a"

Commented [DB45]: Similar to removing wording regarding current IU list, we should remove this statement unless we plan to confirm this information on a regular basis.

Commented [JK46]: ok

composites. In certain instances, however, grab samples will be taken. For example, analyses for pH, hexavalent chromium, and cyanide will be performed on grab samples. Grab composite samples for Oil and Grease, Cyanide and volatile organic compounds may be collected for some SIUs following specific collection methods approved by EPA. The appropriate type of sampling will be performed for each pollutant type (composite, grab, or grab composite).

Sampling equipment and sample containers are prepared using appropriate cleaning protocols. Documentation of cleaning events is traceable via a database and labeling program. Cleaning and traceability protocols are included as Appendix I, respectively. Sample handling is an important aspect of the monitoring/sampling program. Once a representative sample has been obtained, several steps will be taken to ensure that the validity and objectivity of the monitoring program is maintained. All samples will be properly preserved in accordance with 40 CFR 136. Once a sample is obtained and preserved, it is essential that the possession of the sample be properly documented. In particular, the person completing the field sampling will maintain a log containing pertinent information such as date, time, and location of the sampling activity. Caution in the handling and transfer of samples stems from the need to maintain sample integrity as part of any potential enforcement activity.

Commented [DB47]: Will need to be renamed

Commented [JK48]: ok

Commented [DB49]: All labs provide a copy of the chain of custody with the electronic report. We don't generally maintain copies of the Chain of custody due to this redundancy.

Commented [JK50]: ok

5.5 Self-Monitoring Reports and Other Notices

IPP personnel will receive and analyze self-monitoring reports submitted by IUs according to the reporting requirements in the Federal Pretreatment regulations. The regulation specifically states that all SIUs shall submit, at least once every six months or more frequently as needed, self-monitoring reports describing the nature, concentration, and estimated average and maximum flows of pollutants in its discharge. Certain IUs may submit BMP certification reports in lieu of self-monitoring reports. All values reported by IUs are compared to discharge standards as prescribed in the Pretreatment Chapter. Violators shall be subject to enforcement action as outlined in the City's Enforcement Response Guide (Item 5.2). The City has a record-keeping system, which provides easy access to all monitoring reports. All records will be maintained in a manual filing type system as well as electronically in the Linko CTS Pretreatment Program data management system (Linko). The frequency of sampling and list of pollutants to be analyzed by the IU will be stated in their Wastewater Discharge Permit and will be based upon the strength and flow rate of discharge.

The IPP may consider a self-monitoring laboratory report invalid if:

- The analysis is incomplete and the IU does not submit supplemental analysis within 30 days of being notified of the deficiency;
- Guidelines Establishing Test Procedures for the Analysis of Pollutants: Final Rule: 40 CFR 136 procedures are not used;

- Results of self-monitoring laboratory analyses cannot be verified by the City; or
- It is discovered that the monitoring equipment has been tampered with or adjusted, or the wastewater loadings and/or flow have been adjusted or changed to reflect an atypical situation.

If any of these conditions occur, or if it is found that false information is being supplied to the IPP, staff will notify the IU of the violation and the IU may be liable for administrative, civil or criminal enforcement.

Commented [DB51]: Warnings through the use of email or phone call are considered informal.

Commented [JK52]: Ok to add in if in ERP

All laboratory data reported to the IPP for self-monitoring and compliance monitoring purposes must be accurate, and defensible in a court of law in the event of a civil or criminal enforcement proceeding. To ensure that monitoring laboratory analyses and procedures meet these criteria, audits of the contract laboratories may be performed. Laboratory audits will be a systems audit focusing on facilities, equipment, personnel and QA/QC processes in place at the lab. A third-party consultant will perform the audits. The City reserves the right to disapprove of any laboratory employed by IUs for self-monitoring analyses.

Industries subject to Federal Categorical Pretreatment Standards will be notified, as explained in Section 5.3. If applicable, industries must submit a series of five reports to the IPP including the following:

1. Baseline Monitoring Report to be filed within 180 days of the effective date of a Federal Categorical Standard containing:
 - a. Name, address, owner and operator of facility;
 - b. List of any environmental control permits held by facility;
 - c. Description of facility's operation;
 - d. Flow-measurement data;
 - e. Certified statement indicating whether or not 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; and
 - f. Schedule of compliance, if additional O&M and/or pretreatment are required to meet pretreatment standards.
2. Progress reports for compliance schedule milestones in Permit.
3. Compliance data report indicating compliance with categorical standards deadlines.
4. Semi-annual reports on continued compliance.
5. Notice of slug loading.

Commented [JM53]: capitalize Permit throughout section to maintain consistency

Section 14.11.440 of the Pretreatment Chapter requires that accidental discharges be reported by the IU(s) experiencing the spill or discharge to the City's WTRF at: (970) 350-9363, 9365, 9360, or (970) 352-8680 Monday through Friday 7:30 a.m. to 4:00 p.m. If IU(s) are unable to reach IPP at the numbers above, they are encouraged to call the WTRF paging system at (970) 350-9361. The caller must ask for

the plant operator on duty to pick up line 5. The caller should be prepared to give an estimate of the expected duration of the discharge as well as the name and telephone number of a contact person capable of providing further information about the situation.

Commented [DB54]: Is this still a thing?

Commented [JK55]: It is the Plant intercom speaker system. It still works but I'm not sure if it will be kept with upgrade. Keep it anyway

5.6 Compliance Enforcement

The City utilizes a series of tiered responses to address noncompliance with Wastewater Discharge Permit requirements.

The initial step involves manually screening all applicable information. This review verifies that submitted reports are on schedule and that all information reported is correct. The reported parameters are reviewed to determine compliance with Wastewater Discharge Permit limits. Analysis methods, sampling procedures and signatory requirements are also checked for validity. All discrepancies will be reviewed for permit violations and noncompliance. Noncompliance, including accidental slug discharge notices and inspection violations, will be followed up with appropriate enforcement actions. Formal enforcement actions will be recorded in an enforcement log. As a check, the data is also entered into Linko, which is reviewed regularly to track violations.

Generally, the seriousness of a violation determines the response. Application of the Enforcement Response Guide is dictated by the following:

- Nature of the violation;
- Severity of the violation;
- Duration;
- Past compliance history; and
- Significant Noncompliance (SNC) status.

Commented [JM56]: spell out SNC

Commented [JK57]: ok

In general, all enforcement actions are issued electronically as well as in writing. Hard copies are served through the U.S. Postal Service. Unless the mail is returned, the hard copy is considered delivered and received.

Issuance of an Administrative Order, Show Cause Hearing, Administrative Penalties, or Civil Penalties are permitted without first issuing a Notice of Violation.

The City's Enforcement Response Guide is outlined on the following page:

Violating Party: _____

IPP Staff Member & Date of Evaluation: _____

Nature of the Violation	
<input type="checkbox"/>	Local or permit limit exceedance
<input type="checkbox"/>	Late report
<input type="checkbox"/>	Improper sampling technique or documentation / invalid sample
<input type="checkbox"/>	Miscellaneous permit, ordinance, or Federal regulation violation
<input type="checkbox"/>	Failure to monitor or report
<input type="checkbox"/>	Violation of order (i.e. Administrative order, IPP requirement, missed compliance order milestone)
<input type="checkbox"/>	Prohibited discharge
<input type="checkbox"/>	Intent to deceive
<input type="checkbox"/>	Endangering POTW staff or threatening public health
Severity of the Violation	
<input type="checkbox"/>	Exceedance below TRC
<input type="checkbox"/>	Exceedance above TRC
<input type="checkbox"/>	Report less than 30 days late
<input type="checkbox"/>	Report more than 30 days late
<input type="checkbox"/>	Negligent in sample collection, preservation, or documentation
<input type="checkbox"/>	Grossly negligent in sample collection, preservation, or documentation
<input type="checkbox"/>	Minor permit violation (i.e. does not impact POTW, does not cause additional violations)
<input type="checkbox"/>	Major permit violation (i.e. interferes with enforcement or implementation of IPP, impacts POTW)
<input type="checkbox"/>	Single parameter
<input type="checkbox"/>	Multiple parameters
<input type="checkbox"/>	Any action that is in violation of order or requirement (Unintentional, lack of training)
<input type="checkbox"/>	Any action that is in direct violation of order or requirement (Intent or failure to respond to multiple notifications)
<input type="checkbox"/>	Missed deadline does not seriously impact remaining compliance schedule
<input type="checkbox"/>	Missed deadline causes major changes to compliance schedule
<input type="checkbox"/>	Minor hindrance of the POTW
<input type="checkbox"/>	Direct violation of General or Specific Prohibitions
<input type="checkbox"/>	Falsification of documentation, tampering with monitoring devices, unauthorized dilution or other
<input type="checkbox"/>	Requires medical attention
<input type="checkbox"/>	Death
Duration	
<input type="checkbox"/>	Isolated
<input type="checkbox"/>	On-going / Prolonged
Frequency	
<input type="checkbox"/>	First occurrence
<input type="checkbox"/>	Repeated occurrence (1 < x ≤ 3 within past 3 years)
<input type="checkbox"/>	Frequent occurrence (3 < x within past 3 years)
SNC*	
Do any of the violations rise to the level of SNC? Specify in Notes Section	
<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

Commented [JK58]: Do we need to add in Reporting violations for unpermitted IU's like we used against the dental office

Commented [DB59]: No, I've tried to create this so that it can be used against permitted and non-permitted users alike. So, if they fail to submit a report back, I would file that under "Violation of order". If an unpermitted user had a spill or discharged something hazardous to the system → "Unauthorized discharge"
We can add some wording or change the qualifications so its clearer what it's meant to address. The challenge is keeping the wording vague enough so that we have some wiggle room in the future to apply a qualifier to some violation that we might not have foreseen. If we make it too explicit, then we will have to start adding more and more qualifiers to account for everything.

Commented [JK60]: So you could have a invalid sample causing failure to monitor being more than 30 days late for a total score of 5, which is Isolated Minor violation but it is SNC

Commented [DB61]: In that instance, I would probably assign the heavier "Failure to monitor" & "negligent attempt at sample collection" & "single" or "multiple parameter". Each section should be taken into account whenever trying to determine enforcement. So, at the very least, each decision should have at least 4 weighted selections.

Commented [JM62]: Is the intent of this section to enable the person completing it to check multiple boxes if applicable?

Commented [DB63]: The first two sections are meant for the evaluator to check off all relevant selections in relation to the violations that are being considered. If there are multiple violations of varying magnitude, that should be taken into consideration. However, it is not intended to stack selections against a user. If a violation may fall into multiple categories within a selection, I would choose the option with the heavier weight. But if multiple selections are necessary to characterize multiple violations, then I would choose however many are necessary to characterize each.

+3

+2

+4

+4

+3

+5

+1

+2

+1

+2

+3

+2

Based on the Enforcement Response Guide Matrix, use the Scaled Enforcement Response Guide below to determine what course of action and personnel may be required. Additional enforcement

or personnel may be necessary and should be evaluated on a case-by-case basis. When sampling violations occur, retesting may be required. Consider requiring a retest to confirm a User has come back into compliance when exceedances occur, or when a sample has been deemed invalid due to poor technique.

Commented [JM64]: hyphenate retest or don't, use same term throughout

<u>Score</u>	<u>Enforcement Response</u>	<u>Personnel</u>
<u>4 – 5</u> <u>Isolated, Minor</u> <u>violations</u>	<ul style="list-style-type: none"> <u>o Verbal Communication - Phone call, in person meeting/conversation</u> <u>o Written Communication – Email</u> 	<ul style="list-style-type: none"> <u>• IPP Staff</u>
<u>6 – 8</u> <u>Increasing</u> <u>severity</u>	<u>May include any of the above, as well as:</u> <ul style="list-style-type: none"> <u>o Notice of Violation</u> <u>o Administrative Fine</u> <u>o Show Cause Hearing</u> 	<u>Will include the above, as well as:</u> <ul style="list-style-type: none"> <u>• Technical Services Manager</u> <u>• WTRF Superintendent</u>
<u>9 – 11</u> <u>Extreme</u> <u>frequency or</u> <u>severity</u>	<u>May include any of the above, as well as:</u> <ul style="list-style-type: none"> <u>o Compliance Order</u> <u>o Cease and Desist</u> <u>o Permit Suspension</u> 	<u>Will include the above, as well as:</u> <ul style="list-style-type: none"> <u>• W&S Director</u> <u>• W&S Attorney</u>
<u>12 or more</u> <u>Most Severe</u>	<u>May include any of the above, as well as:</u> <ul style="list-style-type: none"> <u>o Permit Revocation</u> <u>o Termination of Service</u> <u>o Civil Suit</u> <u>o Criminal Prosecution</u> 	<u>Will include all of the above. W&S staff may also consider consulting:</u> <ul style="list-style-type: none"> <u>• State Environmental Crimes Unit</u> <u>• EPA Enforcement Unit</u>

Commented [JM65]: Any acronyms used here should be defined at 1st use.

Notes:

*SNC – Significant Criteria Shall Be:

> 1.2 x limit for non-conventional pollutants except pH

> 1.4 x limit for conventional pollutants

TIME FRAMES FOR RESPONSES

A. All violations will be identified and documented during the report review process.

B. Initial enforcement responses [involving contact with the IU and requesting information on corrective or preventative action(s)] will occur within 15 business days of violation detection.

C. Continued noncompliance will result in escalating enforcement actions including, but not limited to, a compliance schedule.

D. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

All correspondence performed during the enforcement response procedure shall be documented through LINKO event entries and/or digital files retained with relevant enforcement folders, including telephone logs and email communication. In the case of show cause hearings, appeal procedures, civil and criminal proceedings, files may be used as evidence exhibits. The procedures for requesting administrative review are provided with all enforcement responses where appropriate. These procedures are described below:

5.7 Administrative Appeal

Any User ("Appealing Party") may petition the Director to reconsider ("Administrative Appeal") an order issued hereunder, penalty, or fine imposed pursuant to this Chapter within ten (10) days of the receipt of the order, penalty, or fine. Failure to submit a written petition for reconsideration within such ten-day period shall constitute a waiver of the right to the Administrative Appeal.

A. In its written petition, the Appealing Party must indicate the enforcement actions objected to, the reasons for the objection, and any proposed alternative action. Only the challenged portions of the order, penalty, or fine shall be stayed pending

Commented [DB66]: I'm actually ok with this wording. We don't generally dilly dally after we've discovered any issues with the report. I think 15 business days is pretty generous for that initial follow-up
I removed written because we may follow-up with a phone call to request info.

Commented [JK67]: ok

Commented [JK68]: Susan had some possible changes . Make sure it is consistent with Ordinance

an appeal.

B. The Appealing Party shall be served with notice of the hearing on the Administrative Appeal, including location, date, and time, by certified mail (return receipt requested) at least five (5) days prior to the hearing.

C. The Director shall issue a written decision on the petition within twenty (20) days after the hearing on the Administrative Appeal.

D. The Appealing Party may seek review of the Director's decision on the petition for reconsideration by filing a written request with the Director within thirty (30) days of the date of the Director's decision, asking that the Director's decision be sent to the Water and Sewer Board for review. The Director shall submit his or her written decision to the Water and Sewer Board within thirty (30) days of receiving the request. The Water and Sewer Board shall make its decision based on the administrative record. The Water and Sewer Board may elect to decline to review the Director's decision. If the Water and Sewer Board so elects, the Appealing Party's request for review shall be directed to the Administrative Hearing Officer.

E. The Appealing Party may seek review of the Water and Sewer Board's decision on the administrative record by filing a request for hearing with the Administrative Hearing Officer, as authorized by Section 3-11 of the City Charter, within thirty (30) days after the decision of the Board. The Administrative Hearing Officer shall conduct the hearing in accordance with the procedures set forth in Chapter 2.09 and in the Administrative Hearing Officer Rules and Regulations. Such hearing shall be de novo, and the Administrative Hearing Officer may assess fines and issue orders consistent with the provisions of this Chapter. The Administrative Hearing Officer's decision shall be considered final administrative action for purposes of 14.11.710(d).

F. The Administrative Hearing Officer's decision to deny a request for hearing shall be considered final administrative action for purposes of 14.11.710(d).

G. To the extent this Chapter is inconsistent with Chapter 2.09 or the Administrative Hearing Officer Rules and Regulations, this Chapter shall govern. Chapter 1.33 does not apply to this Chapter.

H. Any appeal from the decision of the Administrative Hearing Officer, a final administrative action, shall be to the appropriate court pursuant to C.R.C.P. 106.

A copy of these regulations is delivered to each User prior to, or contemporaneously with,

an appealable enforcement action. The Administrative Appeal Hearings are also listed in Pretreatment Chapter 14.11.710. Failure to provide Users with a copy of these procedures with their enforcement action in no way obligates IPP to extend deadlines.

Administrative penalties are an additional enforcement tool accessible to IPP. Penalties are assessed using a matrix, which is provided below (Item 5.2). This matrix is only a guide; the determination of an individual penalty may be subject to the Director's discretion. An Administrative Penalty Evaluation Form will be used to document the decision of the penalty amount. The evaluation form is shown before the matrix. Civil Penalties are incurred to recover costs associated with noncompliance from damages or Permit related fines. The City Attorney's office may be consulted prior to all formal enforcement actions and any other escalated enforcement actions. Payment of penalties will be collected through the sewer billing process.

Commented [JM69]: If NPDES is more pertinent, spell out acronym.

5.7 Confidential Information

Information and data furnished to the Control Authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agency upon written request, subject to the restrictions of Colorado Revised Statutes (CRS), section 24-72-201 to 206.

5.8 Significant Noncompliance and Public Notification

The public notification requirements imposed by 40 CFR 403.8(f)(2)(vii) concerning the enforcement of National Pretreatment Standards will be followed by the IPP. A list of IUs, which during the past twelve months have significantly violated applicable Pretreatment Standards or Requirements, will be published in the Greeley Daily Tribune. The City will apply the 1997 EPA Region VIII Guidance Policy on SNC to determine significant violators. Linko is used to determine SNC for Chronic and Technical Review Criteria (TRC) calculations. SNC for reporting and other violations are addressed following 40 CFR 403.8(f)(2)(vii)(C-H). Instances of SNC are violations, which meet one or more of the following criteria:

1. Chronic violations of Wastewater Discharge limits, defined herein as those in which sixty-six percent (66%) or more of Wastewater measurements taken for the same pollutant during a six-month period exceed by any amount, a numeric Pretreatment Standard or Requirement, including Instantaneous Maximum Allowable Discharge Limits;
2. Technical Review Criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant

parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including the Instantaneous Maximum Allowable Discharge Limit, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);

3. Any other violation of Pretreatment Standards or Requirements (daily maximum, long-term average, Instantaneous Maximum Allowable Discharge Limit or narrative standard) that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, or that has endangered the health of POTW personnel or the general public;
4. Any Discharge of a Pollutant that caused imminent endangerment to human health or the environment, or resulted in the Director's exercise of his or her emergency authority to halt or prevent such a Discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports and reports related to compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), including a violation of a Sector Control Program or BMP that the Director determines will adversely affect the operation or implementation of the local Pretreatment program.]

Commented [DB70]: Direct copy from Ordinance. Changed 45 to 30 day deadline, #6.

Commented [JK71]: ok

DRAFT

None

Commented [JK72]: Add in Sections 4 and 5

1.1.7. Revised Wastewater Discharge Permit Template and Fact Sheet

DRAFT

City of Greeley
Wastewater Discharge Permit
No. XXXXXX

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Wastewater Discharge Permit

No. XXXXXX

Company Name: _____
Mailing Address: _____
Address of Premises: _____
Telephone Number: _____
Name of Person to
Contact: _____

Authorization to Discharge to the Greeley Public Sanitary Sewer System

In accordance with the provisions in 14.11 of the Greeley Pretreatment Chapter, [Company Name] is hereby authorized to discharge from the above identified facility and through the outfalls identified herein into the Greeley Public Sanitary Sewer System in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal Laws, including any such regulations standards, requirements or laws that may become effective during the term of this permit.

Noncompliance with any term of this permit shall constitute a violation of the Greeley Pretreatment Chapter with possible penalties of up to \$1000/day/violation.

This permit shall become effective this [X] day of [Month], [Year] and shall expire at midnight on the [X] day of [Month], [Year not to exceed 3 year limit].

Jeremy Woolf

Wastewater Treatment Supervisor

Part 1 Effluent Limitations

A. Description of Outfall

Outfall

[Outfall number]

Description

[Description of wastewater flowing through outfall. Description of outfall location.]

Only those wastewaters specified in this permit are authorized for discharge. The permittee is specifically prohibited from discharging any other wastewaters or pollutants not disclosed to the City or not specified in this permit.

B. Effluent Limitations

Wastewater discharged into the sanitary sewer system shall not exceed the following effluent limitations:

Outfall [Outfall number]

Pollutant or Pollutant Property

Daily Maximum

[Pollutant or Pollutant Property]

[Limitations in lbs/day or "Report"]

Parameters

Instantaneous Grab Sample

[Parameter (i.e. pH)]

[Limitations]

C. Prohibited Discharges

Unless specifically provided elsewhere in this permit, the permittee shall not introduce or cause to be introduced into the POTW the Prohibited Discharge Standards of Section 14.11.070 of the Greeley Pretreatment Chapter. The Prohibited Discharge standards are located in Appendix A of this permit.

D. Priority Pollutants

The Priority Pollutants are listed in **Part 7** of the Permit and referenced in 307 (a) of the Clean Water Act of 1977. If priority pollutants that have no locally developed limitations are determined to be present, the permittee shall take steps to eliminate those pollutants from the wastestream unless those concentrations can be demonstrated, to the City's satisfaction, as non-significant. Non-significant concentrations are those which will not interfere with treatment of City wastewaters, will not pass through to the receiving stream, or will not reduce the recycling value of treated sludge.

Part 2 Monitoring Requirements

A. Monitoring Frequencies

From the period beginning on the effective date of the permit until the end of the permit expiration date, the permittee shall monitor for the following parameters at the indicated frequency:

Outfall [Outfall Number]

<u>Parameters</u>	<u>Frequency</u>	<u>Type</u>
<u>[Parameters (i.e. BOD, TSS...)]</u>	<u>[Frequency (i.e. 2 day / year)]</u>	<u>[Collection type (i.e. grab)]</u>

B. Self-Monitoring Guidelines

The permittee must meet the following City Self-Monitoring Policy Guidelines:

1. The designated schedule of monitoring shall be adhered to. The disregarding of this schedule constitutes a violation of the conditions of the Wastewater Discharge Permit, which shall result in the implementation of the City's established enforcement remedies as outlined in Chapters 14.11.570 through 14.11.700 of Greeley's Municipal Code.

2. Sampling periods are as follows:

Quarterly sampling periods are as follows:

1st quarter = January 1 to March 31

2nd quarter = April 1 to June 30

3rd quarter = July 1 to September 30

4th quarter = October 1 to December 31

Semi-annual sampling periods are as follows:

1st period = January 1 to June 30

2nd period = July 1 to December 31

Annual sampling period is as follows:

January 1 to December 31

3. Sampling days must be consecutive. If unable to collect consecutive days then it is allowable to collect the day(s) of the week sample missed at a later time in the monitoring period.

4. The permittee must sample its wastewater at its designated outfall(s).

5. The Control Authority will be performing unscheduled compliance monitoring at times other than concurrent with the self-monitoring periods. The Control Authority may collect samples at a location(s) other than the designated outfall(s) if the Control Authority determines that another site will provide a representative sample.
6. The permittee shall record their self-monitoring results on the appropriate recording sheet.
7. All acceptable self-monitoring reports submitted by the permittee may be used as data for billing charge determinations.
8. The Industrial Pretreatment Program may consider a self-monitoring report INVALID if any of the previously listed policy guidelines are not followed.

C. Representative Sampling

Samples and measurements taken as required shall be representative of the volume and nature of the monitored discharge. Sampling techniques shall be performed in accordance with those prescribed in 40 CFR Part 136 and 40 CFR 403.

D. Wastewater Flow Monitoring

The wastewater flow meter shall be maintained in proper working order. The wastewater flow meter must undergo an annual calibration according to the manufacturer's specifications and be performed by the manufacturer or a manufacturer approved service representative. The results and certifications must be recorded and available for inspection.

E. Definitions

1. Authorized Representative of the User:

- a. If the User is a corporation: the president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively; or
- c. If the User is a federal, state or local governmental entity: a director or highest level official appointed or designated to oversee the operation and performance of the activities of the government entity.

The individuals described in Paragraphs a. through c. above may designate another Authorized Representative if the authorization is in writing and is

- submitted to the City. The authorization shall specify either an individual or a position having responsibility for the overall operation of the facility from which the Discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.
2. City: The City of Greeley.
 3. City Code: City of Greeley Municipal Code.
 4. Composite Sample: A sampling procedure defined in 40 CFR Part 403, Appendix E - Sampling Procedures, I. Composite Method.
 5. Continuous Recording: A numerical totalizer record and/or a graphic record, which represents the amount of a parameter continuously detected by a measuring device during a designated time period.
 6. Director: The Director of the City Water and Sewer Department or his or her authorized designee.
 7. Grab Composite: A sampling procedure involving a series of grab samples collected over a period of time and composited for analysis.
 8. Grab Sample: A sampling procedure defined in 40 CFR Part 403, Appendix E - Sampling Procedures, II. Grab Method.
 9. Interference: A Discharge that, alone or in conjunction with a Discharge or Discharges from other sources, both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Contributes to a violation of any requirement of the City's CDPS 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 any of the following statutory/ regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; and the Toxic Substances Control Act.

10. Pass Through: A Discharge from the POTW into state waters in quantities or concentrations that, alone or in conjunction with a Discharge or Discharges from other sources, causes or contributes to a violation of any requirement of the City's CDPS permit, including an increase in the magnitude or duration of a violation.
11. pH: A measure of the acidity or alkalinity of a solution, expressed in standard units.
12. Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste and certain characteristics of wastewater (such as pH, temperature, TSS, turbidity, color, BOD, toxicity or odor).
13. Pretreatment: The reduction in the amount of Pollutants, the elimination of Pollutants or the alteration of the nature of Pollutant properties in wastewater prior to introducing such Pollutants into the POTW. The User may obtain this reduction or alteration by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants allowed by an applicable Pretreatment Standard. Appropriate pretreatment technology includes control equipment such as equalization tanks or facilities for protection against surges or Slug loads that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated limit using the combined wastestream formula in 40 CFR § 403.6(e).
14. Pretreatment Chapter: City of Greeley Municipal Code Chapter 14.11.
15. Pretreatment Requirement: Any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.
16. Pretreatment Standard or Standard: Any Prohibited Discharge Standard, Categorical Pretreatment Standard or local limit.
17. Publicly Owned Treatment Works or POTW: The "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292), that is owned by the City. This definition includes any devices or systems used in the collection,

storage, treatment, recycling or reclamation of Domestic or Nondomestic Wastewater and any conveyances that carry such wastewater. POTW also means the City.

18. Significant Industrial User or SIU:

- a. User subject to a Categorical Pretreatment Standard under 40 CFR § 403.6 and 40 CFR Chapter I, subchapter N; or
- b. A User that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (ii) Contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
 - (iii) Is designated as such by the City on the basis that the User has a reasonable potential to adversely affect the POTW's operation or to violate any Pretreatment Standard or Requirement.
- c. The City may determine that an Industrial User subject to a Categorical Pretreatment Standard under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N, is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (i) The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - (ii) The Industrial User annually submits the certification statement required in Subsection 14.11.770(b), together with additional information necessary to support the certification statement; and
 - (iii) The Industrial User never discharges any untreated concentrated wastewater.
- d. Upon a finding that a User meeting the criteria in Subparagraph C., above, has no reasonable potential to adversely affect the POTW's operation or to violate any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR §

403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

19. Wastewater: Liquid and water-carried industrial and domestic waste from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, that is contributed to the POTW.

20. Wastewater Discharge Permit: An individual wastewater discharge permit or a general permit giving authorization to Discharge Pollutants to the POTW in accordance with the requirements of the Act and this Chapter.

21. Wastewater Treatment Plant or Treatment Plant: That portion of the POTW designed to treat Wastewater.

F. Abbreviations

<u>Abbreviation</u>	<u>Term</u>
<u>BOD₅</u>	<u>Biochemical Oxygen Demand</u>
<u>CDPS</u>	<u>Colorado Discharge Permit System</u>
<u>CFR</u>	<u>Code of Federal Regulations</u>
<u>CRCP</u>	<u>Colorado Rules of Civil Procedure</u>
<u>COD</u>	<u>Chemical Oxygen Demand</u>
<u>EPA</u>	<u>Environmental Protection Agency</u>
<u>gpd</u>	<u>Gallons per day</u>
<u>lbs/day</u>	<u>Pounds per day</u>
<u>O&M</u>	<u>Operation and Maintenance</u>
<u>mg/L</u>	<u>Milligrams per liter</u>
<u>PCB</u>	<u>Polychlorinated Biphenyls</u>
<u>POTW</u>	<u>Publicly Owned Treatment Works</u>
<u>PQL</u>	<u>Practical Quantitation Limit</u>
<u>RCRA</u>	<u>Resource Conservation and Recovery Act</u>
<u>s.u.</u>	<u>Standard Units</u>
<u>TSS</u>	<u>Total Suspended Solids</u>
<u>µg/L</u>	<u>Micrograms per liter</u>

Part 3 Analytical Requirements

A. Analysis Requirements

All pollutant analyses to be submitted as part of a wastewater discharge permit

application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. The analytical method and PQL selected for a parameter shall be the one that can measure compliance with the permit limitation.

B. Laboratory Quality Control Requirements

All pollutant analyses to be submitted as part of a wastewater discharge permit application or report shall be subjected to laboratory quality control techniques as required in accordance with the methods prescribed in 40 CFR Part 136.

C. Special Requirements

Hexavalent Chromium sample must be un-acidified and analyzed within 24 hours after the sample was collected. In the event that matrix interference results in inaccurate analysis of hexavalent chromium, then the permittee must analyze for total chromium. If the total chromium is reported above the permittee's limit for hexavalent chromium, then the wastewater must be re-sampled and analyzed for hexavalent chromium using the chelation-extraction method, EPA 218.6.

Part 4 Reporting Requirements

A. Periodic Self-Monitoring Compliance Reports

1. The permittee shall, at the frequency listed in **Part 2.A.**, submit a periodic self-monitoring compliance report indicating the concentration and/or mass of pollutants in its discharge that are limited by pretreatment standards, and the measured daily flows for the reporting period. The permittee shall submit the information, along with the **Self-Monitoring Compliance Report Form, Part 8.**

2. **Reporting Dates.** All monthly, semi-annual, quarterly and annual reports are due 30 days following the end of the sampling period.

3. If a permittee subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, the results of this monitoring shall be included in the periodic self-monitoring compliance report.

4. Mass reported as lbs/day shall be calculated by using the following formula:

$$\frac{\text{lbs/day}}{x (8.34)} = (\text{Daily Flow [million gallons]}) \times (\text{Parameter Concentration [mg/L]})$$

B. Hazardous Waste Notification

1. The permittee shall notify in writing the Director, the EPA Region VIII Waste Management Division and the Colorado Hazardous Materials and Waste Management Division of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other).
 - a. If the permittee discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, to the extent such information is known and readily available to the permittee, the notification shall also: identify the hazardous constituents contained in the wastestream; estimate the mass and concentration of such constituents in the wastestream discharged during that calendar month; and estimate the mass and concentration of such constituents in the wastestream the permittee expects to discharge during the following twelve (12) months.
 - b. The permittee shall provide such notification no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. (However, the User must notify the POTW of any changed conditions under **Part 4.C.**). The notification requirement in this subsection does not apply to pollutants already reported by the permittee subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 14.11.390, 14.11.410 and 14.11.420 of the City Code.
2. Permittees are exempt from the requirements of subsection 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the permittee discharges more than such quantities of any hazardous waste do not require additional notification. (However, the permittee must notify the POTW of any changed conditions as specified in **Part 4.C., Reports of Changed Conditions.**)
3. If EPA or the State issues any new regulations under Section 3001 of RCRA identifying any additional characteristic of a hazardous waste or listing any

additional substance as a hazardous waste, the User must notify the Director, the EPA Region VIII Waste Management Division and the Colorado Hazardous Materials and Waste Management Division of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the permittee shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practicable.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this permit, City Code, or any applicable federal or state law.

C. Reports of Changed Conditions

1. Each permittee must notify the Director of any planned significant changes to the permittee's operations or system that might alter the nature, quality, or volume of its wastewater at least 30 days before the change.
2. The Director may require the permittee to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 14.11.260 of the Pretreatment Chapter.
3. The Director may modify an existing wastewater discharge permit under Section 14.11.320 of the Pretreatment Chapter in response to changed conditions or anticipated changed conditions.
4. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

D. Reports of Potential Problems

1. In the case of any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions, the permittee shall immediately notify the POTW of the incident by telephone (350-9363, 350-9360, 336-4247 Monday-Friday 7:00 a.m. through 4:00

- p.m. or 396-3827, 371-3737, 371-3738 weekends and after hours). This notification shall include the location of the discharge, type of waste, duration, concentration and volume, if known, and corrective actions taken by the permittee.
2. Within five days following such discharge, the permittee shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the permittee of any fines, penalties, or other liabilities with that may be imposed pursuant to the Pretreatment Chapter, or other applicable law.
 3. A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees who to call in the event of a discharge described in **Part 4.D.1.**, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

E. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by the permittee indicates a violation, the User must notify the Director in writing or by telephone within 24 hours of becoming aware of the violation. The permittee shall submit the information on the **Non-Compliance Report Form, Part 9**. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. Where the City has performed sampling and analysis in lieu of the User, the City must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Where the City finds a violation as a result of its compliance monitoring event, then the User shall perform repeat sampling and analysis within 30 days after becoming notified of the violation.

F. Compliance Schedule Reporting

The permittee shall submit a progress report to the Director no later than 14 days following each increment date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the permittee to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Director.

G. Timing

Reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report at the mailing address shown in Part 4.J. of this permit shall govern.

H. Laboratory Reporting Requirements

All analysis results for pretreatment standard monitoring shall be reported with the following information:

1. The chain of custody information for all the of permittee's samples. The chain of custody must include:
 - a. Outfall identification
 - b. Date of sample
 - c. Time of sample
 - d. Type of sample
 - e. Sample collector
2. The date the analyses were performed
3. The person(s) who performed the analysis
4. The analytical methods used
5. The sample results and the method detection limits of the analytical methods
6. The laboratory report as an EDD file in Linko Database Import Format. **The format is shown in Appendix B.**

I. Signatories and Certification

1. All wastewater discharge permit applications and permittee reports must be signed by an authorized representative of the permittee and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

This certification statement is found in **Self-Monitoring Compliance Report Form, Part 8** of the permit.

I. Report Submittal

All reports required by this permit shall be submitted to the City of Greeley at the following address:

City of Greeley
Wastewater Treatment & Reclamation Facility
Attn: Industrial Pretreatment Program
300 East 8th Street
Greeley, CO 80631

Reports or data may be submitted electronically, but must be followed by the submittal of the original signed hard copy. The date of submittal shall be recognized as the date of receipt of the original signed hard copy or as outlined in **Part 4.G., above.**

Part 5 Compliance Schedules

If a compliance schedule is required, the schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment, or implementation of additional O&M, required for the permittee to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

No increment referred to in the preceding paragraph shall exceed nine months.

[If applicable, place compliance schedule information in this Part, or add a reference to a Compliance Schedule Appendix. Do not create a new part as that could affect cross-references throughout the document.]

Part 6 Standard Conditions

A. Standard Conditions

1. Reports Required

All reports required by this permit shall contain the signatory certification specified at **Part 4.I.** Original signed hard copies shall be mailed on or before the due date to the address specified at **Part 4.J.**

2. Record Keeping

Users subject to the reporting requirements of the Pretreatment Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the Pretreatment Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 14.11.130. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

3. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby, and there shall be substituted for the affected provision a valid and enforceable provision as similar as possible to the affected provision.

4. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

5. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from non-compliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

6. Permit Modification

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

- b. To address significant alterations or additions to the permittee's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the wastewater discharge permit;
- i. To reflect a transfer of facility ownership or operation to a new owner or operator.

7. Permit Termination

This permit may be terminated for the following reasons:

- a. Failure to provide prior notification to the Director of changed conditions pursuant to Section 14.11.430 of the City Code;
- b. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- c. Falsifying self-monitoring reports;
- d. Tampering with monitoring equipment;
- e. Refusing to allow the Director timely access to the facility premises and records;
- f. Failure to meet effluent limitations;
- g. Failure to pay fines;
- h. Failure to pay sewer charges;
- i. Failure to meet compliance schedules;
- j. Failure to complete a wastewater survey or the wastewater discharge permit application;
- k. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- l. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the City Code.

Wastewater Discharge Permits shall be voidable upon cessation of

operations. All Wastewater Discharge Permits are void upon the issuance of a new replacement Wastewater Discharge Permit. The permittee may appeal the voiding of a permit within ten days of notice that the permit is void. This appeal may be taken pursuant to **Part 6.A.7.**

8. Permit Appeals

Any person, including the permittee, may petition the Director to reconsider the terms of a Wastewater Discharge Permit ("Administrative Appeal") within thirty (30) days of the effective date of the final permit or the decision not to issue a permit.

- a. Failure to submit a written petition for review within such thirty-day period shall constitute a waiver of the right to the Administrative Appeal.
- b. In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the permit. Except for provisions that change from the draft to the final permit, the petitioner may only appeal those issues it raised during the public comment period.
- c. Only the challenged portions of the final Wastewater Discharge Permit shall be stayed pending an appeal.
- d. Failure of the Director to act within twenty (20) days of receiving a written petition for review shall constitute denial of the petition.
- e. Aggrieved parties may seek review of the Director's Wastewater Discharge Permit decision by filing a request with the Director within thirty (30) days of the date of his or her final decision asking that the Director's written decision be sent to the Water and Sewer Board. The Director shall submit his or her written decision to the Water and Sewer Board within thirty (30) days of receiving the request. The Water and Sewer Board shall make its decision based on the administrative record.
- f. Aggrieved parties seeking review of the Water and Sewer Board's Wastewater Discharge Permit decision must do so by filing a request for hearing with the Administrative Hearing Officer, as authorized by Section 3-11 of the Greeley City Charter, within thirty (30) days after the decision of the Board. Such review shall be *de novo*, and the Administrative Hearing Officer's decision shall be final. Administrative Hearing Officer decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit or not to modify a Wastewater Discharge Permit shall be considered the final administrative action for purposes of judicial review.

- g. Any appeal from the decision of the Administrative Hearing Officer shall be to the appropriate court pursuant to C.R.C.P. 106.

9. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

10. Permit Transfer

A Wastewater Discharge Permit holder may transfer its permit to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Director, and the Director approves the permit transfer in writing. The notice to the Director must include a written certification by the new owner or operator that:

- a. The new owner and/or operator acknowledges receipt of a copy of the existing permit;
- b. The new owner and/or operator has fully read and understands the permit conditions and accepts full responsibility for complying with the existing permit;
- c. The new owner and/or operator has no immediate intent to change the facility's operations and processes; and
- d. Identifies the specific date of transfer.

Upon approval of the Wastewater Discharge Permit transfer, the Director shall reissue the transferred permit in the name of the new owner and/or operator.

11. Duty to Reapply

A permittee with an expiring Wastewater Discharge Permit shall apply for permit re-issuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the existing permit.

12. Dilution

No permittee shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on permittee's who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the

imposition of mass limitations is appropriate.

13. Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, state, and federal pretreatment standards and requirements including any such standards, or requirements that may become effective during the term of this permit.

14. Right of Entry: Inspection and Sampling

- a. Upon presentation of proper credentials, the Director may enter the premises of any User to determine the User's compliance with this permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises to inspect, sample, examine and copy records, and to perform any additional duties related to such compliance issues.
- b. Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purpose of performing specific responsibilities.
- c. The Director shall have the right to set up on the User's property, or require installation of, any devices necessary to sample and/or measure the User's operations.
- d. The Director may require the User to install, in accordance with local construction standards and specifications, such sampling and monitoring equipment and facilities as necessary to ensure compliance with applicable requirements. The User shall maintain sampling and monitoring equipment at all times in a safe and proper operating condition at its own expense.
- e. The Director may require the User to install and maintain sampling and monitoring facilities independent of the User's sampling and monitoring facilities to enable the Director to independently monitor the User's Discharge activities.
- f. At the request of the Director, the User shall promptly remove any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled. The User shall bear any costs of clearing such access.

- g. In the event that the Director is refused admission to the Discharger's premises, the Director may discontinue water or wastewater service to the premises until the Director has been afforded reasonable access to the premises to accomplish inspection or sampling.

15. Liability for expenses and fines

Violation of this permit or Chapter 14.11 of the City Code by the permittee shall cause liability for any expense, loss, or damage caused to the POTW by reason of such violation, including increased costs for sewage treatment, bio-solids treatment and disposal, and POTW operation and maintenance expenses resulting from the permittee's discharge. If the permittee discharges pollutants that cause the State or EPA to fine the City for violating any condition of its CDPS permit, the permittee shall indemnify and hold harmless the City for the total cost of the fine, including, without limitation, all legal, sampling, analytical, and other associated costs and expenses.

16. Pollutant Waiver

- a. Greeley may authorize the User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the 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 User. This authorization is subject to the following conditions:

(i) The Control Authority may authorize a waiver 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.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, 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 subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the

facility that is representative of all wastewater from all processes.

b. The request for a monitoring waiver must be signed in accordance with **Part 2.E.1.**, above, and include the certification statement in **Part 4.I.**, above. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(i) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(ii) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Control Authority, the User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

(iii) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of **Part 4.A.**, above, or other more frequent monitoring requirements imposed by the Control Authority; and notify the Control Authority.

(iv) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards,

except as otherwise specified in the categorical Pretreatment Standard.

B. Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. The permittee shall perform a monthly flow meter calibration check consisting of a depth measurement comparison and adjustment, if necessary. The results of these calibration checks must be documented and made available for inspection.

2. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

A. For the purposes of this Section:

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facility that renders it inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a Bypass. "Severe property damage" does not mean economic loss caused by delays in production.

B. The permittee may allow any Bypass to occur that does not violate a Pretreatment Standard or Requirement, but only if such Bypass is necessary for essential maintenance to assure efficient operation. These Bypasses are not subject to Subsections C. and D. of this Section.

C. If a permittee knows in advance of the need for a Bypass, it shall notify the Director at least ten days before the date of the Bypass or at the earliest possible time the permittee becomes aware of the Bypass need if less than ten days prior to the Bypass.

(1) A permittee shall orally notify the Director of an unanticipated Bypass that exceeds applicable Pretreatment Standards immediately upon becoming aware of the Bypass, but in no case later than 24 hours from the time it becomes aware of the Bypass. The permittee must also submit a written report within five days of the time it becomes aware of the Bypass. The report shall describe the Bypass and its cause; state the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, its anticipated duration; and steps taken or planned to prevent reoccurrence of the Bypass.

D. Bypass is prohibited, and the Director may take enforcement action against a User for a Bypass, unless:

(1) The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There was no feasible alternative to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass that occurred during normal periods of equipment downtime or preventive maintenance.); and

(3) The User submitted the notices required under Subsection C. of this Section.

E. The Director may approve an anticipated Bypass, after considering its adverse effects, if the Director determines that the Bypass will meet the three conditions listed in Subsection D. of this Section.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with applicable Local, State, and Federal requirements including section 405 of the Clean Water Act and RCRA requirements for hazardous and Non-Hazardous

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wastes, Subtitles C & D.

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Part 7 EPA Priority Pollutants

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride
(Tetrachloromethane)
7. Chlorobenzene
8. 1,2,4-trichlorobenzene
9. Hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. Hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. Chloroethane
17. Bis (2-chloroethyl) ether
18. 2-chloroethyl vinyl ether (mixed)
19. 2-chloronaphthalene
20. 4-bromophenyl phenyl ether
21. Bis (2-chloroisopropyl) ether
22. Bis (2-chloroethoxy) methane
23. Methylene chloride
(Dichloromethane)
24. Methyl chloride (Chloromethane)
25. Methyl bromide
26. Bromoform (tribromomethane)
27. Dichlorobromomethane
28. Chlorodibromomethane
29. Hexachlorobutadiene
30. Hexachlorocyclopentadiene
31. Isophorone
32. Naphthalene
33. Nitrobenzene
34. 2-nitrophenol
35. 4-nitrophenol
36. 2,4-dinitrophenol
37. 4,6-dinitro-o-cresol
38. 2,4,6-trichlorophenol
39. Parachlorometacresol
40. Chloroform (trichloromethane)
41. 2-chlorophenol
42. 1,2-dichlorobenzene
43. 1,3-dichlorobenzene
44. 1,4-dichlorobenzene
45. 3,3'-dichlorobenzidine
46. 1,1-dichloroethylene
47. 1,2-trans-dichloroethylene
48. 2,4-dichlorophenol
49. 1,2-dichloropropane
50. 1,3-dichloropropylene
51. 2,4-dimethylphenol
52. 2,4-dinitrotoluene
53. 2,6-dinitrotoluene
54. 1,2-diphenylhydrazine
55. Ethylbenzene
56. Fluoranthene
57. 4-chlorophenyl phenyl ether
58. Toluene
59. Trichloroethylene
60. Vinyl chloride (Chloroethylene)
61. Aldrin
62. Dieldrin
63. Chlordane (tech. mixture & metabolites)
64. 4,4'-DDT
65. 4,4'-DDE(p,p'-DDX)
66. 4,4'-DDD(p,p'-TDE)
67. Alpha-endosulfan
68. Beta-endosulfan
69. Endosulfan sulfate
70. Endrin
71. Endrin aldehyde

<u>72. Heptachlor</u>	<u>101.Pyrene</u>
<u>73. Heptachlor epoxide</u>	<u>102.Tetrachloroethylene</u>
<u>74. Alpha-BHC</u>	<u>103.PCB-1242 (Aroclor 1242)</u>
<u>75. Beta-BHC</u>	<u>104.PCB-1254 (Aroclor 1254)</u>
<u>76. Gamma-BHC (lindane)</u>	<u>105.PCB-1221 (Aroclor 1221)</u>
<u>77. Delta-BHC</u>	<u>106.PCB-1232 (Aroclor 1232)</u>
<u>78. N-nitrosodimethylamine</u>	<u>107.PCB-1248 (Aroclor 1248)</u>
<u>79. N-nitrosodiphenylamine</u>	<u>108.PCB-1260 (Aroclor 1260)</u>
<u>80. N-nitrosodi-n-propylamine</u>	<u>109.PCB-1016 (Aroclor 1016)</u>
<u>81. Pentachlorophenol</u>	<u>110.Toxaphene</u>
<u>82. Phenol (4APP method)</u>	<u>111.Antimony (total)</u>
<u>83. Bis (2-ethylhexyl) Phthalate</u>	<u>112.Arsenic (total)</u>
<u>84. Butyl benzyl phthalate</u>	<u>113.Asbestos (fibrous)</u>
<u>85. di-n-butyl phthalate</u>	<u>114.Beryllium (total)</u>
<u>86. di-n-octyl phthalate</u>	<u>115.Cadmium (total)</u>
<u>87. Diethyl phthalate</u>	<u>116.Chromium (total)</u>
<u>88. Dimethyl phthalate</u>	<u>117.Copper (total)</u>
<u>89. Benzo (a) anthracene (1,2-benzanthracene)</u>	<u>118.Cyanide (total)</u>
<u>90. Benzo (a) pyrene (3,4-Benzopyrene)</u>	<u>119.Lead (total)</u>
<u>91. 3,4-benzofluoranthene</u>	<u>120.Mercury (total)</u>
<u>92. Benzo (k) fluoranthene (11,12-benzofluoranthene)</u>	<u>121.Nickel (total)</u>
<u>93. Chrysene</u>	<u>122.Selenium (total)</u>
<u>94. Acenaphthylene</u>	<u>123.Silver (total)</u>
<u>95. Anthracene</u>	<u>124.Thallium (total)</u>
<u>96. Benzo (ghi) perylene (1,12-benzoperylene)</u>	<u>125.Zinc (total)</u>
<u>97. Fluorene</u>	<u>126.2,3,7,8-tetrachlorodibenzo p-dioxin (TCDD)</u>
<u>98. Phenanthrene</u>	
<u>99. Dibenzo (a,h) anthracene</u>	
<u>100.Indeno (1,2,3-cd) pyrene</u>	

Part 8 Self-Monitoring Compliance Report

Self-Monitoring Compliance Report

The Pretreatment Chapter (Section 14.11.420) requires that all industrial users subject to Wastewater Discharge Permit conditions submit a self-monitoring report, if required.

[Company Name] subject to permit [permit number] monitored the regulated pollutants in **Part 2.A.** of its Wastewater Discharge Permit on:

[date(s) of sampling]

All sampling, collection, preservation, and analysis of samples were performed in accordance with the latest edition of Guidelines Establishing Test Procedures for the Analysis of Pollutants; CFR 40 Part 136.

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

Official Signature

Date of Submittal

*If unable to certify continuous compliance, please proceed to **Part 9.**

SELF-MONITORING RESULTS SHEET

Company Name: _____

Permit Number: _____

Outfall: _____

Monitoring Quarter / _____

Year: _____

PARAMETERS	Date:	Time:	Col by:	Date:	Time:	Col by:	Date:	Time:	Col by:	Date:	Time:	Col by:	Date:	Time:	Col by:	Permit Limit
Flow (gpd)																XXX
BOD ₅ (lbs/day)																XXX
BOD ₅ (mg/L)																XXX
TSS (lbs/day)																XXX
TSS (mg/L)																XXX
pH (S.U.)																XXX
Oil & Grease (mg/L)																XXX
Arsenic (lbs/day)																XXX
Cadmium (lbs/day)																XXX
Copper (lbs/day)																XXX
Cyanide (lbs/day)																XXX
Hexavalent Chromium (lbs/day)																XXX
Lead (lbs/day)																XXX
Mercury (lbs/day)																XXX
Molybdenum (lbs/day)																XXX
Nickel (lbs/day)																XXX
Selenium (lbs/day)																XXX
Silver (lbs/day)																XXX
Zinc (lbs/day)																XXX
Chlorides (mg/L)																XXX
Total Nitrogen (mg/L)																XXX
Total Phosphorus (mg/L)																XXX

Part 9 Non-Compliance Report

City of Greeley

The Pretreatment Chapter (Section 14.11.420) provides that the Control Authority can require the maintaining and submitting of technical reports and plant records relating to wastewater discharges. If Wastewater Discharge Permit conditions are violated, a report stating which conditions were violated and what additional operating and maintenance and/or pretreatment actions are necessary to eliminate the violation by the permittee.

[Company name] subject to Permit No. [Permit Number], violated the following permit condition standards on _____.

[Date of Violation]

<u>Pollutant</u>	<u>Concentration</u>	<u>Permit Standard</u>
------------------	----------------------	------------------------

1.

2.

3.

with an average daily flow of _____ gpd, and maximum daily flow of _____ gpd, respectively.

[Company name] will perform the following adjustments to operations, and/or maintenance and housekeeping activities, and/or pretreatment in order to eliminate the cause of any violation(s):

Action(s) Taken

Date of Completion

1.

2.

3.

I certify, to the best of my knowledge, [Company name] will conform to this schedule of compliance.

Official Signature

Appendix A Prohibited Discharge Standards

14.11.070 Prohibited discharge standards:

- A. The following general and specific prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards, or any other national, state, or local Pretreatment Standard or Requirement.
- B. **General Prohibition.** No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater that causes Pass Through or Interference.
- C. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:
 - 1. Any liquid, solid, or gas that creates, singly or by interaction with other substances, a fire or explosion hazard in the POTW, including, but not limited to, waste-streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR § 261.21.
 - 2. Wastewater having a pH less than 5.5 or greater than 11.5, or that may otherwise corrode POTW structures or equipment;
 - 3. Solid or viscous substances in amounts that will obstruct the flow in the POTW, hinder POTW operations, or cause POTW Interference;
 - 4. Wastewaters containing sand or other inorganic particulate matter that will result in a settleable solids concentration greater than 25 milliliters per liter in the User's Discharge;
 - 5. Pollutants, including oxygen-demanding Pollutants (BOD, etc.), discharged at a flow rate and/or Pollutant concentration that, either singly or by interaction with other Pollutants, will cause Interference;
 - 6. Wastewater of a temperature sufficient to damage the POTW collection system, or inhibit biological activity in the POTW Treatment Plant (resulting in Interference) or that causes the temperature of the entire wastewater stream to exceed 104°F (40°C) at the entry point to the Treatment Plant;
 - 7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - 8. Pollutants that cause toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health or safety problems;
 - 9. Trucked or hauled Pollutants, except at a Discharge point designated by the Director in accordance with Sections 14.11.190 and 14.11.200;
 - 10. Noxious or malodorous liquids, gases, solids, or other Wastewaters that either singly or by interaction with other wastes, create a public nuisance or a human health hazard, or prevent entry into the sewers for maintenance or repair;
 - 11. Wastewater that imparts color that cannot be removed by the treatment process (such as, but not limited to, dye wastes and vegetable tanning solutions), which consequently imparts color to the POTW's effluent, thereby violating the City's CDPS permit;
 - 12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

13. Storm water, surface water, ground water, artesian well water, roof runoff, and subsurface drainage, unless specifically authorized in writing by the Director;
14. Sludges, screenings, or other residues from the Pretreatment of industrial wastes;
15. Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
17. Fats, oils, or greases of animal or vegetable origin in concentrations that cause blockages, flow obstructions, or Interference;
18. Wastewater causing two readings on a combustible gas detection meter at any point in the POTW, of more than five percent, or any single meter reading over ten percent of the Lower Explosive Limit;
19. Chemical treatments used for controlling solidified grease in sewer lines or grease interceptors that cause Pass Through of grease or obstruction of flow in the POTW, except in accordance with written authorization from the Director.
20. Unused or expired pharmaceuticals, including, but not limited to, prescription and over-the-counter medications

No person shall process or store any Pollutant, substance, or Wastewater prohibited by this Chapter in such a manner that it could be discharged to the POTW

1.2.1. Data for Local Limit Inputs

The 2012 technical evaluation compared the input data for the 2008 metals limits, which was from 2005-2007, with data from 2008-2011. The comparison exercise looked for changes of plus or minus 20%. As a result the following existing local limit input data sets from 2005-2007 were updated with 2008-2011 data. The exception was using 2005-2011 commercial loading data to increase the data set from three to six data events.

- Chronic and acute low flows of receiving stream
- Acute CDPS limit for Arsenic
- Acute State WQS for Cadmium
- Acute State WQS for Zinc
- Chronic State WQS for Arsenic
- Chronic State WQS for Cadmium
- Chronic CDPS limit for Zinc
- POC Removal Efficiencies
- Commercial loadings
- Receiving Stream Loadings

Data was gathered using the Linko CTS pretreatment database program and then transferred to the EPA Region 8 Local Limits Spreadsheet.

All data analysis reports for the local limit inputs are stored electronically within the City's network of servers which are backed up daily.

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1.2.2 Source of Standards

The sources of water quality standards are from the Water Quality Assessment for the Greeley Water Pollution Control Facility (WPCF) CDPS permit CO-0040258 which was last revised on October 11, 2011. The source of biosolids standards are from the EPA Permit COG650000, Table 3 "Clean" land application criteria, except for Molybdenum, which is a Table 1 land application criteria.

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1.2.3 Removal Efficiencies

The removal efficiencies were recalculated using 2009-2011 influent and effluent loadings for all of the POC's. In addition, removal efficiencies were calculated using the Mean Removal Efficiency (MRE) calculation method and the Average Daily Removal Efficiency (ADRE) calculation method. The ADRE method of calculating the removal efficiency was used for local limit calculation because the data was collected using paired samples of influent and effluent accounting for hydraulic residence time through the WPCF. Several effluent data pairs for Arsenic, Cadmium and Chromium were below the method reporting limits, and 1/2 of the reporting limit was used to determine a value. The value from the 1/2 method reporting limit is similar to 1/2 of the lowest reported value. Hexavalent Chromium and Cyanide were not detected in either the influent or the effluent; therefore, EPA literature removal efficiencies were used.

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City of Greeley, Colorado
Industrial Pretreatment Program
Substantial Modification Submittal

1.2.4. Assumptions and Local Decisions

Table 1 General Data Entry

- The POTW average highest flow was recalculated using 2009-2011 data. This represented an 11% decrease from the flow used in the 2008 local limits.
- The average SIU flow dropped nearly 70% from the SIU flow used in the 2008 limits, however the higher SIU flow value from the 2008 local limits was still used to provide a safety cushion factor so that metals are not over allocated from the MAHLMAIL.
- The sludge application site size increased 49% with a new contracted hauling vendor
- The Acute and Chronic low flow of the receiving stream increased 88% and 76% respectively as calculated in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.
- The option for Both acute and chronic applicable standards were chosen. (See further explanation for Table 8 and Table 10)

Table 2 Daily Criteria and Standards

- The acute Arsenic water quality standard increased by 69% by using the State and EPA water quality standard due to the removal of a daily Arsenic limit in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.
- The State acute Cadmium water quality standard decreased by 98% as listed in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.
- The State acute Zinc water quality standard increased by 35% as listed in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.

Table 3 Monthly Criteria and Standards

- The EPA chronic Arsenic water quality standard increased 33% as listed in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.
- The State chronic Cadmium water quality standard decreased by 400% due to the removal of a daily Cadmium limit in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.
- The State added a new monthly Mercury limit in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.
- The State added a new monthly Zinc limit in the Greeley CDPS permit CO-0040258 which was last revised on October 11, 2011.

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Table 4—Influent and Effluent Data

- All of the data influent and effluent loading were updated using 2009-2011 data.
- Hexavalent Chromium and Cyanide were detected in the effluent but not in the influent. The assumption being that there is some sort of matrix interference in either the influent or the effluent.

Table 5—Pollutant Loading and Receiving Water

- All SIU, Domestic, Commercial and Receiving Stream data was updated with 2009-2011 data
- Mercury loading from dental sector local limit sampling was added into the commercial mercury load. The load was determined by multiplying the measured loading from a representative dental office times the number of dentists in Greeley.
- There was no data detected for domestic or commercial Hexavalent Chromium.
- There was no sampling and analysis of trivalent chromium.
- For trivalent chromium, the City CDPS indicates that standard applies to the total of both the trivalent and hexavalent forms.
- There was no data detected for domestic or commercial Cyanide. Used EPA 1/2 of analytical RL.
- Non-detected values in receiving stream were assigned a zero value
- Nonyphenols have recently been monitored and analyzed under the CDPS permit. None have been detected, and not enough data is available to support a local limit

Table 6—Biosolids

- Refer to Section 1.2.2

Table 7—Removal Efficiency Calculations

- Refer to Section 1.2.3

Table 8—Daily MAHL Calculations

- Using either option A (Acute) or C (Chronic) in Table 1, Applicable Standards, resulted in negative loadings. Option B for Both standards generated usable MAHL's. in Table 10, and are considered "Daily Only".

Table 10—Daily Only Local Limits

For Column L, no mass is allocated to waste haulers because all hauled waste is domestic and accounted for as domestic wastewater.

- For Total Chromium, the MAIL and uniform concentration limits were 480 lbs/day and 138 mg/L respectively. This large mass supports the conclusion that Total Chromium is not a POC and a local limit will not be adapted.

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1.2.5. Pollutants of Concern for this Substantial Modification

POLLUTANT OF CONCERN	RATIONALE FOR REGULATION	LOCAL LIMIT
Arsenic, Total	CDPS Permit removed. Acute WQS increased. Chronic TR decreased. Biosolids criteria more stringent	YES
Cadmium, Total	Acute and Chronic WQS decreased	YES
Chromium, Total	Common in influent at very low levels	NO
Chromium, Trivalent	TVS for Acute and Chronic for receiving stream segment. <u>No sampling and analysis performed</u>	NO
Chromium, Hexavalent	TVS for Acute and Chronic for receiving stream segment. EPA CDPS chronic limit	YES
Copper, Total		YES
Cyanide, Total		YES
Iron, Total Recoverable	TVS for Acute and Chronic for receiving stream segment WPA WQS. CDPS Acute limit	NO
Lead, Total	New monitoring requirement in CDPS. Report only	YES
Mercury, Total		YES
Molybdenum, Total	TVS for Acute and Chronic for receiving stream segment EPA Criteria. Limited in CDPS	YES
Nickel, Total	Biosolids land application criteria	YES
Selenium, Total		YES
Silver, Total	TVS for Acute and Chronic for receiving stream segment	YES
Zinc, Total	TVS for Acute and Chronic for receiving stream segment	YES
Phenols	TVS for Acute and Chronic for receiving stream segment	NO
Nonyphenols	TVS for Acute and Chronic for receiving stream segment. CDPS Chronic limit Common in influent. Effluent below aquatic life criteria Basic Standard for Organic Chemicals which are applicable to all surface waters of the state for the corresponding use classifications. These standards have been adopted as "interim standards" and will remain in effect until alternative permanent	NO

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	standards are adopted by the Commission. The specific standards for organic chemicals can be found in Regulation 31.11(3). Not detected in effluent.	
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1.2.6. MAHL Calculations and 1.2.7. and Calculation of MAIL from MAHL

Calculations conform to those found in the EPA Local Limits Development Guidance, EPA 833-R-04-0224, July 2004, and the EPA Region 8 Technically-Based Local Limits Development Strategy, April 2003. The MAHL calculations and calculation of the MAIL from the MAHL was conducted using the EPA Region 8 Local Limits Spreadsheet, which is attached to this document.

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1.2.8. Determination of MAIL Allocation Method

Refer to Section 1.2.9

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1.2.9. MAIL Allocation Method

The MAIL allocation method which will used for implementing the new local limits for metals shall be accomplished through listing the MAIL's in the Pretreatment Ordinance and then allocating the MAIL's with a uniform concentration method through Wastewater Discharge Permits. (Refer to Pretreatment Ordinance, Chapter 14.11.100 (b)). The SIU flow used for the uniform concentration limits is 0.417 MGD. This option also allows for allocating the MAIL as loading limits in Wastewater Discharge Permits if needed in the future.

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Table 4 shows an assessment of the MAIL versus average and maximum SIU loads reported in 2012.

The table shows that the average and maximum SIU loadings are well below the MAIL's for the new metals local limits. In addition, the uniform concentration based allocation with the 2012 maximum SIU flow of 0.369 MGD results in 88% loading allocation of the MAIL.

Table 4 - Maximum Allowable Industrial Loading Assessment

**GREELEY WATER POLLUTION CONTROL FACILITY
2012**

	MAIL	-PERMITTED CONCENTRATION ALLOCATIONS	PERMITTED LOAD ALLOCATIONS	% OF TOTAL MAIL ALLOCATED	AVERAG E SIU LOADS	AVG SIU LOAD % OF MAIL	AVG SIU LOAD >70% of MAIL?	MAX SIU LOADS	MAX-SIU LOAD % OF MAIL	MAX-SIU LOAD >85% of MAIL?
-		0.417	0.369		0.192			0.369		
Flow										
BOD	14,173	-	11,631	82	5932	42	NO	12071	85	NO
TSS	13,176	-	4,506	34	2139	16	NO	6613	50	NO
Chloride	17,082	-	11,720	69	3544	21	NO	7181	42	NO
Arsenic	0.527	*0.15	0.462	88	0.006	1	NO	0.029	5	NO
Cadmium	0.316	*0.09	0.277	88	0.003	1	NO	0.010	3	NO
Chromium	48.04	*13.85	42.62	89	0.009	0.0	NO	0.033	0	NO
Hexavalent Chromium	7.98	*2.30	7.08	89	0.036	0	NO	0.066	1	NO
Copper	6.241	*1.80	5.54	89	0.290	5	NO	0.557	9	NO
Cyanide	1.17	0.34	1.05	90	0.024	2	NO	0.125	11	NO
Lead	1.528	*0.44	1.35	88	0.058	4	NO	0.169	11	NO
Mercury	0.009	*0.0027	0.008	89	0.00025	2.8	NO	0.002	20	NO
Molybdenum	1.354	*0.39	1.2	89	0.028	2	NO	0.073	5	NO
Nickel	4.725	*1.36	4.18	88	0.066	1	NO	0.184	4	NO
Selenium	1.114	*0.32	0.98	88	0.048	4	NO	0.293	26	NO
Silver	4.436	*1.28	3.94	89	0.003	0.1	NO	0.015	0	NO
Zinc	11.71	*3.38	10.4	89	0.678	6	NO	1.176	10	NO

* MAIL concentration limits based on 0.417 MGD regulated flow

Permitted load allocations for metals is based on 0.369 MGD Maximum SIU flows 2012

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PERMIT FACT SHEET

This document is purely informational and acts as a supplement to your permit. Any clerical discrepancies with your permit does not relieve your facility of any responsibilities presented in your permit, City Code, or federal regulations. For any additional guidance or clarification, please contact the City of Greeley's Industrial Pretreatment Program.

Section A – Facility Information

<u>Facility Name</u>				
<u>Facility Physical Address</u>				
<u>Billing Account Number</u>				
<u>SIC Code</u>				
<u>Does this SIC Code require a Stormwater Permit?</u>	<u>Yes</u>	<input type="checkbox"/>	<u>No</u>	<input type="checkbox"/>
<u>If applicable, does this facility have a Stormwater Permit?</u>	<u>Yes</u>	<input type="checkbox"/>	<u>No</u>	<input type="checkbox"/>
<u>Stormwater permit number</u>				
<u>Does this SIC Code have an associated Industrial Category?</u>	<u>Yes</u>	<input type="checkbox"/>	<u>No</u>	<input type="checkbox"/>
<u>If applicable, provide 40 CFR part number</u>				

Section B – Description of Operation

[General description of the facility's processes, generally taken from application]

Section C – Wastewater Description

1. Wastewater Production

<u>Process</u>	<u>Volume</u>
<u>[Process 1]</u>	<u>XXXX gpd</u>
<u>[Process 2]</u>	<u>XXXX gpd</u>

[Process 3]	XXXX gpd
[Process 4]	XXXX gpd
[Process 5]	XXXX gpd
TOTAL	XXXX gpd

2. Outfall Description

[Physical description of the outfall. Likely taken from the permit.]

3. Flow Measuring Device

[Insert flow measuring device type]

4. Discharge Flow Characteristics

Batch ☐ Intermittent ☐ Continuous ☐

5. Production Rates

<u>Process</u>	<u>Average</u>	<u>Maximum</u>
	<u>[Production average, i.e.</u>	<u>[Production maximum,</u>
	<u>lbs per day of product, #</u>	<u>i.e. lbs per day of</u>
	<u>of pieces produced...]</u>	<u>product, # of pieces</u>
		<u>produced...]</u>
[Process 1]		
[Process 2]	XXXX	XXXX
[Process 3]	XXXX	XXXX

6. Miscellaneous Wastewater Process Breakdown

[General description of any additional wastewater sources i.e. cleaning, boiler blowdown...]

Section D – Permittee Discharge Summary

	<u>[Facility name]</u> <u>(lbs/day, 3 yr Avg)</u>	<u>[Facility name]</u> <u>(lbs/day, 3 yr Max)</u>
<u>Flow (gpd)</u>	XXXX	XXXX
<u>BOD</u>	XXXX	XXXX
<u>TSS</u>	XXXX	XXXX
<u>Chloride</u>	XXXX	XXXX
<u>Arsenic</u>	XXXX	XXXX
<u>Cadmium</u>	XXXX	XXXX
<u>Hexavalent Chromium</u>	XXXX	XXXX
<u>Copper</u>	XXXX	XXXX
<u>Cyanide</u>	XXXX	XXXX
<u>Lead</u>	XXXX	XXXX

<u>Mercury</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Molybdenum</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Nickel</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Nitrate</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Nitrite</u>	<u>XXXX</u>	<u>XXXX</u>
<u>TKN</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Phosphorus</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Selenium</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Silver</u>	<u>XXXX</u>	<u>XXXX</u>
<u>Zinc</u>	<u>XXXX</u>	<u>XXXX</u>

Section E – IU Status Determination

1. This IU has been determined to be a(n):

SIU – BMP only ☐ SIU ☐ CIU ☐ NSCIU ☐

Rationale (Check all that apply)

<u>Discharge greater than 25,000 gpd</u>	<input type="checkbox"/>	<u>Contribute a process wastestream greater than 5% WTRF design capacity</u>	<input type="checkbox"/>
<u>Subject to a Categorical Pretreatment Standard</u>	<input type="checkbox"/>	<u>Reasonable potential to adversely affect the POTW</u>	<input type="checkbox"/>

2. Categorical Determination

[Rationale as to why the IU is or isn't considered categorical.]

Section F – Permit Limit Basis

1. Permit Application Documents

The permit application was submitted on [date]. The application is located in [facility name]'s file.

2. Literature References

EPA's Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program was used in developing local limits.

3. Enforcement Summary

An annual LINKO-generated summary of violations is located in [facility name]'s file. A summary of enforcement actions is represented below in Section G.

4. Facility Layout and Process Flow Diagrams

An updated facility layout and process flow diagram is located in [facility name]'s file.

5. Pretreatment System Description

[General description of pretreatment devices or systems in place to treat wastewater]

Section G – Enforcement History

<u>Enforcement Type – Case Number</u>	<u>Date</u>	<u>Reason</u>
<u>[Summary of violations going back 3 years.]</u>		

Section H – Permit Condition Development Rationale

1. Flow

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

2. pH

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

3. Biochemical Oxygen Demand

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

4. Total Suspended Solids

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

5. Chlorides

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

6. Nutrients

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

7. Metals and Cyanide

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

8. Oil and Grease

[Adjust to reflect IU requirements. Provide rationale as to the frequency and sample of type. This may include previous enforcement actions or reasonable potential that this parameter may be at levels of concern for the POTW. Double-check all statements are in agreement with permit requirements]

9. Slug Control Plan Evaluation

[Rationale behind whether a control plan is needed. Previous spills or large amounts of onsite chemicals a reasonable potential for a spill to occur should be taken into consideration]

Section I – Limit Calculations

Local Limits

The calculations and supporting documentation for the local limits developed in 2008, 2011 and 2013 are found in the City of Greeley's Industrial Monitoring/Pretreatment Program Document.

1.2.10. Other Data

None

14.11.030 - Purpose and policy.

This Chapter establishes uniform requirements for ~~Dischargers~~¹ **USERS OF** ~~to~~ the **CITY'S PUBLICLY OWNED TREATMENT WORKS**² (POTW), and enables the City to comply with relevant state and federal laws, including the Federal Water Pollution Control Act (33 U.S.C. §§ 1251—1387) (**ACT**) and the General Pretreatment Regulations (40 C.F.R. Part 403). The objectives of this Chapter are:

- (1) To prevent the introduction of Pollutants into the City's POTW that will interfere with the POTW's operation;
- (2) To prevent the introduction of Pollutants into the City's POTW that will Pass Through the POTW, inadequately treated, into receiving waters, or that will otherwise be incompatible with the POTW;
- (3) To protect both City personnel who may be affected by ~~Ww~~wastewater and biosolids in the course of their employment, and the general public;
- (4) To promote reuse and recycling of ~~Ww~~wastewater and biosolids from the City's POTW;
- (5) To establish and distribute equitably fees for the cost of operating, maintaining and improving the City's POTW; and
- (6) To enable the City to comply with its **COLORADO DISCHARGE PERMIT SYSTEM (CDPS)** permit conditions, biosolids use and disposal requirements, and other relevant federal and state laws.

(Ord. 35, 2008 §1)

14.11.050 – **RESERVED. Citation to federal regulations.**

~~All citations in this Chapter to the Code of Federal Regulations are to those federal regulations in effect on the date this Chapter becomes law. This Chapter does not incorporate later amendments or editions of the cited material.~~

(Ord. 35, 2008 §1)

14.11.060 - Definitions.

Unless a provision in this Chapter explicitly states otherwise, the following definitions shall apply:

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251-1387.

ADMINISTRATIVE APPEAL. A PETITION TO RECONSIDER AN ORDER ISSUED OR A PENALTY OR FINE IMPOSED BY THE DIRECTOR PURSUANT TO THIS CHAPTER IN ACCORDANCE WITH SECTION 14.11.710.³

Approval Authority. The EPA Regional Administrator for Region VIII; or the State of Colorado if and when the State obtains primacy to administer its own pretreatment program under the Act.

Authorized Representative of the User.

- a. If the User is a corporation: the president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

¹ Changed to "User" since "Discharger" is not a defined term.

² Spelled out acronym when used for the first time.

³ For consistency, we moved all defined terms from the body of the ordinance to the definition section along with a cross-reference to the applicable section.

- b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively; or
- c. If the User is a federal, state or local governmental entity: a director or highest level official appointed or designated to oversee the operation and performance of the activities of the government entity.

The individuals described in Paragraphs a. through c. above may designate another Authorized Representative **OF THE USER** if the authorization is in writing and is submitted to the **City DIRECTOR**. The authorization shall specify either an individual or a position having responsibility for the overall operation of the facility from which the Discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.

Best Management Practices or *BMPs*. Schedules of activities, maintenance policies and other management procedures that prevent or reduce the discharge of pollutants into the POTW, and that implement the prohibitions listed in Section 14.11.070. ~~Best Management Practices~~ **BMPs** include Pretreatment **STANDARDS AND** Requirements, operating procedures and practices to control plant site runoff, spills, leaks, waste disposal and drainage from raw material storage.

Biochemical Oxygen Demand or *BOD*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees C, usually expressed as a concentration (e.g., mg/L).

BYPASS. THE INTENTIONAL DIVERSION OF WASTESTREAMS FROM ANY PORTION OF A USER'S TREATMENT FACILITY INTO THE POTW.⁴

CATEGORICAL INDUSTRIAL USER OR CIU. A USER SUBJECT TO A CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD.

Categorical Pretreatment Standard or *Categorical Standard*. Any regulation containing Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317(b) and (c)), which applies to a specific category of Users, and which appears in 40 C.F.R. Parts 405—471. This term includes Prohibited Discharge Standards.

CHAIN OF CUSTODY. AN ACCURATE WRITTEN RECORD THAT, AT A MINIMUM, LISTS THE OUTFALL LOCATION, SAMPLE DATE, SAMPLE TIME, SAMPLE TYPE, TYPE OF SAMPLE PRESERVATION, AND NAME OF SAMPLE COLLECTOR AND CAN BE USED TO TRACE THE POSSESSION AND HANDLING OF THE SAMPLE FROM THE MOMENT OF ITS COLLECTION THROUGH ITS ANALYSIS.⁵

CHAPTER OR GREELEY PRETREATMENT CHAPTER. CHAPTER 14.11 OF THIS CODE.

City. The City of Greeley.

Composite Sample. A sampling procedure defined in 40 C.F.R. Part 403, Appendix E - Sampling Procedures, I. Composite Method.

~~**Control Authority. The POTW.⁶**~~

DAILY OR DAY. A CALENDAR DAY UNLESS OTHERWISE SPECIFIED. ANY TIME PERIOD SET FORTH IN THIS CHAPTER THAT COMMENCES, EXPIRES OR IS DETERMINED FROM A DATE WHICH FALLS ON A SATURDAY, SUNDAY OR LEGAL HOLIDAY OF THE STATE OF COLORADO, THE DATE OF SUCH COMMENCEMENT, PERFORMANCE, EXPIRATION OR DETERMINATION SHALL AUTOMATICALLY BE EXTENDED TO THE NEXT BUSINESS DAY

⁴ See comment above re consolidating defined terms in the definition section.

⁵ "Chain of Custody" was capitalized but undefined in the body of the ordinance. Added definition for clarity.

⁶ Deleted as this term is not used in the body of the ordinance.

WHICH IS NOT A SATURDAY, SUNDAY OR LEGAL HOLIDAY OF THE STATE OF COLORADO.⁷

DAILY MAXIMUM. THE ARITHMETIC AVERAGE OF ALL EFFLUENT SAMPLES FOR A POLLUTANT COLLECTED DURING A DAY.

DAILY MAXIMUM LIMIT. THE MAXIMUM ALLOWABLE DISCHARGE OF A POLLUTANT DURING A DAY. WHERE DAILY MAXIMUM LIMITATIONS ARE EXPRESSED IN UNITS OF MASS, THE DAILY DISCHARGE IS THE TOTAL MASS DISCHARGED OVER THE COURSE OF THE DAY. WHERE DAILY MAXIMUM LIMITS ARE EXPRESSED IN TERMS OF A CONCENTRATION, THE DAILY DISCHARGE IS THE ARITHMETIC AVERAGE MEASUREMENT OF THE POLLUTANT CONCENTRATION DERIVED FROM ALL MEASUREMENTS TAKEN THAT DAY.

Department. The City Water and Sewer Department.

Director. The Director of the City Water and Sewer Department or his or her authorized designee.

DISCHARGE. THE INTRODUCTION OF POLLUTANTS INTO THE POTW FROM ANY NONDOMESTIC SOURCE.⁸

Domestic Wastewater. A combination of liquid wastes (sewage) which may include household chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution or other solids in suspension or solution which are discharged from a dwelling, building or other structure. *Domestic Wastewater* does not include commercial or Industrial Wastewater, or grease removed from a restaurant grease trap.

Environmental Protection Agency or EPA. The United States Environmental Protection Agency.

Existing Source. Any source of Discharge that is not a New Source.

General Permit. An authorization to ~~discharge pollutants to the POTW~~ **DISCHARGE**, which covers multiple ~~Users~~ within a specific sector in accordance with the requirements of the Act and this Chapter.

Grab Sample. A sampling procedure defined in 40 C.F.R. Part 403, Appendix E - Sampling Procedures, II. Grab Method.

Hauled Portable Toilet Wastewater. The liquid or solid material removed from a portable toilet that holds only Domestic Wastewater (not the portable toilet chemicals or matrix itself).

~~**Indirect Discharge or Discharge.** The introduction of Pollutants into the POTW from any nondomestic source.~~⁹

Industrial Wastewater or Nondomestic Wastewater. Water carrying wastes from any process or activity of industry, manufacturing, trade or business, from development of any natural resource, or from animal operations, or contaminated stormwater or leachate from solid waste facilities.

Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any Grab or Composite Sample, independent of the industrial flow rate and the duration of the sampling event.

Interference. A Discharge that, alone or in conjunction with a Discharge or Discharges from other sources, both:

- a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

⁷ Added definition for clarity.

⁸ Deleted "or Indirect Discharge" since the term "Indirect Discharge" means the same and was used only twice in the body of the ordinance.

⁹ See footnote 8 above. Moved definition to "Discharge."

- b. Contributes to a violation of any requirement of the City's CDPS 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 any of the following statutory/ regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (**SWDA**), including Title II, commonly referred to as RCRA **OR THE RESOURCE CONSERVATION AND RECOVERY ACT**; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the ~~Solid Waste Disposal Act~~ **SWDA**; the Clean Air Act; and the Toxic Substances Control Act.

MAXIMUM ALLOWABLE HEADWORKS LOADING OR MAHL. THE ESTIMATED MAXIMUM LOADING OF A POLLUTANT THAT CAN BE RECEIVED AT A POTW'S HEADWORKS WITHOUT CAUSING PASS THROUGH OR INTERFERENCE.¹⁰

MAXIMUM ALLOWABLE INDUSTRIAL LOADING OR MAIL. THE ESTIMATED MAXIMUM LOADING OF A POLLUTANT THAT CAN BE RECEIVED AT A POTW'S HEADWORKS FROM ALL PERMITTED USERS AND OTHER CONTROLLED SOURCES WITHOUT CAUSING PASS THROUGH OR INTERFERENCE. THE MAIL IS USUALLY CALCULATED BY APPLYING A SAFETY FACTOR TO THE MAHL AND DISCOUNTING FOR UNCONTROLLED SOURCES, HAULED WASTE AND GROWTH ALLOWANCE.¹¹

MEDICAL WASTE. ISOLATION WASTES, INFECTIOUS AGENTS, PATHOLOGICAL WASTES, SHARPS, BODY PARTS, CONTAMINATED BEDDING, SURGICAL WASTES, POTENTIALLY CONTAMINATED LABORATORY WASTES, AND DIALYSIS WASTES.¹²

MONTHLY OR MONTH. A CALENDAR MONTH UNLESS OTHERWISE SPECIFIED.¹³

MONTHLY AVERAGE LIMIT. THE HIGHEST ALLOWABLE AVERAGE OF DAILY DISCHARGES OVER A MONTH, CALCULATED AS THE SUM OF ALL DAILY DISCHARGES MEASURED DURING A MONTH DIVIDED BY THE NUMBER OF DAILY DISCHARGES MEASURED DURING THAT MONTH.¹⁴

New Source.

- a. Any building, structure, facility or installation from which there is (or may be) a Discharge, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will apply to such source if such standards are thereafter promulgated in accordance with that section, provided that:
1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge at an Existing Source; or
 3. 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, the ~~City~~ **DIRECTOR** will consider such factors 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.
- b. 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

¹⁰ This was a capitalized but undefined term in the body; added definition for clarity.

¹¹ Same as footnote 10 above. This was a capitalized but undefined term in the body; added definition for clarity.

¹² Same as footnote 10 above. This was a capitalized but undefined term in the body; added definition for clarity.

¹³ Added for clarity.

¹⁴ Same as footnote 10 above. This was a capitalized but undefined term in the body; added definition for clarity.

installation meeting the criteria of Subparagraph a.2 or a.3 above, but otherwise alters, replaces, or adds to existing process or production equipment.

- c. Construction of a New Source as defined under this Subsection has commenced if the owner or operator has:
 - 1. Begun, or caused to begin, as part of a continuous onsite construction program:
 - a) Any placement, assembly or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavating or removing existing buildings, structures or facilities that is necessary to place, assemble or install New Source facilities or equipment; or
 - 2. Entered into a binding contract for the purchase of facilities or equipment intended for use in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a binding contract for the purpose of this Subsection.

NOTICE OF VIOLATION OR NOV. AN ORDER ISSUED PURSUANT TO SECTION 14.11.570, BASED ON A FINDING THAT A USER HAS VIOLATED OR CONTINUES TO VIOLATE A PROVISION OF THIS CHAPTER, A WASTEWATER DISCHARGE PERMIT, ANY ORDER ISSUED PURSUANT TO THIS CHAPTER, OR ANY OTHER PRETREATMENT STANDARD OR REQUIREMENT.¹⁵

NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER.¹⁶

- a. **THE DIRECTOR MAY DETERMINE THAT A CIU IS A NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER RATHER THAN A SIGNIFICANT INDUSTRIAL USER ON A FINDING THAT THE CIU NEVER DISCHARGES MORE THAN ONE HUNDRED (100) GPD OF TOTAL CATEGORICAL WASTEWATER (EXCLUDING SANITARY, NONCONTACT COOLING AND BOILER BLOWDOWN WASTEWATER, UNLESS SPECIFICALLY INCLUDED IN THE PRETREATMENT STANDARD) AND THE FOLLOWING CONDITIONS ARE MET:**
 - 1. **THE CIU, PRIOR TO THE DIRECTOR'S FINDING, HAS CONSISTENTLY COMPLIED WITH ALL APPLICABLE CATEGORICAL PRETREATMENT STANDARDS AND REQUIREMENTS;**
 - 2. **THE CIU ANNUALLY SUBMITS THE CERTIFICATION STATEMENT REQUIRED IN SUBSECTION 14.11.770(B), TOGETHER WITH ADDITIONAL INFORMATION NECESSARY TO SUPPORT THE CERTIFICATION STATEMENT; AND**
 - 3. **THE CIU NEVER DISCHARGES ANY UNTREATED CONCENTRATED WASTEWATER.**
- b. **UPON A FINDING THAT A CIU MEETING THE CRITERIA IN SUBPARAGRAPH A. ABOVE HAS NO REASONABLE POTENTIAL TO ADVERSELY AFFECT THE POTW'S OPERATION OR TO VIOLATE ANY PRETREATMENT STANDARD OR REQUIREMENT, THE DIRECTOR MAY AT ANY TIME, ON HIS OR HER OWN INITIATIVE OR IN RESPONSE TO A PETITION RECEIVED FROM A CIU, AND IN ACCORDANCE WITH PROCEDURES IN 40 C.F.R. § 403.8(F)(6), DETERMINE THAT SUCH CIU SHOULD NOT BE CONSIDERED A SIGNIFICANT INDUSTRIAL USER.**

¹⁵ See footnote 3 above. For consistency, we moved all defined terms from the body of the ordinance to the definition section along with a cross-reference to the applicable section.

¹⁶ Moved this defined term out of "Significant Industrial User" to a standalone term in order to make the definition easier to locate when referenced in the body of the ordinance.

Noncontact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product or finished product.

Pass Through. A Discharge from the POTW into state waters in quantities or concentrations that, alone or in conjunction with a Discharge or Discharges from other sources, causes or contributes to a violation of any requirement of the City's CDPS permit, including an increase in the magnitude or duration of a violation.

Person. An individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local government entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste and certain characteristics of wastewater (such as pH, temperature, TSS, turbidity, color, BOD, toxicity or odor).

Pretreatment. The reduction in the amount of Pollutants, the elimination of Pollutants or the alteration of the nature of Pollutant properties in wastewater prior to introducing such Pollutants into the POTW. The User may obtain this reduction or alteration by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants allowed by an applicable Pretreatment Standard. Appropriate pretreatment technology includes control equipment such as equalization tanks or facilities for protection against surges or Slug loads that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated limit using the combined wastestream formula in 40 C.F.R. § 403.6(e).

*Pretreatment Requirement **OR REQUIREMENT**.*¹⁷ Any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standard or Standard. Any Prohibited Discharge Standard, Categorical Pretreatment Standard or local limit.

*Pretreatment ~~Supervisor~~ **COORDINATOR**.* The individual who oversees and administers the Pretreatment program for the POTW.

Prohibited Discharge Standard or Prohibited Discharge. An absolute prohibition against the Discharge of certain substances; these prohibitions appear in Section 14.11.070 below.

Publicly Owned Treatment Works or POTW. The "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292), that is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling or reclamation of Domestic or Nondomestic Wastewater and any conveyances that carry such wastewater. **POTW also means the City.**¹⁸

Satellite Waste Dump Site. A designated location directly connected to the POTW that is permitted to accept Hauled Portable Toilet Wastewater or nonhazardous wastewater and Nondomestic Wastewater.

Sector. Users that engage in similar activities and discharge similar pollutants. Examples of similar activities that produce similar pollutants may include, but are not limited to, food service establishments or processors that commonly discharge fats, oils and grease; transportation vehicle repair, maintenance and washing facilities that commonly discharge petroleum oil, grease and sand;

¹⁷ Added as the term "Requirement" is used throughout the body.

¹⁸ Deleted so as not to confuse "POTW" with "City" in the body of the ordinance.

photographic or x-ray processing facilities or operations that commonly discharge silver; dental offices that commonly discharge mercury; and healthcare facilities that often have new or emerging contaminants.

SEVERE PROPERTY DAMAGE. SUBSTANTIAL PHYSICAL DAMAGE TO PROPERTY, DAMAGE TO THE USER'S TREATMENT FACILITY THAT RENDERES IT INOPERABLE, OR SUBSTANTIAL AND PERMANENT LOSS OF NATURAL RESOURCES THAT CAN REASONABLY BE EXPECTED TO OCCUR IN THE ABSENCE OF A BYPASS. SEVERE PROPERTY DAMAGE DOES NOT MEAN ECONOMIC LOSS CAUSED BY DELAYS IN PRODUCTION.¹⁹

Significant Industrial User or SIU.

- a. ~~A User subject to a Categorical Pretreatment Standard under 40 C.F.R. § 403.6 and 40 C.F.R. Chapter I, subchapter N CIU, EXCEPT FOR A CIU THAT THE DIRECTOR HAS DESIGNATED AS A NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER; or~~
- b. A User that:
 - 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - 2. Contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
 - 3. Is designated as such by the City on the basis that the User has a reasonable potential to adversely affect the POTW's operation or to violate any Pretreatment Standard or Requirement.
- c. ~~The City may determine that an Industrial User subject to a Categorical Pretreatment Standard under 40 C.F.R. § 403.6 and 40 C.F.R. Chapter I, Subchapter N, is a Nonsignificant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and 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 Subsection 14.11.770(b), together with additional information necessary to support the certification statement; and~~
 - 3. ~~The Industrial User never discharges any untreated concentrated wastewater.~~
- d. ~~Upon a finding that a User meeting the criteria in Subparagraph c. above has no reasonable potential to adversely affect the POTW's operation or to violate any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 C.F.R. § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.~~

Slug Load or Slug. Any Discharge **OF A NON-ROUTINE, EPISODIC NATURE, INCLUDING BUT NOT LIMITED TO A SPILL OR NON-CUSTOMARY BATCH DISCHARGE** at a flow rate or concentration that could violate the Prohibited Discharge Standards of Section 14.11.070 below or

¹⁹ See footnote 3 above. For consistency, we moved all defined terms from the body of the ordinance to the definition section.

the local limits of Section 14.11.100 of this Chapter, or which has the reasonable potential to cause Interference or Pass Through.

SLUG DISCHARGE CONTROL PLAN. A WRITTEN PLAN PREPARED IN ACCORDANCE WITH SECTION 14.11.180 AND IMPLEMENTED BY A USER TO CONTROL SLUG DISCHARGES.²⁰

Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid and which is removable by laboratory filtering.

UPSET. AN EXCEPTIONAL INCIDENT THAT RESULTS IN UNINTENTIONAL AND TEMPORARY NONCOMPLIANCE WITH A CATEGORICAL²¹ PRETREATMENT STANDARD BECAUSE OF FACTORS BEYOND THE REASONABLE CONTROL OF THE USER. AN UPSET DOES NOT INCLUDE NONCOMPLIANCE TO THE EXTENT CAUSED BY OPERATIONAL ERROR, IMPROPERLY DESIGNED TREATMENT FACILITIES, INADEQUATE TREATMENT FACILITIES, LACK OF PREVENTIVE MAINTENANCE OR CARELESS OR IMPROPER OPERATION.²²

User or Industrial User. A PERSON²³ WHO IS A source of Indirect Discharge.

Wastewater. Liquid and water-carried industrial and domestic waste from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, that is contributed to the POTW.

Wastewater Discharge Permit. An individual ~~wastewater-discharge~~ permit or a ~~g~~General ~~p~~Permit giving authorization to Discharge Pollutants to the POTW in accordance with the requirements of the Act and this Chapter.

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to treat Wastewater.

(Ord. 30, 2013 §1; Ord. 35, 2008 §1)

14.11.080 - National Categorical Pretreatment Standards.

- (a) The Categorical Pretreatment Standards found at 40 C.F.R., Parts 405—471 are hereby incorporated in this Chapter. Users must comply with applicable Categorical Pretreatment Standards and Requirements.
- (b) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 C.F.R. § 403.6(c).

²⁰ See footnote 3 above. For consistency, we moved all defined terms from the body of the ordinance to the definition section.

²¹ Question for AI: Must an "Upset" be limited to noncompliance with Categorical Pretreatment Standards or can it be defined as incident occurring from the noncompliance of "Pretreatment Standards" generally?

²² See footnote 3 above. For consistency, we moved all defined terms from the body of the ordinance to the definition section.

²³ Added to simplify the use of "User" under the penalty section and avoid the confusion of switching between "User" and "Person." As defined above, "person" includes "[a]n individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local government entities."

- (c) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 C.F.R. § 403.6(e).
- (d) A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. § 403.13, that factors relating to its Discharge differ fundamentally from the factors that EPA considered in developing the Categorical Pretreatment Standard.
- (e) A User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with 40 C.F.R. § 403.15.
- (f) Each User shall be knowledgeable of all regulations applicable to the User. The Director shall make reasonable efforts to notify all affected Users of applicable standards and reporting requirements under 40 C.F.R. § 403.12. Failure of the Director to notify an affected User, however, does not relieve the User of complying with appropriate Categorical Pretreatment Standards or applicable reporting requirements.

(Ord. 35, 2008 §1)

14.11.090 - Deadline for compliance with applicable pretreatment requirements and standards.

Existing Sources shall comply with applicable Categorical Pretreatment Standards within three (3) years of the effective date for the standard unless the standard specifies a shorter compliance period. The **City DIRECTOR** shall establish a final compliance deadline for any existing User not covered by Categorical Pretreatment Standards, or for any ~~categorical User~~ **CIU** whose local limits are more restrictive than the Categorical Pretreatment Standards. New Sources and new Users must comply with applicable Pretreatment Standards and Requirements upon initial Discharge. New Sources and new Users shall install, have operable and start up all pollution control equipment required to meet applicable Pretreatment Standards and Requirements before beginning to Discharge.

(Ord. 35, 2008 §1)

14.11.100 - Local limits.

- (a) Greeley has established the following local limits to prevent Pass Through and Interference and to protect beneficial use of ~~B~~**bi**osolids:

Table 14.11-A
Total Metals and Conventional Pollutants

<i>Pollutant/Pollutant Property</i>	<i>Daily Maximum Allowable Industrial Loading, lbs/day</i>
Arsenic, Total	0.527
Cadmium, Total	0.316
Chloride	17,082.000
Chromium, Hexavalent	7.978
Copper, Total	6.241

Cyanide, Total	1.170
Lead, Total	1.528
Mercury, Total	0.009
Molybdenum, Total	1.354
Nickel, Total	4.728
Selenium, Total	1.114
Silver, Total	4.436
Zinc, Total	11.711
BOD	14,173.000
TSS	13,176.000

**Table 14.11-B
Total BTEX (Benzene, Toluene,
Ethylbenzene and Xylenes) and Benzene**

<i>Pollutant/Pollutant Property</i>	<i>Instantaneous Grab, ug/L</i>
BTEX	750
Benzene	50

- (b) The **City DIRECTOR** will allocate the daily Maximum Allowable Industrial Loading among Significant Industrial Users through Wastewater Discharge Permits. The total mass of pollutants allocated to Significant Industrial Users shall not exceed the Maximum Allowable Industrial Loading. Allocation of the POTW's Maximum Allowable Industrial Loading among all Significant Industrial Users shall be based upon consideration of discharge volume, flow rate or equitable but feasible distribution.
- (c) In addition, the Director may develop specific Discharge limitations for any other toxic or inhibiting Pollutant as necessary to prevent Interference, Pass Through, danger to the health and safety of **POTW CITY** personnel or the general public, environmental harm, a POTW permit violation, or to avoid rendering the POTW's biosolids unacceptable for economical reclamation, disposal or use.

(Ord. 12, 2014 §1; Ord. 30, 2013 §1; Ord. 31, 2011 §1; Ord. 35, 2008 §1)

14.11.135 - Sector Control Programs.

The Director may establish Sector Control Programs to control specific pollutants as necessary to meet the objectives of this Chapter for ~~Users~~ that engage in similar activities and discharge similar pollutants. The Director shall establish policies for each Sector Control Program. Users subject to these Sector Control Programs may be required to install and operate wastewater pretreatment systems and/or implement ~~best management practices~~ **BMPS** and may be required to apply for a Wastewater Discharge Permit.

(Ord. 30, 2013 §1)

14.11.170 - Additional pretreatment measures.

- (a) Whenever the Director finds it necessary to protect the POTW or to accurately assess a User's compliance with this Chapter, he or she may require a User to restrict its Discharge during peak flow periods, Discharge only into specific sewers, relocate and/or consolidate points of Discharge, separate sewage wastestreams from industrial wastestreams or take other relevant measures.
- (b) The Director may require Users to install and maintain on their property a suitable storage and flow-control facility to ensure equalization of flow. The ~~City~~ **DIRECTOR** may issue a Wastewater Discharge Permit solely for flow equalization.
- (c) The User shall install grease, oil and sand interceptors when, in the opinion of the Director, they are necessary to properly handle Wastewater containing excessive amounts of grease, oil or sand. All interceptors shall be of the type and capacity specified in the City's ~~Bb~~ **Building C**ode. Users shall locate all interceptors so they are easily accessible for cleaning and inspection. The User shall inspect, clean, maintain and repair as needed all interceptors at its expense. The User shall make available for inspection by the Director all cleaning and maintenance records for a minimum of three (3) years.
- (d) The Director may require Users with the potential to Discharge flammable substances to install and maintain an approved combustible gas detection meter at a point prior to Discharge to the POTW.
- (e) The User shall calibrate all devices used to measure wastewater flow for billing purposes to ensure their accuracy as outlined in the City's Wastewater Flow Meter Accuracy Verification Guidelines. A copy of such Guidelines is available from the Director.

(Ord. 30, 2013 §1; Ord. 35, 2008 §1)

14.11.180 - ~~Accidental discharge/s~~²⁴**Slug DISCHARGE** control plans.

- (a) The Director shall evaluate whether an ~~Industrial~~ User needs an ~~accidental Discharge/Slug DISCHARGE C~~control ~~P~~plan. Such evaluations must be documented in the administrative file. The Director may require any User to develop, submit for approval and implement such a plan. Any requirement to develop and implement a Slug ~~C~~control **DISCHARGE P**plan shall be included in the User's Wastewater Discharge Permit. An ~~accidental Discharge/Slug DISCHARGE C~~control ~~P~~plan shall contain, at a minimum, the following:
 - (1) A description of Discharge practices including non-routine batch Discharges;
 - (2) A description of stored chemicals;
 - (3) Procedures for immediately notifying the Director of any ~~accidental or~~ Slug Discharge, as required by Subsection 14.11.440(a) below; and
 - (4) Procedures to prevent adverse impact from any ~~accidental or~~ Slug Discharge. Such procedures must address inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, containment

²⁴ Definition of "Slug" includes accidental discharges. Deleted to avoid confusion.

structures or equipment, measures for containing toxic organic Pollutants (including solvents) and measures and equipment for emergency response.

- (b) An SIU shall notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(Ord. 35, 2008 §1)

14.11.190 - Hauled portable toilet wastewater.

- (a) A User may introduce Hauled Portable Toilet Wastewater into the POTW only in accordance with its **WASTEWATER DISCHARGE P**ermit.
- (b) Hauled Portable Toilet Wastewater shall comply with all relevant provisions of this Chapter, including but not limited to Section 14.11.070.
- (c) All portable toilet wastewater haulers shall obtain Wastewater Discharge Permits. Portable toilet wastewater haulers must submit a waste manifest form for every load.

(Ord. 30, 2013 §1; Ord. 31, 2011 §1; Ord. 35, 2008 §1)

14.11.210 - Satellite Waste Dump Sites.

- (a) Satellite Waste Dump Site operators must obtain a Wastewater Discharge Permit prior to introducing Wastewater to the POTW.
- (b) Satellite Waste Dump Site operators shall comply with all relevant provisions of this Chapter, including but not limited to Section 14.11.070.
- (c) Satellite Waste Dump Site operators must maintain records for all loads disposed of at their site. Such records shall include, at a minimum, the name of the hauler, the hauler's vehicle, the license number, the volume of waste and the hauler's certification that the waste is not RCRA hazardous. Satellite Waste Dump Site operators shall submit such records to the Director as required by their **WASTEWATER DISCHARGE P**ermit.

(Ord. 30, 2013 §1; Ord. 35, 2008 §1)

14.11.230 - Requirement to obtain Wastewater Discharge Permit.

- (a) All SIUs **AND CIUS** shall obtain a Wastewater Discharge Permit from the Director ~~prior to any Discharge to the POTW.~~
- (b) The Director may require other Users to obtain a Wastewater Discharge Permit as necessary to accomplish the purposes of this Chapter.
- (c) Any violation of the terms and conditions of a Wastewater Discharge Permit shall constitute a violation of this Chapter. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all applicable federal and state Pretreatment Standards or Requirements, or with any other applicable requirements of federal, state and local law.

(Ord. 35, 2008 §1)

14.11.240 - Wastewater discharge permitting; existing connections.

An existing ~~Discharger~~ **USER** that becomes newly subject to permitting requirements under this Chapter, and that does not currently have a Wastewater Discharge Permit, may continue to Discharge to the POTW until its timely **WASTEWATER DISCHARGE P**ermit application is processed, provided that its Discharge does not cause Interference or Pass Through. In order to qualify under this provision, the

Discharger USER must submit its application within ten (10) business days of notification by the Director of the permitting requirement.

(Ord. 35, 2008 §1)

14.11.250 - Wastewater discharge permitting; new connections.

Any User required to obtain a Wastewater Discharge Permit that proposes to begin or recommence discharging into the POTW shall obtain such **WASTEWATER DISCHARGE P**ermit prior to beginning or recommencing its Discharge. The User shall file an application for a Wastewater Discharge Permit in accordance with Section 14.11.260 at least ninety (90) days prior to the date upon which such Discharge will begin or recommence.

(Ord. 35, 2008 §1)

14.11.260 - Wastewater Discharge Permit application.

All **U**users required to obtain a Wastewater Discharge Permit must submit a **WASTEWATER DISCHARGE P**ermit application. Users that are eligible may request a **G**eneral **P**ermit under Section 14.11.265 below. Such application shall include the following information for the premises from which the Discharge will occur:

- (1) All information required by Subsection 14.11.390(b);
- (2) A description of activities, facilities and plant processes, including a list of all raw materials and chemicals used or stored on the premises that will, or could accidentally or intentionally, be discharged to the POTW;
- (3) The number and type of employees and proposed or actual hours of operation;
- (4) Each product to be produced by type, amount, process or processes and rate of production;
- (5) The type and amount of raw materials to be processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of Discharge;
- (7) Facility contact information;
- (8) Time and duration of the Discharge; and
- (9) Any other information that the Director deems necessary to evaluate the Wastewater Discharge Permit application. The Director will return unprocessed to the User all incomplete or inaccurate applications.

(Ord. 30, 2013 §1; Ord. 35, 2008 §1)

14.11.265 - Wastewater discharge permitting; general permits.

(a) At the discretion of the Director, the Director may use **G**eneral **P**ermits to control industrial user **D**ischarges to the POTW if the following conditions are met. All facilities to be covered by a **G**eneral **P**ermits must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and

- (5) In the opinion of the Director are **FACILITIES** more appropriately controlled under a **Ggeneral Ppermits** than under individual Wastewater Discharge Permits.
- (b) To be covered by ~~the A~~ **Ggeneral Ppermits**, the User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the **Ggeneral Ppermits**, any requests in accordance with Subsection 14.11.390(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the **POTW DIRECTOR** deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the **Ggeneral Ppermits** until after the Director has provided written notice to the User that such a waiver request has been granted in accordance with Subsection 14.11.390(b).
- (c) The Director will retain a copy of the **Ggeneral Ppermits**, documentation to support the **POTW DIRECTOR**'s determination that a specific User meets the criteria in Paragraphs (a)(1) through (5) above and applicable state regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the **Ggeneral Ppermits**.
- (d) The Director may not control ~~an~~ **SCIU** through a **Ggeneral Ppermits** where the facility is subject to production-based **Ccategorical Ppretreatment Sstandards** or **Ccategorical Ppretreatment Sstandards** expressed as mass of pollutant discharged per day or for **IUSERS** whose limits are based on the combined wastestream formula in Subsection 14.11.080(c) or net/gross calculations in Subsection 14.11.080(e).

(Ord. 30, 2013 §1)

14.11.280 - Issuance of draft wastewater discharge permits.

If the Director determines that a Wastewater Discharge Permit is appropriate, he or she will first issue a draft **WASTEWATER DISCHARGE Ppermit** for review. Notice of the availability of the draft shall be posted in the same manner as other public notices. The User and the public shall have thirty (30) days to submit written comments on the draft **WASTEWATER DISCHARGE Ppermit**. The Director shall issue a final **WASTEWATER DISCHARGE Ppermit** within fifteen (15) days of the close of the thirty-day comment period.

(Ord. 35, 2008 §1)

14.11.290 - Wastewater discharge permit decision appeals.

Any person, including the User, may petition the Director to reconsider the terms of a Wastewater Discharge Permit (~~"Administrative Appeal"~~)²⁵ within thirty (30) days of the effective date of the final **WASTEWATER DISCHARGE Ppermit** or the decision not to issue a **WASTEWATER DISCHARGE Ppermit**.

- (1) Failure to submit a written petition for review within such thirty-day period shall constitute a waiver of the right to ~~the Administrative Appeal~~²⁶ **A WASTEWATER DISCHARGE PERMIT**.
- (2) In its **WRITTEN** petition **FOR REVIEW**, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the **WASTEWATER DISCHARGE Ppermit**. Except for provisions that change from the draft to the final **WASTEWATER DISCHARGE Ppermit**, the ~~petitioner~~ **APPEALING PARTY** may only appeal those issues ~~it~~ **THE APPEALING PARTY** raised during the public comment period.

²⁵ Deleted to avoid confusion with 710.

²⁶ Did not capitalize lowercase "a" to show change.

- (3) Only the challenged portions of the final Wastewater Discharge Permit shall be stayed pending ~~an~~ **THE** appeal.
- (4) **THE DIRECTOR MUST ISSUE HIS OR HER FINAL DECISION WITHIN TWENTY (20) DAYS OF RECEIVING THE WRITTEN PETITION FOR REVIEW. Failure of t**~~The Director's FAILURE~~ to act within twenty (20) days ~~of receiving a written petition for review~~ shall constitute **A** denial of the petition. **AND AS THE DIRECTOR'S FINAL DECISION FOR PURPOSES OF THIS SECTION.**
- ~~(5) Aggrieved parties may seek review of the Director's Wastewater Discharge Permit decision by filing a request with the Director within thirty (30) days of the date of his or her final decision asking that the Director's written decision be sent to the Water and Sewer Board. The Director shall submit his or her written decision to the Water and Sewer Board within thirty (30) days of receiving the request. The Water and Sewer Board shall make its decision based on the administrative record.~~²⁷
- (56) **Aggrieved THE APPEALING partyies OR THE USER, IF NOT THE APPEALING PARTY,** seeking review of the **DIRECTOR'S Wastewater Discharge Permit** decision must do so by filing a request for hearing with the Administrative Hearing Officer, as authorized by Section 3-11 of the Greeley City Charter, within thirty (30) days **after OF THE DATE OF the DIRECTOR'S FINAL decision of the Board.** Such review shall be *de novo*, and the Administrative Hearing Officer's decision shall be final. Administrative Hearing Officer decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit or not to modify a Wastewater Discharge Permit shall be considered the final administrative action for purposes of judicial review.
- (7) Any appeal from the decision of the Administrative Hearing Officer shall be to the appropriate court pursuant to C.R.C.P. 106.

(Ord. 35, 2008 §1)

14.11.300 - Wastewater discharge permit contents.

The Director shall include such conditions in the **WASTEWATER DISCHARGE P**ermit that he or she determines are reasonably necessary to prevent Pass Through or Interference, protect the quality of the water body receiving the Treatment Plant's effluent, protect ~~POTW worker~~ **CITY PERSONNEL** health and safety, facilitate biosolids management and disposal and protect against damage to the POTW.

- (1) Wastewater Discharge Permits shall:
 - a. Identify the permit term, which in no event shall exceed five (5) years;
 - b. Contain a statement that the **WASTEWATER DISCHARGE P**ermit is nontransferable without prior notification to the Director in accordance with Section 14.11.330, and provisions for furnishing the new owner or operator with a copy of the existing **WASTEWATER DISCHARGE P**ermit;
 - c. Contain effluent limits, including BMPs, based on applicable Pretreatment Standards and Requirements;
 - d. Contain self-monitoring, sampling, reporting, notification and record-keeping requirements, which shall include the Pollutants or BMP to be monitored, sampling location, sampling frequency, sample type and analysis method based on federal, state and local law;
 - e. Contain requirements to control Slug ~~D~~ischarges, if determined by the Director to be necessary;

²⁷ Deleted to simplify the appeal process.

- f. Contain a statement of applicable civil and criminal penalties for violating Pretreatment Standards and Requirements; and
 - g. Contain any applicable compliance schedule, which shall not extend the time for compliance beyond that required by applicable federal, state or local law.
- (2) Wastewater Discharge Permits may contain the following:
- a. Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
 - b. Requirements to install, operate and maintain Pretreatment technology, pollution control or containment devices to reduce, eliminate or prevent the introduction of Pollutants into the POTW;
 - c. Requirements to develop and implement spill control plans or other special conditions necessary to prevent accidental, unanticipated or no routine discharges;
 - d. Requirements to develop and implement waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
 - e. The unit charge or schedule of User charges and fees for treating Wastewater discharged to the POTW;
 - f. Requirements to install and maintain inspection and sampling facilities or other equipment, including flow measurement devices;
 - g. A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility to comply with all applicable federal and state Pretreatment Standards, including those that become effective during the term of the Wastewater Discharge Permit; and
 - h. Other conditions that the Director deems necessary to ensure compliance with this Chapter and state and federal requirements.

(Ord. 35, 2008 §1)

14.11.310 - Wastewater discharge permit duration.

A Wastewater Discharge Permit shall be issued for a specified term, not exceeding five (5) years from the effective date of the **WASTEWATER DISCHARGE P**permit. The Director may issue a Wastewater Discharge Permit for a term less than five (5) years.

(Ord. 35, 2008 §1)

14.11.320 - Wastewater discharge permit modification.

- (a) The Director may modify a Wastewater Discharge Permit for good cause, including but not limited to the following reasons:
- (1) To incorporate any new or revised federal, state or local Pretreatment Standards or Requirements;
 - (2) To address significant alterations or additions to the User's operation, processes or Wastewater volume or character since the time of **WASTEWATER DISCHARGE P**permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the permitted **D**discharge;
 - (4) Information indicating that the permitted **D**discharge may threaten the POTW, human health or the environment;

- (5) Violation of any terms or conditions of the **WASTEWATER DISCHARGE P**permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the **WASTEWATER DISCHARGE P**permit application or in any required reporting;
 - (7) Revision of Categorical Pretreatment Standards, or a variance there from under 40 C.F.R. § 403.13;
 - (8) To correct typographical or other errors in the **WASTEWATER DISCHARGE P**permit; or
 - (9) To reflect a transfer of facility ownership or operation to a new owner or operator.
- (b) A User may **PETITION THE DIRECTOR AND** seek review of a **ANY WASTEWATER DISCHARGE P**permit ~~m~~Modification ~~and request an Administrative Appeal Hearing~~ within ten (10) days following issuance of **THE WASTEWATER DISCHARGE PERMIT WITH** modifications. ~~The Administrative Appeal Hearing shall be conducted according~~ **PURSUANT** to ~~procedures described in~~ Section 14.11.290.

(Ord. 35, 2008 §1)

14.11.330 - Wastewater discharge permit transfer.

A Wastewater Discharge Permit holder may transfer its **WASTEWATER DISCHARGE P**permit to a new owner or operator only if the permittee gives ~~at least sixty (60) days' advance~~ **WRITTEN** notice to the Director **NO LESS THEN THIRTY (30) DAYS IN ADVANCE OF THE DATE OF TRANSFER**, and the Director approves the **WASTEWATER DISCHARGE P**permit transfer in writing. The notice to the Director must include a written certification by the new owner or operator that:

- (1) The new owner and/or operator acknowledges receipt of a copy of the existing **WASTEWATER DISCHARGE P**permit;
- (2) The new owner and/or operator has fully read and understands the **WASTEWATER DISCHARGE P**permit conditions and accepts full responsibility for complying with the existing **WASTEWATER DISCHARGE P**permit;
- (3) The new owner and/or operator has no immediate intent to change the facility's operations and processes; and
- (4) Identifies the specific date of transfer.

Upon approval of the Wastewater Discharge Permit transfer, the Director shall reissue the transferred **WASTEWATER DISCHARGE P**permit in the name of the new owner and/or operator.

(Ord. 39, 2014, § 1(Exh. A), 12-16-2014; Ord. 31, 2011 §1; Ord. 35, 2008 §1)

14.11.340 - Wastewater discharge permit suspension,~~or~~ revocation, **OR TERMINATION.**

(a) The Director may suspend or revoke a Wastewater Discharge Permit for good cause, including but not limited to the following reasons:

- (1) Failure to provide prior notification to the Director of changed conditions pursuant to Section 14.11.430;
- (2) Misrepresentation or failure to fully disclose all relevant facts in the **WASTEWATER DISCHARGE P**permit application;
- (3) Falsifying monitoring reports;
- (4) Tampering with monitoring equipment;
- (5) Refusing to allow the Director timely access to the facility premises and records;
- (6) Failure to pay fines;

- (7) Failure to pay sewer charges;
 - (8) Failure to meet compliance schedules;
 - (9) Failure to complete a Wastewater survey or timely permit renewal application;
 - (10) Failure to provide advance notice of the transfer of business ownership of a permitted facility as required by Section 14.11.330; or
 - (11) Violation of any Pretreatment Standard or Requirement, or any terms of the permit or this Chapter.
- (b) **A USER MAY FILE A PETITION TO RECONSIDER THE SUSPENSION OR REVOCATION OF ITS WASTEWATER DISCHARGE PERMIT AND REQUEST AN ADMINISTRATIVE APPEAL WITHIN TEN (10) DAYS FOLLOWING ISSUANCE OF THE NOTICE OF SUSPENSION OR REVOCATION. THE ADMINISTRATIVE APPEAL SHALL BE CONDUCTED ACCORDING TO THE PROCEDURES DESCRIBED IN SECTION 14.11.710.** ²⁸
- (c) **ALL Wastewater Discharge Permits shall be voidable TERMINATED²⁹ upon THE cessation of operations; ~~All Wastewater Discharge Permits are void upon~~ the issuance of a new replacement Wastewater Discharge Permit; ~~THE EXPIRATION OF THE WASTEWATER DISCHARGE PERMIT TERM; OR THE REQUEST OF THE PERMITTEE.~~ The permittee may FILE A PETITION TO RECONSIDER THE ~~appeal the voiding~~ TERMINATION of a WASTEWATER DISCHARGE Permit PURSUANT TO SECTION 14.11.290 within ten (10) days of notice that the WASTEWATER DISCHARGE Permit is void HAS TERMINATED. This appeal may be taken pursuant to Section 14.11.290.**

(Ord. 35, 2008 §1)

14.11.360 – RESERVED. ³⁰ ~~Suspension or revocation of permit; appeal; emergency suspension.~~

- ~~(a) Upon determination by the Director of just cause under the terms of this Chapter to suspend or revoke a Wastewater Discharge Permit, the User shall be sent, by certified mail or personal delivery service, written notice of termination of POTW service.~~
- ~~(b) The User may elect to appeal such determination, in which event such User shall, within ten (10) days of the date of mailing or service, notify in writing, the Director of intent to appeal, specifying the particular section of the determination contested and the basis thereof. The Appeal shall be conducted according to procedures described in Section 14.11.290.~~
- ~~(c) The suspension or revocation of the permit shall be stayed pending the appeal hearing unless the Director determines that the suspension is necessary to prevent an imminent danger to the public health, safety or welfare, or interference with the operation or treatment abilities of the POTW. The Director may include in the temporary suspension reasonable orders or conditions with which the permittee shall comply to protect the public health and safety.~~
 - ~~(1) Any User notified to suspend its discharge shall immediately stop or eliminate its contribution. If a User fails to immediately comply voluntarily with the suspension order, the Director may take all necessary steps, including immediate severance of the water or sewer connection, to prevent or minimize damage to the POTW, its receiving stream or danger to any individuals. The Director may allow the User to recommence its discharge when the User demonstrates to the Director that the threat has been satisfactorily resolved, unless the Director initiates termination proceedings against the User under Section 14.11.610.~~

²⁸ Added to clarify that the suspension or revocation of a permit falls under 14.11.710 and not 14.11.290.

²⁹ Changed term to be consistent with staff's current terminology.

³⁰ Moved to Section 14.11.615.

~~(2) A User wholly or partly responsible for any discharge that is ordered suspended under this Section shall, within five (5) days of receiving such order, submit to the Director a detailed written report describing the causes of the harmful situation and the measures taken to prevent any future occurrence.~~

~~(d) Any breach of the conditions or orders of an emergency suspension is an independent ground for revocation of the permit, assessment of a penalty or both.~~

~~(Ord. 35, 2008 §1)~~

14.11.390 - Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report containing the information listed in Subsection (b) below. At least ninety (90) days prior to commencing their discharge, New Sources, and sources that become categorical Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Director a report containing the information listed in Subsection (b) below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall estimate the anticipated flow and quantity of Pollutants it will discharge.
- (b) Each User described in Subsection (a) above shall submit a report containing the following information:
- (1) *Identifying Information.* The name and address of the facility, including the name of the operator and owner.
 - (2) ~~Contact information, description of activities, facilities and plant production processes on the premises.~~ (3) *Environmental Permits.* A list of all environmental control permits held by or for the facility.
 - (34) *Description of Operations.* A brief description of the User's operations and average production rates, including identification of all applicable North American Industry Classification System Codes. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
 - (45) *Flow Measurement.* The measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 C.F.R. § 403.6(e).
 - (56) *Measurement of Pollutants.*
 - a. The Categorical Pretreatment Standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass where required by the Categorical Standard or by the Director, of regulated Pollutants in the discharge from each regulated process. The information shall include a Chain of Custody record ~~that lists the outfall location, sample date, sample time, sample type and name of sample collector~~³¹.
 - c. Instantaneous, ~~D~~aily ~~M~~aximum and long-term average concentrations, or mass where required.
 - d. The sample shall be representative of daily operations and shall be analyzed according to procedures set out in Section 14.11.490. Where the standard requires compliance with a

³¹ Added to the definition of "Chain of Custody."

BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.

- e. The User must sample according to the procedures set out in Section 14.11.500.
 - f. The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this Subsection.
 - g. The User should take samples immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. § 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternative concentration or mass limit has been calculated in accordance with 40 C.F.R. § 403.6(e), the User shall submit this adjusted limit along with supporting data to the POTW.
 - h. The Director may allow the User to submit a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures.
 - i. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis accurately represent normal work cycles and expected Pollutant discharges to the POTW.
- (67) *Certification.* A statement, reviewed by the Authorized Representative of the User and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
- (78) *Compliance Schedule.* If additional Pretreatment and/or O&M is required to meet the Categorical Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Chapter must meet the requirements set out in Section 14.11.400 **AND, WHEN APPLICABLE, SUBMITTED IN ACCORDANCE WITH 40 C.F.R. § 403.12 (b)(7)(i-ii).**
- (89) *Signature and Report Certification.* All baseline monitoring reports must be signed and certified in accordance with Subsection 14.11.770(a).

(Ord. 35, 2008 §1)

14.11.420 - Periodic self-monitoring compliance reports.

- (a) An SIU³² shall submit periodic reports that indicate the nature and concentration of Pollutants in its discharge that are limited by a Pretreatment Standard, along with the measured daily flows. The information shall include a Chain of Custody record ~~that lists the outfall location, sample date, sample time, sample type and name of sample collector.~~³³ The Director shall establish the schedule for such reporting in the SIU's Wastewater Discharge Permit. Such schedule shall require submittal of the reports at a frequency of no less than every six (6) months. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation as required by the Director or the applicable Standard to determine the compliance status of the User. All periodic compliance reports must be signed and certified according to Subsection 14.11.770(a).

³² Question for AI—Should this section apply to Non-Significant Categorical Industrial Users as well as SIUs?

³³ Added to the definition of "Chain of Custody."

- (b) All reports under this Section are due thirty (30) days following the end of the reporting period stated in the SIU's permit.
- (c) All Wastewater samples required under this Section must be representative of the SIU's discharge. The SIU shall properly operate and maintain all Wastewater monitoring and flow measurement facilities. Failure of an SIU to keep its monitoring facility in good working order shall not be grounds for the SIU to claim that sample results are unrepresentative of its discharge.
- (d) If an SIU subject to the reporting requirement in this Section monitors any Pollutant more frequently than required by the Director using the procedures prescribed in Section 14.11.500, the SIU shall include the results of this monitoring in the periodic compliance report.

(Ord. 35, 2008 §1)

14.11.440 - Reports of potential problems.

- (a) In the case of any Discharge that may cause potential problems for the POTW, including but not limited to accidental Discharges, Discharges of a nonroutine episodic nature, a noncustomary batch Discharge or a Slug Load, the User shall immediately notify the **POTW DIRECTOR** by telephone of the incident. This notification shall include the location of the Discharge, type of waste, duration, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such Discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the Discharge and the measures the User will take to prevent similar future occurrences. Such report shall not relieve the User of any expense, loss, damage or other liability that it may incur as a result of damage to the POTW, natural resources or other persons or property; nor shall such report relieve the User of any fines, penalties or other liability that may be imposed pursuant to this Chapter or other applicable law.
- (c) A User shall permanently post on its bulletin board or other prominent place information advising employees whom to call in the event of a Discharge described in Subsection (a) above. The **SIU USER** shall ensure that all employees who may cause such a Discharge to occur are advised of the emergency notification procedure.

(Ord. 35, 2008 §1)

14.11.460 - Reporting of violations and repeat sampling.

If sampling performed by a User indicates a violation, the User must notify the Director in writing or by telephone within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Where the **City DIRECTOR** has performed sampling and analysis in lieu of the User, the **City DIRECTOR** must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Where the **City DIRECTOR** finds a violation as a result of its compliance monitoring event, then the User shall perform repeat sampling and analysis within thirty (30) days after becoming notified of the violation.

(Ord. 35, 2008 §1)

14.11.480 - Notification of the discharge of hazardous waste.

- (a) A User shall notify in writing the Director, the EPA Region VIII Waste Management Division and the Colorado Hazardous Materials and Waste Management Division of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number and the type of Discharge (continuous, batch or other).

- (1) If the User Discharges more than one hundred (100) kilograms of such waste per ~~calendar~~ month to the POTW, to the extent such information is known and readily available to the User, the notification shall also: identify the hazardous constituents contained in the wastestream; estimate the mass and concentration of such constituents in the wastestream Discharged during that ~~calendar~~ month; and estimate the mass and concentration of such constituents in the wastestream the User expects to Discharge during the following twelve (12) months.
- (2) The User shall provide such notification no later than one hundred eighty (180) days after the Discharge commences. Any notification under this Subsection need be submitted only once for each hazardous waste Discharged. (However, the User must notify the **POTW DIRECTOR** of any changed conditions under Section 14.11.430). The notification requirement in this Subsection does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 14.11.390, 14.11.410 and 14.11.420.
- (b) Users are exempt from the requirements of Subsection (a) above during a ~~calendar~~ month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non acute hazardous wastes in a ~~calendar~~ month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification. (However, the User must notify the **POTW DIRECTOR** of any changed conditions under Section 14.11.430.)
- (c) If EPA or the State issues any new regulations under Section 3001 of RCRA identifying any additional characteristic of a hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Region VIII Waste Management Division and the Colorado Hazardous Materials and Waste Management Division of the Discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this Chapter, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practicable.
- (e) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this Chapter, a **WASTEWATER DISCHARGE P**ermit issued hereunder or any applicable federal or state law.

(Ord. 35, 2008 §1)

14.11.500 - Sample collection.

Reports required in Section 14.11.390, 14.11.410 and 14.11.420 must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (1) Except as indicated in Paragraphs (2) and (3) below, the User must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the **City DIRECTOR**, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the **City DIRECTOR**, as

appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques unless specified otherwise in a Wastewater Discharge Permit or otherwise approved by the **City DIRECTOR**.
- (3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 14.11.390 and 14.11.410, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Section 14.11.420, the **Industrial** User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(Ord. 30, 2013 §1; Ord. 35, 2008 §1)

14.11.510 - Timely submittal of reports.

For written reports required by this Chapter or a Wastewater Discharge Permit:

- (1) The date of the postmark shall constitute submittal for reports sent postage prepaid by U.S. Mail;
OR
- (2) The date of receipt by the Director shall constitute submittal for reports sent by other means,
INCLUDING BUT NOT LIMITED TO PRIVATE COURIER.

(Ord. 35, 2008 §1)

14.11.525 - SIGNATORIES AND CERTIFICATION.³⁴

- (A) ALL WASTEWATER DISCHARGE PERMIT APPLICATIONS AND USER REPORTS MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE USER AND CONTAIN THE FOLLOWING CERTIFICATION STATEMENT:**

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

- (B) ANNUAL CERTIFICATION FOR NONSIGNIFICANT CATEGORICAL INDUSTRIAL USERS. A FACILITY THAT THE DIRECTOR DETERMINES IS A NONSIGNIFICANT CATEGORICAL INDUSTRIAL USER MUST ANNUALLY SUBMIT TO THE POTW THE FOLLOWING CERTIFICATION SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE USER. THIS CERTIFICATION MUST ACCOMPANY AN ALTERNATIVE REPORT REQUIRED BY THE DIRECTOR:**

BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE CATEGORICAL PRETREATMENT STANDARDS UNDER 40 C.F.R. _____, I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT

³⁴ Moved from Section 14.11.770 to new 14.11.525 in order to consolidate with reporting requirements.

DURING THE PERIOD FROM _____, _____, TO _____, _____, [MONTHS, DAYS, YEAR]:

- (1) THE FACILITY DESCRIBED AS _____ [FACILITY NAME] MET THE DEFINITION OF A NONSIGNIFICANT CATEGORICAL INDUSTRIAL USER.
- (2) THE FACILITY COMPLIED WITH ALL APPLICABLE PRETREATMENT STANDARDS AND REQUIREMENTS DURING THIS REPORTING PERIOD; AND
- (3) THE FACILITY NEVER DISCHARGED MORE THAN ONE HUNDRED (100) GALLONS OF TOTAL CATEGORICAL WASTEWATER ON ANY GIVEN DAY DURING THIS REPORTING PERIOD.

THIS COMPLIANCE CERTIFICATION IS BASED UPON THE FOLLOWING INFORMATION:

OFFICIAL SIGNATURE

14.11.530 - Right of entry; inspection and sampling.

Upon presentation of proper credentials, the Director may enter the premises of any User to determine the User's compliance with this Chapter and any **WASTEWATER DISCHARGE P**ermit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises to inspect, sample, examine and copy records, and to perform any additional duties related to such compliance issues.

- (1) Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purpose of performing specific responsibilities.
- (2) The Director shall have the right to set up on the User's property, or require installation of, any devices necessary to sample and/or measure the User's operations.
- (3) The Director may require the User to install, in accordance with local construction standards and specifications, such sampling and monitoring equipment and facilities as necessary to ensure compliance with applicable requirements. The User shall maintain sampling and monitoring equipment at all times in a safe and proper operating condition at its own expense.
- (4) The Director may require the User to install and maintain sampling and monitoring facilities independent of the User's sampling and monitoring facilities to enable the Director to independently monitor the User's Discharge activities.
- (5) At the request of the Director, the User shall promptly remove any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled. The User shall bear any costs of clearing such access.
- (6) In the event that the Director is refused admission to the ~~Discharger's~~³⁵ ~~premises~~ **USER'S PROPERTY**, the Director may discontinue water or wastewater service to the premises until the Director has been afforded reasonable access to the premises to accomplish inspection or sampling.

³⁵ Changed to "User" since "Discharger" is not a defined term.

(Ord. 35, 2008 §1)

14.11.560 - Publication of Users in Significant Noncompliance.

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users that, **AT ANY TIME** during the previous ~~twelve (12) months~~ **CALENDAR YEAR**, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. **A USER IS IN The term Significant Noncompliance shall mean IF A USER COMMITTED A VIOLATION THAT MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:**

- (1) Chronic violations of ~~Wastewater~~ **ANY** Discharge limits, defined herein as those in which sixty-six percent (66%) or more of **ALL OF THE Wastewater** measurements taken for the same ~~Ppollutant~~ **PARAMETER** during a six-month period exceed by any ~~amount~~ **MAGNITUDE**, a numeric Pretreatment Standard or Requirement, including Instantaneous Maximum Allowable Discharge Limits;
- (2) Technical Review Criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of **ALL OF THE Wastewater** measurements taken for ~~each~~ **THE SAME** Pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including the Instantaneous Maximum Allowable Discharge Limit, multiplied by the applicable ~~criteria~~ **TRC** (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);
- (3) Any other violation of Pretreatment Standards or Requirements (~~Dd~~ **daily** ~~Mm~~ **maximum**, long-term average, Instantaneous Maximum Allowable Discharge Limit or narrative standard) that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, ~~or that has~~ **INCLUDING** endangered ~~EDING~~ the health of ~~POTW CITY~~ **POTW CITY** personnel or the general public;
- (4) Any Discharge ~~of a Pollutant~~ that caused imminent endangerment to human health **OR WELFARE** or the environment, or resulted in the Director's exercise of his or her emergency authority **UNDER SECTION 14.11.615** to halt or prevent such a Discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or ~~enforcement~~ **COMPLIANCE** order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports and reports related to compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation~~(s)~~, including a violation of a Sector Control Program or **OTHER** BMP, that the Director determines will adversely affect the operation or implementation of the local Pretreatment program.

(Ord. 30, 2013 §1; Ord. 35, 2008 §1)

14.11.570 - Notice of violation.

When the Director finds that a User has violated or continues to violate any provision of this Chapter, a Wastewater Discharge Permit, an order issued **hereunder THIS CHAPTER** or any other Pretreatment Standard or Requirement, the Director may serve that User a written Notice of Violation. **Within thirty (30) days of the receipt of such notice, the User shall submit in writing to the Director an explanation of the violation and a plan with specific steps to correct the violation and prevent its recurrence. Submission of this plan A NOTICE OF VIOLATION ONLY APPLIES TO THE VIOLATION(S) IDENTIFIED THEREIN AND** in no way relieves the User of liability for any violations

occurring before or after receipt of the Notice of Violation. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, taking any other action against the User. ~~A User may seek review of a Notice of Violation and request an Administrative Appeal Hearing within ten (10) days following issuance of the Notice of Violation. The Administrative Appeal Hearing shall be conducted according to procedures described in Section 14.11.710.~~

(Ord. 35, 2008 §1)

14.11.580 - Compliance orders.

When the Director finds that a User has violated or continues to violate any provision of this Chapter, a Wastewater Discharge Permit, an order issued ~~hereunder~~ **THIS CHAPTER** or any other Pretreatment Standard or Requirement, the Director may order the User responsible for the Discharge to attain compliance within a specified time. Compliance orders also may contain other requirements to address the noncompliance, including **PROHIBITING DISCHARGE, REQUIRING TREATMENT**, additional self-monitoring and **OTHER** management practices designed to minimize the amount of Pollutants discharged to the POTW. Compliance orders may also ~~assess fines and administrative costs~~ **INCLUDE THE ASSESSMENT OF ADMINISTRATIVE FINES** against the User **IN ACCORDANCE WITH SECTION 14.11.620**. A compliance order ~~may~~ **SHALL** not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User. A User may ~~seek review~~ **FILE A PETITION TO RECONSIDER THE ISSUANCE** of a compliance **ORDER** and request an Administrative Appeal **Hearing** within ten (10) days following issuance of a compliance order. The Administrative Appeal **Hearing** shall be conducted according to the procedures described in Section 14.11.710. **A USER'S PETITION TO RECONSIDER WILL NOT STAY ANY CONDITION OF A COMPLIANCE ORDER THAT IS NOT CHALLENGED BY THE USER. THE USER SHALL BE LIABLE FOR ALL CONTINUING VIOLATIONS.**

(Ord. 35, 2008 §1)

14.11.590 - Show cause hearing.

The Director may order a User that has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit, ~~or~~ **AN** order issued ~~hereunder~~ **THIS CHAPTER** or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the City should not take the proposed enforcement action, including the assessment of administrative fines ~~and costs~~ **AGAINST THE USER IN ACCORDANCE WITH SECTION 14.11.620**. The Director shall serve notice on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and requesting that the User show cause why the proposed enforcement action should not be taken. The Director shall serve notice of the hearing by **PERSONAL SERVICE OR certified FIRST CLASS U.S. mail (return receipt requested)** at least ~~five~~ **TEN (105)** days prior to the hearing. The Director may serve such notice on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. ~~A User may seek review of a Show Cause Hearing determination and request an Administrative Appeal Hearing within ten (10) days following receipt of Show Cause Hearing decision. The Administrative Appeal Hearing shall be conducted according to procedures described in Section 14.11.710.~~

(Ord. 35, 2008 §1)

14.11.600 - Consent orders.

The ~~Director~~ **CITY** may enter into a consent order, an assurance of voluntary compliance or other similar document establishing an agreement with any User responsible for noncompliance. Such

~~documents~~ **AGREEMENT** shall include specific action for the User to take to correct the noncompliance within a specified time period **AND MAY INCLUDE ADMINISTRATIVE FINES, STIPULATED PENALTIES, SUPPLEMENTAL ENVIRONMENTAL PROJECTS, OR OTHER CONDITIONS AND REQUIREMENTS AS AGREED TO BY AND BETWEEN THE CITY AND THE USER.** Such documents shall have the same force and effect as the compliance orders issued pursuant to Section 14.11.580, ~~may contain an agreement as to payment of fines and costs~~ and shall be judicially enforceable.

(Ord. 35, 2008 §1)

14.11.610 - Cease and desist orders.

- (a) When the Director determines: that a User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit or **AN** order issued ~~hereunder THIS CHAPTER~~, or any other Pretreatment Standard or Requirement **AND**; that the User's past violations are likely to recur; ~~or that the User's Discharge endangers the environment or threatens to interfere with the operation of the POTW; THEN the Director may, after formal notice to the User and an opportunity to be heard under Section 14.11.590,~~ order the User to cease and desist all such violations and direct the User to:
 - (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action necessary to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.
- (b) ~~When the Director determines that a User's Discharge imminently threatens human health or welfare, the Director may, after informal notice to the User, order the User to cease and desist such threat and direct the User to:~~
 - ~~(1) Immediately comply with all requirements; and~~
 - ~~(2) Take such appropriate remedial or preventive action necessary to properly address the imminent threat, including halting operations and/or terminating the Discharge.~~
- (c) A User may **FILE A PETITION TO RECONSIDER THE ISSUANCE** ~~seek review~~ of a cease and desist order according to procedures described in Section 14.11.710. **A USER'S PETITION TO RECONSIDER WILL NOT STAY ANY CONDITION OF A CEASE AND DESIST ORDER THAT IS NOT CHALLENGED BY THE USER. THE USER SHALL BE LIABLE FOR ALL CONTINUING VIOLATIONS.** Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(Ord. 35, 2008 §1)

14.11.615 EMERGENCY SUSPENSION OF SERVICE.

- (a) **ENDANGERMENT TO HUMAN HEALTH OR WELFARE.** THE CITY, WITHOUT WRITTEN NOTICE TO THE RESPONSIBLE USER, MAY IMMEDIATELY HALT OR PREVENT ANY DISCHARGE INTO THE POTW OR SANITARY SEWER SYSTEM OF A CONNECTING JURISDICTION BY ANY AVAILABLE MEANS TO THE CITY, INCLUDING BUT NOT LIMITED TO PHYSICAL DISCONNECTION FROM THE POTW, WHENEVER IT REASONABLY APPEARS THAT A USER'S DISCHARGE PRESENTS AN IMMINENT ENDANGERMENT TO HUMAN HEALTH OR WELFARE.
- (b) **ENDANGERMENT TO ENVIRONMENT OR TREATMENT WORKS.** THE CITY, AFTER WRITTEN NOTICE TO THE RESPONSIBLE USER, MAY HALT OR PREVENT ANY DISCHARGE INTO THE POTW OR SANITARY SEWER SYSTEM OF A CONNECTING JURISDICTION BY ANY AVAILABLE MEANS TO THE CITY, INCLUDING BUT NOT LIMITED TO PHYSICAL DISCONNECTION FROM THE POTW, WHENEVER A USER'S DISCHARGE PRESENTS OR

MAY PRESENT AN ENDANGERMENT TO THE ENVIRONMENT OR THREATENS TO INTERFERE WITH THE OPERATION OF THE POTW.

- (c) ANY USER NOTIFIED OF A SUSPENSION OF ITS WASTEWATER DISCHARGE PERMIT AND/OR ITS WASTEWATER TREATMENT SERVICE SHALL IMMEDIATELY STOP OR ELIMINATE THE DISCHARGE. IN THE EVENT THAT A USER FAILS TO COMPLY WITH THE SUSPENSION ORDER, THE CITY MAY TAKE ANY MEASURE IT DEEMS NECESSARY, INCLUDING BUT NOT LIMITED TO IMMEDIATE PHYSICAL DISCONNECTION OF THE SEWER CONNECTION, TO PREVENT OR MINIMIZE HARM TO HUMAN HEALTH OR THE ENVIRONMENT OR DAMAGE TO THE POTW. THE CITY MAY REINSTATE THE USER'S WASTEWATER DISCHARGE PERMIT AND/OR ITS WASTEWATER TREATMENT SERVICE UPON PROOF THAT THE USER HAS ELIMINATED THE NON-COMPLYING DISCHARGE.
- (d) WITHIN FIVE (5) DAYS AFTER RECEIVING THE NOTICE OF A SUSPENSION, THE USER SHALL SUBMIT A DETAILED WRITTEN STATEMENT TO THE DIRECTOR DESCRIBING THE CAUSE OF THE HARMFUL DISCHARGE AND THE MEASURES TAKEN TO PREVENT ANY REOCCURRENCE. SUSPENSION OF SERVICE SHALL NOT BE A BAR AGAINST, OR A PREREQUISITE FOR, TAKING ANY OTHER ACTION AGAINST THE USER.

14.11.620 - Administrative fines.

- (a) ~~Following the issuance of a Notice of Violation, a Compliance Order or Order to Show Cause, the Director may fine a User in an amount not to exceed one thousand dollars (\$1,000.00) per violation. The Director shall determine the applicable fine using the City's Administrative Penalty Evaluation Form and Administrative Penalty Matrix.~~ WHEN THE DIRECTOR DETERMINES THAT A USER HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER, A WASTEWATER DISCHARGE PERMIT, AN ORDER ISSUED UNDER THIS CHAPTER OR ANY OTHER PRETREATMENT STANDARD OR REQUIREMENT, THE DIRECTOR MAY ASSESS AN ADMINISTRATIVE FINE AGAINST SUCH USER IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) PER VIOLATION PER DAY. Each day on which ~~noncompliance~~ **A VIOLATION** occurs, or continues, shall constitute a separate and distinct violation. In the case of monthly or other long-term average Discharge limits, the Director may assess **AN ADMINISTRATIVE** fines for each day during the period of violation. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the **ADMINISTRATIVE** fine.
- (b) A USER MAY FILE A PETITION TO RECONSIDER THE ASSESSMENT OF AN ADMINISTRATIVE FINE ACCORDING TO PROCEDURES DESCRIBED IN SECTION 14.11.710. A USER'S PETITION TO RECONSIDER WILL NOT STAY ANY ENFORCEMENT ACTION THAT IS NOT CHALLENGED BY THE USER. THE USER SHALL BE LIABLE FOR ALL CONTINUING VIOLATIONS.
- (1c) The Director may add unpaid charges and fines to the User's next scheduled sewer service charge or utilize other collection remedies. All unpaid fines and charges shall constitute a lien against the User's property. ~~In that case, the Director of Finance shall file such lien to protect the City's interest.~~ Fines and charges remaining unpaid for sixty (60) ~~calendar~~ days shall accrue interest at the rate set forth in Section 4.04.319 of this Code ~~on the unpaid balances.~~
- (2d) ~~ASSESSMENT Issuance~~ of an administrative ~~penalty~~ **FINE** shall not be a bar against, or a prerequisite for, taking any other action against the User.

(Ord. 35, 2008 §1)

14.11.630 - Delinquent payment of administrative fines ~~and costs~~; notice before collection action.

Before filing a civil action to collect one (1) or more delinquent ~~penalty~~ assessments, the Director shall send a notice to the responsible ~~party or parties~~ **USER**, which advises the ~~party or parties~~ **USER** of the nature of the violation that resulted in ~~a civil penalty~~ **THE ASSESSMENT OF AN**

ADMINISTRATIVE FINE, the dates on which violations occurred, the original due date of the ~~penalty~~ **DELINQUENT** assessment and the **TOTAL** amount **DUE**, ~~of the penalty~~, including any delinquency charges. The notice shall further advise the responsible ~~party or parties~~ **USER** that, unless payment of ~~all assessments~~ **THE TOTAL AMOUNT DUE** is made to the City within ten (10) days of the date of the notice, civil action to collect the delinquent amounts may be filed in a court of competent jurisdiction for collection of such assessments.

(Ord. 35, 2008 §1)

14.11.640 – **RESERVED.** ~~Delinquent payment of administrative fines and costs; collection action initiation.~~

~~If the City does not receive full payment of all fines and costs following the notice provided for in Section 14.11.630, the City Attorney shall file civil action for collection in the appropriate court. Any inaccuracy or omission in the notice under Section 14.11.630 shall not bar or serve as a defense to the civil action. Any such defect may result in the disallowance of interest until the City perfects notice.~~

(Ord. 35, 2008 §1)

14.11.650 - Liability for expenses and fines.

Any User violating this Chapter shall be liable for any expense, loss or damage ~~caused TO~~ the POTW **CAUSED** by ~~reason of~~ such violation, including increased costs for sewage treatment, biosolids treatment and disposal, and POTW operation and maintenance expenses resulting from the User's Discharge. If a User's ~~Discharges pollutants that cause~~ **OR EPA to ASSESS A FINE AGAINST** the City for violating any condition of its CDPS permit **OR ITS APPROVED PRETREATMENT PROGRAM, THEN** the Discharger **USER** shall **BE FULLY LIABLE FOR THE TOTAL AMOUNT OF THE FINE ASSESSED AGAINST THE CITY BY THE STATE OR EPA** ~~indemnify the City for the total cost of the fine, including, without limitation, all legal, sampling, analytical and other associated costs and expenses.~~

(Ord. 35, 2008 §1)

14.11.660 - Injunctive relief.

When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a Wastewater Discharge Permit, an order issued ~~hereunder~~ **THIS CHAPTER** or any other Pretreatment Standard or Requirement, the ~~Director~~ **CITY** may petition the appropriate court, ~~through the City Attorney,~~ to issue a temporary or permanent injunction, as appropriate, to restrain or compel the specific performance of the Wastewater Discharge Permit, order or other requirement imposed by this Chapter on activities of the User. The ~~Director~~ **CITY** may also seek such other action appropriate for legal and/or equitable relief, including requiring the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(Ord. 35, 2008 §1)

14.11.665 - CIVIL PENALTIES

(a) A USER WHO HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER, A WASTEWATER DISCHARGE PERMIT, AN ORDER ISSUED PURSUANT TO THIS CHAPTER, OR ANY OTHER PRETREATMENT REQUIREMENT OR STANDARD SHALL BE LIABLE TO THE CITY FOR A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) PER DAY PER VIOLATION. IN THE CASE OF A MONTHLY OR OTHER LONG-TERM

AVERAGE DISCHARGE LIMIT, PENALTIES SHALL ACCRUE FOR EACH DAY DURING THE PERIOD OF VIOLATION.

- (b) THE CITY MAY RECOVER REASONABLE ATTORNEYS' FEES, COURT COSTS, AND OTHER EXPENSES ASSOCIATED WITH ENFORCEMENT ACTIVITIES, INCLUDING SAMPLING AND MONITORING EXPENSES, AND THE COST OF ANY ACTUAL DAMAGES INCURRED BY THE CITY.**
- (c) FILING A SUIT FOR CIVIL PENALTIES SHALL NOT BE A BAR AGAINST, OR A PREREQUISITE FOR, TAKING ANY OTHER ACTION AGAINST A USER.**
- (d) IN DETERMINING THE AMOUNT OF CIVIL LIABILITY, THE COURT SHALL TAKE INTO ACCOUNT ALL RELEVANT CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, THE EXTENT OF HARM CAUSED BY THE VIOLATION, THE MAGNITUDE AND DURATION OF THE VIOLATION, ANY ECONOMIC BENEFIT GAINED THROUGH THE USER'S VIOLATION, CORRECTIVE ACTIONS BY THE USER, THE COMPLIANCE HISTORY OF THE USER, AND ANY OTHER FACTOR AS JUSTICE REQUIRES.**

14.11.670 - Criminal prosecution.

- (a) A User who knowingly or negligently violates any provision of this Chapter, a Wastewater Discharge Permit, ~~or AN~~ order issued ~~here~~under **THIS CHAPTER**, or any other Pretreatment Standard or Requirement, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year, or both. Each day, or portion thereof, that a **USER person** commits, continues or allows a violation of any provision of this Chapter, Wastewater Discharge Permit, ~~or AN~~ order issued ~~here~~under **THIS CHAPTER**, or any other Pretreatment Standard or Requirement, shall constitute a separate offense and ~~is~~ **BE** punishable accordingly.**
- (b) A User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter, a Wastewater Discharge Permit, ~~or AN~~ order issued ~~here~~under **THIS CHAPTER**, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day, or imprisonment of not more than one (1) year, or both.**
- (C) THE CITY MAY REFER VIOLATIONS THAT MAY WARRANT CRIMINAL PROSECUTION TO THE U.S. ATTORNEY, STATE ATTORNEY GENERAL, EPA CRIMINAL INVESTIGATIONS DIVISION, OR OTHER APPROPRIATE AGENCY. SUCH REFERRAL SHALL NOT BE A BAR AGAINST, OR A PREREQUISITE FOR, TAKING ANY OTHER ACTION AGAINST A USER.**

(Ord. 35, 2008 §1)

14.11.680 - Remedies nonexclusive.

The remedies provided for in this Chapter are not exclusive **OF ANY OTHER REMEDIES THAT THE CITY MAY HAVE UNDER COLORADO LAW.** The ~~Director~~ **CITY** may take any, all or any combination of ~~these~~ actions **DESCRIBED IN THIS CHAPTER** against a ~~noncompliant~~ User **WHO VIOLATES ANY PROVISION OF THIS CHAPTER, A WASTEWATER DISCHARGE PERMIT, AN ORDER ISSUED PURSUANT TO THIS CHAPTER, OR ANY OTHER PRETREATMENT REQUIREMENT as permitted by law.** THE CITY MAY SEEK DAMAGES FROM ANY USER WHOSE DISCHARGE CAUSES DAMAGE OR DETRIMENTAL EFFECTS ON THE POTW OR OTHERWISE CAUSES THE CITY TO EXPEND RESOURCES TO RESPOND TO SUCH DISCHARGE. ~~The City's Enforcement Response Guide will direct enforcement of Pretreatment Violations. However, the Director may take other action against any User when the circumstances warrant. Interested parties may obtain copies of the City's Enforcement Response Guide from the Director.~~

(Ord. 35, 2008 §1)

14.11.690 - Performance bonds.

The Director may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Chapter, a previous Wastewater Discharge Permit, ~~or AN~~ order issued ~~hereunder~~ **THIS CHAPTER**, or any other Pretreatment Standard or Requirement, unless such User first files a bond or other financial instrument acceptable to the Director of Finance and payable to the City, in a sum not to exceed a value that the Director determines to be necessary to achieve consistent compliance.

(Ord. 35, 2008 §1)

14.11.700 - Water supply severance.

The Director may discontinue water service to any User who has violated or continues to violate any provision of this Chapter, a Wastewater Discharge Permit, ~~or AN~~ order issued ~~hereunder~~ **THIS CHAPTER**, or any other Pretreatment Standard or Requirement. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply. Within ten (10) days following discontinuance of water **SUPPLY** service, the User may request a hearing, which shall be held in accordance with Section 14.11.710.

(Ord. 35, 2008 §1)

14.11.710 - Administrative appeal hearings.

- (a) Any User ("**APPEALING PARTY**") may petition the Director to reconsider ("Administrative Appeal") ~~aN Notice of Violation, Oorder ISSUED UNDER THIS CHAPTER, Ppenalty or any other enforcement action FINE IMPOSED PURSUANT TO~~ in this Chapter within ten (10) days of the receipt of the ~~Notice of Violation or other enforcement action ORDER, PENALTY OR FINE.(1)~~ Failure to submit a written petition for ~~review~~ **RECONSIDERATION** within such ten-day period shall constitute a waiver of the right to the Administrative Appeal.
- (12) In its written petition, the ~~a~~**Appealing P**party must indicate the enforcement actions objected to, the reasons for this objection and any proposed alternative action.~~(3)~~ Only the challenged portions of the final enforcement action shall be stayed pending an appeal.
- (24) The Director shall serve **THE APPEALING PARTY WITH** notice of the hearing **ON THE ADMINISTRATIVE APPEAL, INCLUDING THE LOCATION, DATE AND TIME**, by **certified FIRST CLASS U.S. mail (return receipt requested) of the location, date and time of the Administrative Appeal Hearing** at least ~~five~~ **TEN (510)** days prior to the hearing.
- (35) The Director shall issue a written decision on the ~~petition~~ **ADMINISTRATIVE APPEAL** within twenty (20) days after the ~~Administrative Appeal Hh~~³⁶earing.
- (6) ~~Aggrieved parties may seek review of the Director's decision by filing a written request with the Director within thirty (30) days of the date of such final decision, asking that the Director's written decision be sent to the Water and Sewer Board. The Director shall submit his or her written decision to the Water and Sewer Board within thirty (30) days of receiving the request. The Water and Sewer Board shall make its decision based on the administrative record. The Water and Sewer Board may elect to decline to issue a decision on the User's appeal. If the Water and Sewer Board so elects, the User's appeal shall be directed to the Administrative Hearing Officer.~~
- (7b)(1) ~~Aggrieved parties~~ **THE APPEALING PARTY MAY** seeking review of the ~~Water and Sewer Board~~ **DIRECTOR's** decision **ON THE PETITION FOR RECONSIDERATION on the administrative record must do so** by filing a request ~~and fee~~ **FOR** hearing with the Administrative Hearing Officer, as authorized by Section 3-11 of the City Charter, within thirty (30)

³⁶ Did not capitalize amendment so as to show change being made.

days ~~OF THE DATE OF THE DIRECTOR'S~~ ~~after the~~ decision ~~of the Board~~. THE ADMINISTRATIVE HEARING OFFICER SHALL CONDUCT THE HEARING IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN CHAPTER 2.09 AND THE ADMINISTRATIVE HEARING OFFICER RULES AND REGULATIONS. Such ~~review~~ HEARING shall be *de novo*, and THE ADMINISTRATIVE HEARING OFFICER MAY ASSESS FINES AND ISSUE ORDERS CONSISTENT WITH THE PROVISIONS OF THIS CHAPTER. The Administrative Hearing Officer's decision shall be **CONSIDERED** final **ADMINISTRATIVE ACTION FOR PURPOSES OF SECTION 14.11.710(D)**.

- (2) THE Administrative Hearing Officer's decisions ~~not~~ to **DENY A REQUEST FOR HEARING** ~~reconsider an enforcement action~~ shall be considered the final administrative action for purposes of ~~judicial review~~ **SECTION 14.11.710(D)**. ~~The Administrative Hearing Officer shall conduct the hearing in accordance with the procedures set forth in Chapter 2.09 and in the Administrative Hearing Officer Rules and Regulations. The Administrative Hearing Officer may assess fines and issue orders consistent with the provisions of this Chapter.~~
- (3) To the extent this Chapter is inconsistent with Chapter 2.09 or the Administrative Hearing Officer Rules and Regulations, this Chapter shall govern. **CHAPTER 1.33 DOES NOT APPLY TO THIS CHAPTER.**

(d8) Any appeal from the decision of the Administrative Hearing Officer shall be to the appropriate court pursuant to C.R.C.P. 106.

(Ord. 35, 2008 §1)

14.11.720 - Upset.

- ~~(a) For purposes of this Chapter, Upset means an exceptional incident that results in unintentional and temporary noncompliance with a Categorical Pretreatment Standard because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.~~
- (ab) An Upset shall constitute an affirmative defense to an action brought for noncompliance with **Categorical³⁷** Pretreatment Standards, provided that the User immediately notifies the Director upon discovery of the Upset, and meets the requirements of Subsection (eb) below.
- (be) A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
- (1) An Upset occurred and the User can identify its cause(s);
 - (2) The facility was, at the time, being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures; and
 - (3) In addition to the immediate notice required in Subsection (ab) above, the User submitted the following information to the Director within twenty-four (24) hours of becoming aware of the Upset:
 - a. A description of the Indirect Discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c. Steps the User is taking or plans to take to reduce, eliminate and prevent recurrence of the noncompliance; and
 - d. If the User initially provided the foregoing information orally, the User must submit it in writing within five (5) days.

³⁷ See footnote above under definition of "Upset."

- (cd) In any enforcement proceeding, the User seeking to establish the affirmative defense of an Upset shall have the burden of proof.
- (de) A User will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with **Categorical**³⁸ Pretreatment Standards.
- (ef) A User shall control all Discharges to the extent necessary to maintain compliance with **Categorical**³⁹ Pretreatment Standards upon reduction, loss or failure of its treatment facility until restoring the facility or providing an alternative method of treatment. This requirement applies in the situation, among others, where the User partially or completely loses power to its treatment facility.

(Ord. 35, 2008 §1)

14.11.730 - ~~Affirmative defense~~ LACK OF KNOWLEDGE.

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibition in Subsection 14.11.070(b) or the Specific Prohibitions in Subsection 14.11.070(c), if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference and that either:

- (1) A local limit exists for each Pollutant discharged, and the User complied with each limit directly prior to and during the Pass Through or Interference; or
- (2) No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the City was regularly in compliance with its CDPS permit and, in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 35, 2008 §1)

14.11.740 - Bypass.

~~(a) For the purposes of this Section:~~

~~**Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.**~~

~~**Severe property damage means substantial physical damage to property, damage to the treatment facility that renders it inoperable or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.**~~

- ~~(ab)~~ A User may allow any Bypass to occur that does not violate a Pretreatment Standard or Requirement, but only if such Bypass is necessary for essential maintenance to assure efficient operation. These bypasses are not subject to Subsections ~~(b) AND (c) and (d)~~ of this Section.
- ~~(be)~~ If a User knows in advance of the need for a Bypass, it shall notify the Director at least ten (10) days before the date of the Bypass or at the earliest possible time the User becomes aware of the Bypass need if less than ten (10) days prior to the Bypass.
- ~~(cd)~~ A User shall orally notify the Director of an unanticipated Bypass that exceeds applicable Pretreatment Standards immediately upon becoming aware of the Bypass, but in no case later than twenty-four (24) hours from the time it becomes aware of the Bypass. The User must also submit a written report within five (5) days of the time it becomes aware of the Bypass. The report shall describe the Bypass and its cause; state the duration of the Bypass, including exact dates and times, and, if the

³⁸ See footnote above under definition of "Upset."

³⁹ See footnote above under definition of "Upset."

Bypass has not been corrected, its anticipated duration; and steps taken or planned to prevent reoccurrence of the Bypass.

- (de) Bypass is prohibited, and the Director may take enforcement action against a User for a Bypass, unless:
- (1) The Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (2) There was no feasible alternative to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass that occurred during normal periods of equipment downtime or preventive maintenance.); and
 - (3) The User submitted the notices required under Subsection (be) of this Section.
- (ef) The Director may approve an anticipated Bypass, after considering its adverse effects, if the Director determines that the Bypass will meet the three (3) conditions listed in Subsection (d)⁴⁰ of this Section.

(Ord. 35, 2008 §1)

~~14.11.770 – Signatories and certification.~~

- ~~(a) All Wastewater Discharge Permit applications and User reports must be signed by an Authorized Representative of the User and contain the following certification statement:~~

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

- ~~(b) Annual Certification for Nonsignificant Categorical Industrial Users – A facility that the Director determines is a Nonsignificant Categorical Industrial User as defined in Section 14.11.060 must annually submit to the POTW the following certification signed by an Authorized Representative of the User. This certification must accompany an alternative report required by the Director:~~

~~Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 C.F.R. _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____, to _____, _____, [months, days, year]:~~

- ~~(1) The facility described as _____ [facility name] met the definition of a Nonsignificant Categorical Industrial User as described in Section 14.11.060.~~
- ~~(2) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and~~
- ~~(3) The facility never discharged more than one hundred (100) gallons of total categorical Wastewater on any given day during this reporting period.~~

~~This compliance certification is based upon the following information:~~

⁴⁰ Did not change because original cross-reference was to the wrong subsection. As amended, it is now correct.

— ~~OFFICIAL SIGNATURE~~

- -

~~(Ord. 35, 2008 §1)~~

INDUSTRIAL PRETREATMENT PROGRAM (IPP): REQUIRED PROGRAM MODIFICATIONS

- Substantial Modifications to the Program resulting from EPA Audit
 - Amend IPP Enforcement Response Plan (ERP)
 - Amendments will provide more clarity for enforcement actions
 - Reformatted to allow enforcement responses to be applied more broadly.
 - Beneficial towards user understanding of enforcement actions
 - Amend Program Implementation Procedures
 - Clarify User classification
 - Modify Wastewater Discharge Permit template
 - Changed timing of Industrial and Commercial user survey distribution

INDUSTRIAL PRETREATMENT PROGRAM (IPP): ORDINANCE MODIFICATIONS

- Amend City Ordinance 14.11 (Pretreatment Chapter)
 - Update Pretreatment Chapter to achieve the following:
 - Amend IPP related definitions to better align with Federal definitions (i.e. Slug Loads, User, Slug Discharge Control Plan);
 - Updates aligning the Ordinance with current implementation of the IPP (Appeal hearings and permitting);
 - Modified allowable correspondence methods to simplify submittal process (internal modification);
 - Correct minor clerical errors (internal modification).

EPA PCI RESPONSE TIMELINE

Jan - Mar

- Develop Program Modification Package (Completed)

Mar - Apr

- W&S Board Presentation
- EPA Draft Review of Substantial Program Modification Submittal (Submitted awaiting approval)

Apr-May

- Submit Formal Substantial Program Modification Request to EPA
- Update EPA Enforcement Section on Program Modification Progress
- EPA Start 30-Day Notice

May

- W&S Board approval
- EPA approval

May-June

- Council Readings (2)

WATER & SEWER BOARD AGENDA APRIL 21, 2021

ENCLOSURE X NO ENCLOSURE

ITEM NUMBER: 14

TITLE: 1ST QUARTER WATER COURT UPDATE

RECOMMENDATION: INFORMATIONAL ONLY

ADDITIONAL INFORMATION:

This item intends to update the Board on the current status of Greeley's Water Court cases including statements of opposition and cases where Greeley is the applicant or will soon be filing an application for change of water rights, as well as a summary of the Water Resources Division's legal costs.



Water & Sewer Department

MEMORANDUM

TO: Greeley Water & Sewer Board
FROM: Jen Petrzeka, Water Resources Operations Manager
DATE: April 21, 2021
RE: 1st Quarter Water Court Cases Update

This memorandum is a review of the Water and Sewer Department's legal activities from January of 2021 through March of 2021. The review includes an update on Greeley's current Water Court cases and a summary of the Water Resources Division's legal expenses.

STATEMENTS OF OPPOSITION

Since the last update in January, Greeley has filed three statements of opposition and stipulated in three cases. Therefore, the current number of pending Water Court cases in which Greeley is an opposer is 32.

Statements of Opposition filed:

Case	Applicant
20CW3208	HF2M, Inc.
20CW3213	The TH Ranch
20CW3215	BennT Creek Regional Water Authority and SP Regional Water Company

Stipulations filed:

Case	Applicant
18CW3216	Northern Water and CWCB
18CW3235	Cockroft Dairy
19CW3226	Raindance Metropolitan District No. 1

SERVING OUR COMMUNITY • IT'S A TRADITION

We promise to preserve and improve the quality of life for Greeley through timely, courteous and cost-effective service.

GREELEY AS APPLICANT

A summary of pending Water Court cases in which Greeley is the applicant is as follows:

19CW3191 (Equalizer diligence, Case No. 05CW326)

On September 30, 2019 Greeley filed its application for a finding of reasonable diligence for conditional surface rights and right of exchange, including storage, of its Lower Equalizer rights decreed in Case No. 05CW326. No absolute claims are being made in this application and all rights remain conditional. No statements of opposition were filed, however, the Greeley Irrigation Company (GIC) filed a motion to intervene which was granted by the court. Greeley has responded to GIC's comments and is awaiting further response. At a status conference held on April 13, 2021, GIC's attorney indicated that GIC will likely be able to stipulate to the most recent decree. In that event, the case will be resolved soon.

19CW3239 (Overland Ponds Diligence, Case No. 00CW251)

On December 20th, 2019 Greeley and the Tri-Districts jointly filed this application for a finding of reasonable diligence to make a conditional water right partially absolute. This application concerns the conditional water storage right and conditional appropriative rights of exchanges decreed in Case No. 00CW251. In this application, Greeley and the Tri-Districts are claiming 6.22 cfs diversion rate and 257.3 acre-feet of storage absolute. Seven statements of opposition were filed. After an initial round of comments, five opposing parties remain. Greeley and the Tri-Districts are in discussions with the Larimer and Weld companies to address their comments. An upcoming status conference is scheduled for April 21, 2021.

20CW3009 (Rockwell Diligence, Case No. W-8695-77)

On January 31st, 2020, Greeley filed this application for a finding of reasonable diligence for the conditional water storage right originally decreed for Rockwell Reservoir in Case No. W-8695-77, and certain conditional appropriative rights of exchange originally decreed to Rockwell Reservoir in W-9385-78. Greeley changed the Rockwell Reservoir Storage Right and certain of the Rockwell Reservoir Exchanges in Case No. 15CW3162 to facilitate the storage and subsequent operation of water attributable to the rights in and from Milton Seaman Reservoir. Four statements of opposition were filed. All opposers have now stipulated, and a final decree was entered in this case on April 1, 2021.

20CW3004 (GLIC Exchange Diligence, Case No. 87CW329)

On January 28th, 2020, Greeley filed its application for a finding of reasonable diligence for the conditional appropriative right of exchange originally decreed in Case No. 87CW329. Under this exchange, Greeley may divert excess municipal return flows from GLIC, Seven Lakes, and Lake Loveland water rights changed in Case No. 87CW329 released from Greeley's WTRF and the Lone Tree wastewater treatment plant by exchange to the headgates of the ditch companies. Statements of opposition were filed by the Cache la Poudre Water Users Association and the Ogilvy Irrigating and Land Company. Greeley continues to work with both opposers, and we hope to settle this case soon. Opposer Cache la Poudre Water Users Association has indicated it is prepared to stipulate out of this case.

20CW3054 (Milton Seaman Diligence, Case No. 90CW226)

On April 27th, 2020 Greeley filed this application for a finding of reasonable diligence for a conditional water storage right for the Milton Seaman Reservoir Enlargement in the amount of 9,992 acre-feet. No absolute claim was made in this application, and the right will remain conditional. Four statements of opposition were filed in this case. All of the opposers have now stipulated, and a final decree was entered in this case on April 6, 2021.

20CW3149 (GLIC Diligence, Case No. 99CW235)

On October 26th, 2020 Greeley filed this application for a finding of reasonable diligence for a conditional exchange originally decreed in Case No. 99CW235. The exchange provides for the use of return flows from certain water rights in Case 99CW235 as a substitute supply for diversions at the headgates of the Greeley-Loveland Irrigation Company. No absolute claim was made in this application, and the right will remain conditional. One statement of opposition has been filed in this case by the Thompson Water Users Association. Greeley circulated a draft decree, and opposer comments are due April 30th.

20CW3174 (WSSC Exchange Diligence, Case No. 07CW190)

On November 25th, 2020 Greeley filed this application for a finding of reasonable diligence for several conditional appropriative rights of substitution and exchange previously decreed for Greeley in Case No. 07CW190. Statements of opposition were filed by the City of Fort Collins and the McMurry Trust. Opposing party comments are due May 7th.

21CW3003 (GLIC Exchange Diligence, Case No. 95CW42)

On January 27th, 2021, Greeley filed its application for a finding of reasonable diligence for the conditional appropriative right of exchange originally decreed in Case No. 95CW42. Under this exchange, Greeley may divert excess municipal return flows from GLIC, Seven Lakes, and Lake Loveland water rights changed in Case No. 95CW42 released from Greeley's WTRF and the Lone Tree wastewater treatment plant by exchange to the headgates of the ditch companies. The time period for filing statements of opposition has yet to expire. One statement of opposition has been filed in this case by Cache la Poudre Water Users Association.

LEGAL & ENGINEERING EXPENSES:

The Water Resource Division's outside legal and engineering expenses from January through March of 2021 totaled \$61,503, which is 9% of the total \$645,069 spent in 2020. See table on following page.

2021 Water Resources Legal and Engineering Costs

<u>1st quarter</u>	
Legal	\$34,979
Engineering	\$26,524
<i>Total</i>	<i>\$61,503</i>
<u>2nd quarter</u>	
Legal	\$0
Engineering	\$0
<i>Total</i>	<i>\$0</i>
<u>3rd quarter</u>	
Legal	\$0
Engineering	\$0
<i>Total</i>	<i>\$0</i>
<u>4th quarter</u>	
Legal	\$0
Engineering	\$0
<i>Total</i>	<i>\$0</i>
<i>Annual Total</i>	<i>\$61,503</i>

1st Quarter Water Court Cases Update

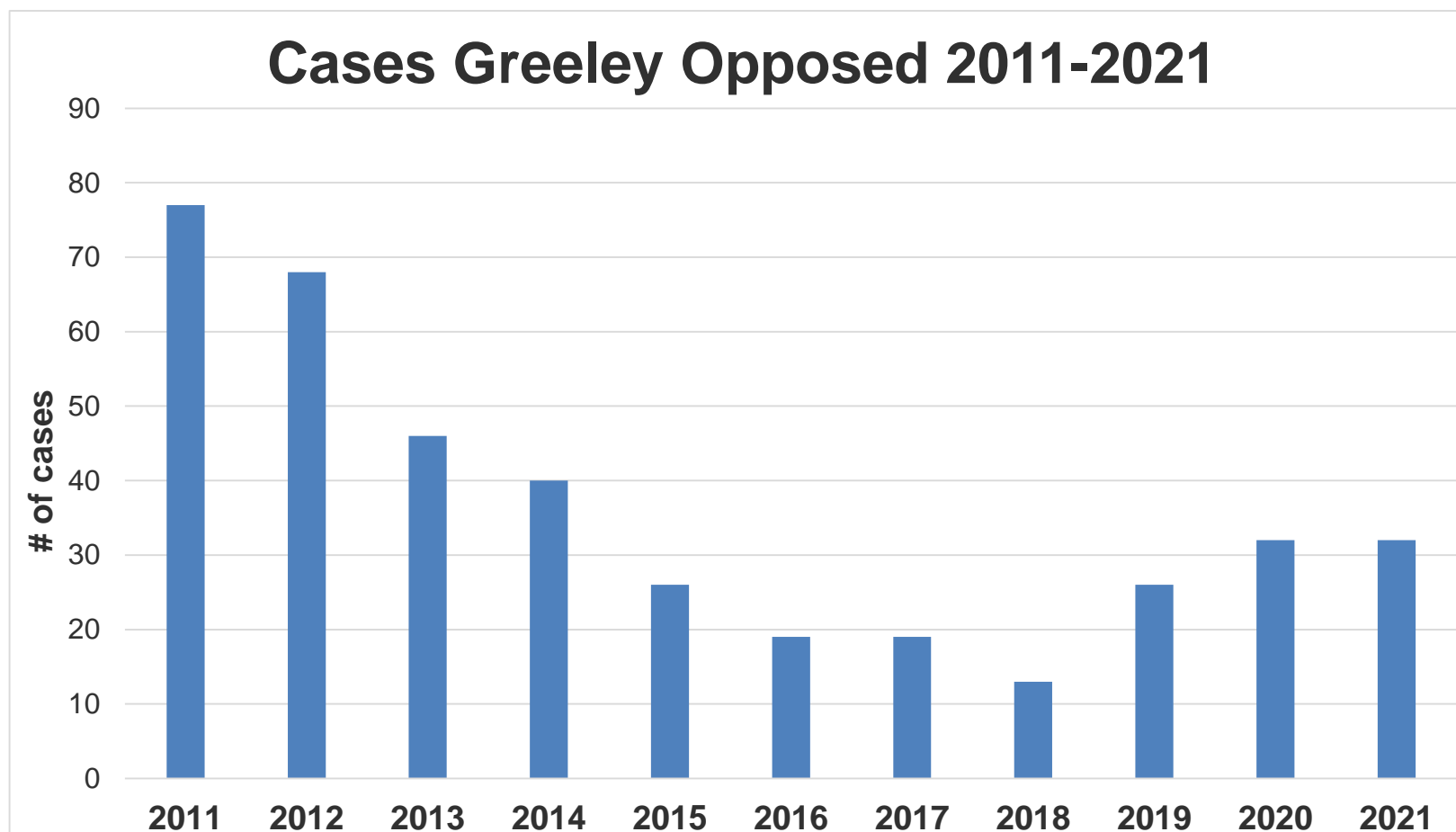


Jen Petrzelka, Water Resources Operations Manager
April 21st, 2021



Statements of Opposition

- Since January filed **3** SOO, stipulated to **3** cases
- Number of cases Greeley is currently an opposer: **32**



Greeley as Applicant

Lower Equalizer Diligence (19CW3191)

- Conditional surface rights, storage rights and exchange rights
- Not seeking absolute claims in this application
- 1 Opposer (GIC)
- Awaiting response from GIC on last round of comments and expect them to stipulate out soon



Greeley as Applicant

Overland Ponds Diligence (19CW3239)

- Filed application December 31st
- Conditional storage rights and exchange rights
- Seeking absolute claims for:
 - 18.6 cfs diversion rate
 - 283.58 acre-feet storage
- 7 statements of opposition were filed
- Received comments on initial proposed decree
- Provided comments end of August
- **No additional issues reported, hope to settle soon**



Greeley as Applicant

Rockwell Diligence (20CW3009)

- Filed application January 31st
- Conditional storage right and appropriative rights of exchange in W-8695-77 and W-9385-78
- No absolute claims
- 4 statements of opposition were filed
- One party remains
- **Final decree was entered in this case on April 1, 2021**



Greeley as Applicant

GLIC Exchange Diligence for Case No. 87CW329 (20CW3004)

- Filed application January 28th
- Finding of reasonable diligence toward the conditional appropriative right of exchange originally decreed in Case No. 87CW3294
- Exchange of effluent from Greeley's WWTP and Lone Tree WWTP to the GLIC system
- No absolute claims
- 2 statements of opposition have been filed
- Completed 1st round of comments
- **We expect both opposers to stipulate out of this case soon.**



Greeley as Applicant

Milton Seaman Diligence (20CW3054)

- Filed application April 27th
- Finding of reasonable diligence toward the conditional storage right for the Milton Seaman enlargement (9,992 acre-feet)
- No absolute claims
- 4 statements of opposition have been filed
- **Final decree was entered on April 6, 2021.**



Greeley as Applicant

GLIC Diligence for Case No. 99CW235 (20CW3149)

- Filed application on October 26th, 2020
- Finding of reasonable diligence toward the conditional appropriative right of exchange originally decreed in Case No. 99CW235
- No absolute claims
- 1 statements of opposition
- Greeley circulated draft decree
- **Comments are due April 30th**

Greeley as Applicant

WSSC Exchange Diligence for Case No. 07CW190 (20CW3174)

- Filed application on November 25th, 2020
- Finding of reasonable diligence toward the conditional appropriative rights of exchange originally decreed in Case No. 07CW190
- 2 Opposers filed SOO
- Draft decree was circulated
- Opposers comments are due May 7th

Greeley as Applicant

GLIC Diligence for exchanges in 95CW42 (21CW3003)

- Filed application on January 27th, 2021
- Reasonable diligence for conditional appropriative right of exchange
- 1 SOO
- No deadlines have been set

Legal & Engineering Expenses

2020 Costs to date

Legal	\$ 287,510
Engineering	\$ 357,559
Total	\$ 399,324

This is 10% more than the \$569,061 spent in 2019





Questions?



WATER & SEWER BOARD AGENDA APRIL 21, 2021

ENCLOSURE _____ NO ENCLOSURE X

ITEM NUMBER: 15

TITLE: LEGAL REPORT

RECOMMENDATION:

ADDITIONAL INFORMATION:

Legal Report
Greeley Water and Sewer Board Meeting
April 21, 2021

Statements of Opposition: Based on our review of the February, 2021 Water Court Resume, staff and water counsel do not recommend that the Water and Sewer Board file statements of opposition to any water court applications that would be due in the month of April, 2021.

WATER & SEWER BOARD AGENDA APRIL 21, 2021

ENCLOSURE X NO ENCLOSURE

ITEM NUMBER: 16

TITLE: DIRECTOR'S REPORT

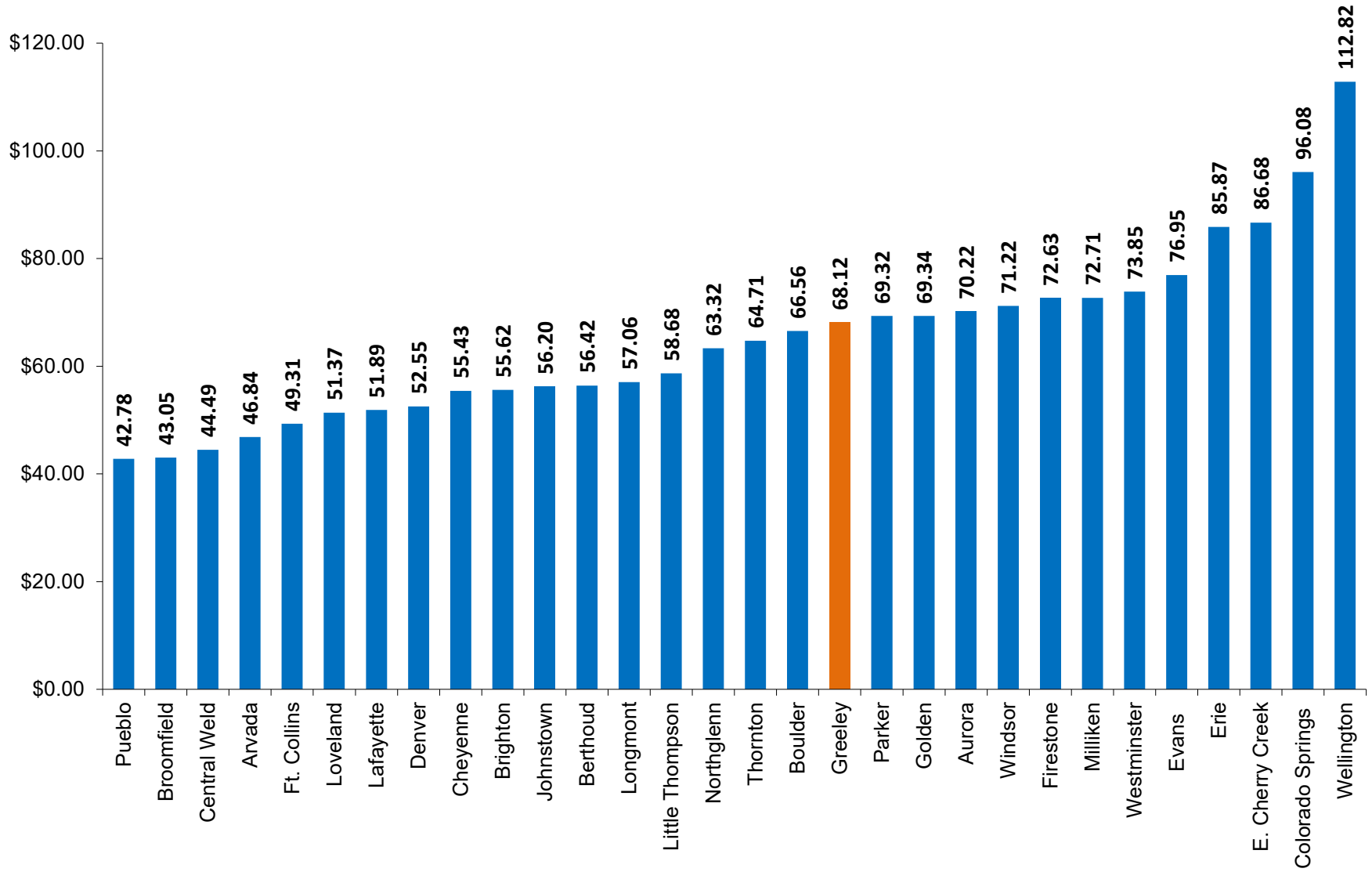
RECOMMENDATION: INFORMATIONAL ONLY

ADDITIONAL INFORMATION:

- Tier 3 Violation Report in Bill Stuffer
- Wildfire Recovery Update
- Terry Ranch Celebration

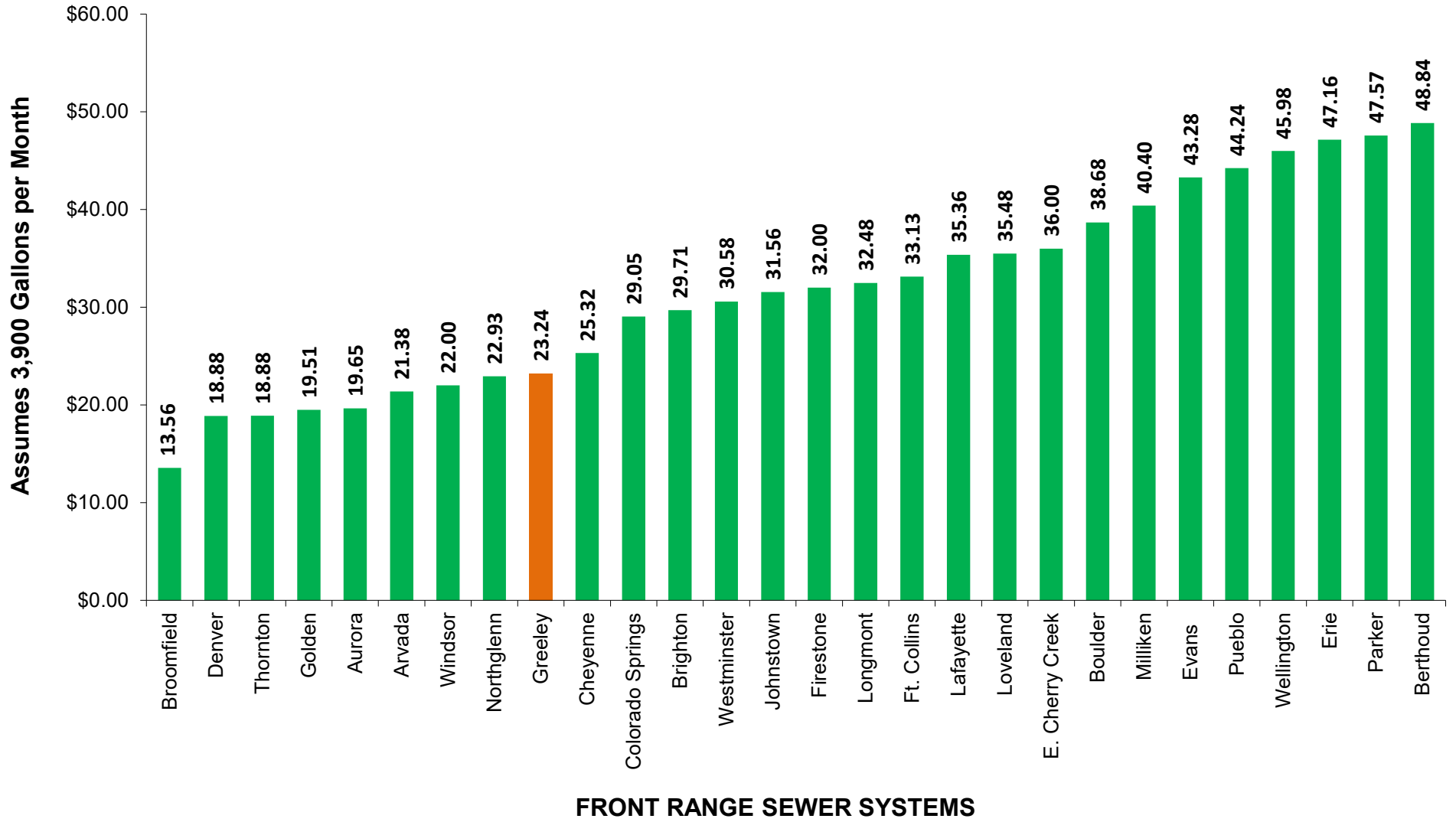
2021 Monthly Water Bill: Single Family Residential

Assumes 10,000 Gallons Per Month

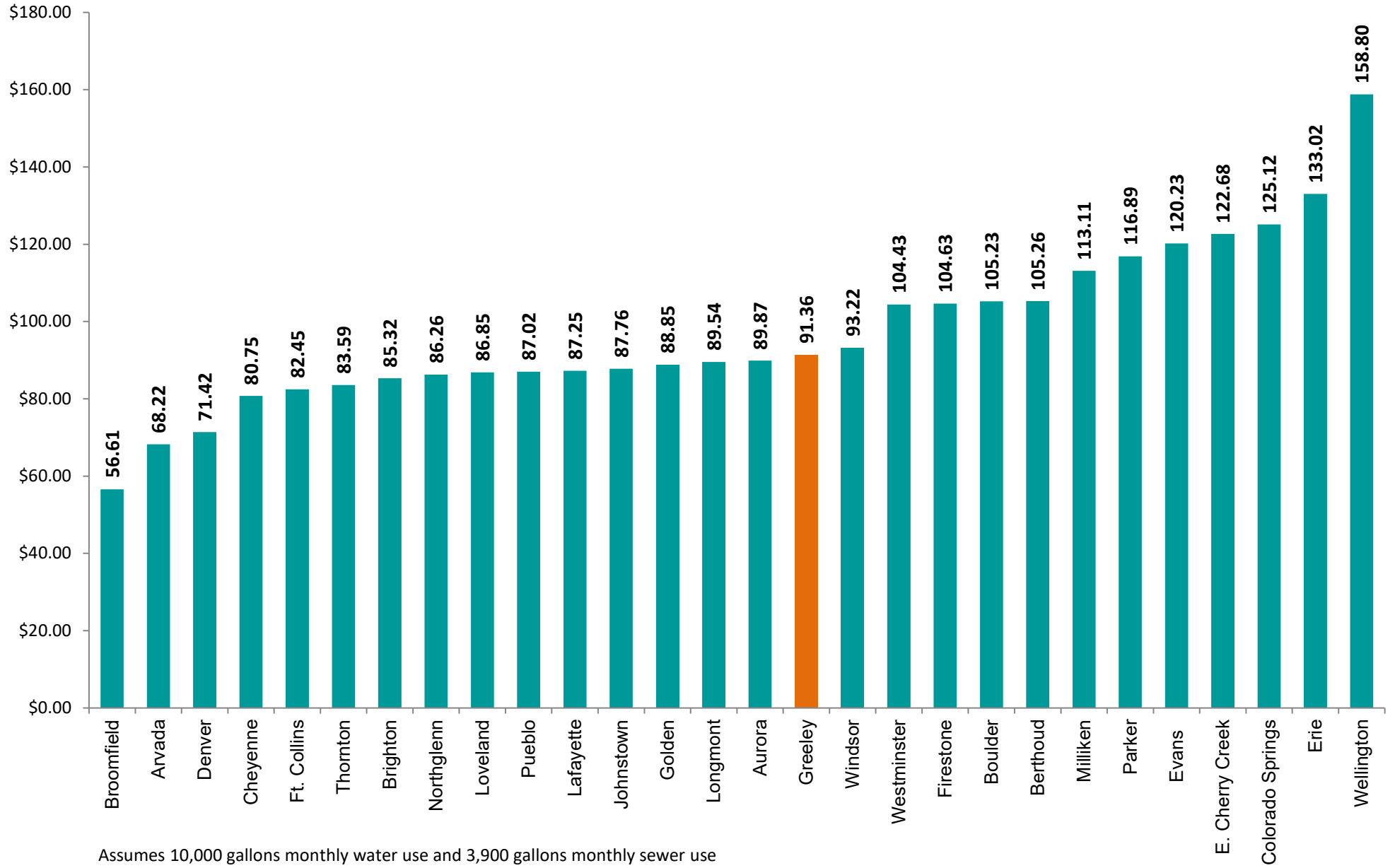


FRONT RANGE WATER SYSTEMS

2021 Monthly Sewer Bill: Single Family Residential



2021 Combined Water and Sewer Bill



WATER & SEWER BOARD AGENDA APRIL 21, 2021

ENCLOSURE _____ NO ENCLOSURE X

ITEM NUMBER: 17

TITLE: SUCH OTHER BUSINESS THAT MAY BE
 BROUGHT BEFORE THE BAORD AND
 ADDED TO THIS AGENDA BY MOTION OF
 THE BOARD

RECOMMENDATION:

ADDITIONAL INFORMATION: