

ORDINANCE NO. 1033

AN ORDINANCE AMENDING THE GOLDEN REVISED ORDINANCES OF 1965 AND PROVIDING MUNICIPAL WASTEWATER STANDARDS AND REGULATIONS TO COMPLY WITH ENVIRONMENTAL PROTECTION AGENCY REQUIREMENTS; PROVIDING A PENALTY FOR VIOLATION THEREOF; AND REPEALING PROVISIONS INCONSISTENT THEREWITH

WHEREAS, it is necessary to provide pretreatment standards as required by the Environmental Protection Agency regulations for City wastewater which enters the Coors General Wastewater Treatment Plant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Chapter 13.13 of the Golden Revised Ordinances of 1965 is hereby enacted as follows:

Chapter 13.13

WASTEWATER PRETREATMENT REQUIREMENTS

Sections:

- 13.13.010 Purpose and Policy
- 13.13.020 Definitions.
- 13.13.030 Abbreviations.
- 13.13.040 General Discharge Prohibitions
- 13.13.050 National Categorical Pretreatment Standards.
- 13.13.060 Specific Pollutant Discharge Standards.
- 13.13.070 State Requirements.
- 13.13.080 City's Right of Revision
- 13.13.090 Excessive Discharge
- 13.13.100 Accidental Discharge
- 13.13.110 Wastewater Contribution Permits.
- 13.13.120 Reporting Requirements for Permittee - Pretreatment Standards.
- 13.13.130 Inspection and Sampling.
- 13.13.140 Pretreatment.
- 13.13.150 Confidential Information.
- 13.13.160 Harmful Contributions.
- 13.13.170 Revocation of Permit.
- 13.13.180 Notification of Violation.
- 13.13.190 Show Cause Hearing.
- 13.13.200 Legal Action.
- 13.13.210 Purpose.
- 13.13.220 Charges and Fees
- 13.13.230 Penalties

13.13.010 Purpose and Policy. This Chapter sets forth uniform requirements for direct and indirect contributions into the wastewater collection system for all portions of the City which access to the Coors General Wastewater Treatment Plant. This chapter complies with applicable State laws and the General Pretreatment Regulations issued pursuant to the Clean Water Act of 1977.

The objectives of this Chapter are:

- a) to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- b) to prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- c) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- d) to provide for the equitable distribution of the cost of operating the municipal wastewater system.

This Chapter provides for the regulation of direct and indirect contributions to the municipal wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Chapter shall apply to all portions of the City wherein the wastewater collection accesses to the Coors General Wastewater Treatment Plant. Specifically excluded are those portions of the City known as the "West Third Area" wherein the wastewater collection accesses to the Metro District, which is regulated by Chapter 13.14 of this Code. Except as otherwise provided herein, the City Manager shall administer, implement, and enforce the provisions of this Chapter.

13.13.020 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

a) Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

b) Approval Authority. The director of the Water Quality Control Division of the Colorado Department of Health, or the Regional Administrator of the EPA.

c) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (A) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (B) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (C) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates.

d) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).

e) Building Sewer. A sewer conveying wastewater from the premises of a User.

f) Categoriccal Standards. National Categorical Pretreatment Standards or Pretreatment Standards.

g) City. The City of Golden, Colorado, or the City Council of the City of Golden.

h) City Manager. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

i) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

j) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency.

k) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

l) Industrial User. Any non-domestic source discharging pollutants into a POTW.

m) Interference. The inhibition or disruption of the POTW treatment process or operations, including such inhibitions or disruptions which contribute to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

n) Metro District. The Metropolitan Denver Sewage Disposal District No. 1, a political subdivision of the State of Colorado.

o) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.

p) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

q) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

r) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate governmental entity or any other legal entity, or their legal representatives, agents or assigns, including any person or entity contracting with the City for sewage service. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

s) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

t) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

u) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by 40 XFE Section 403.6(d).

v) Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

w) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City of Golden. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are Users of the City's POTW.

x) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

y) Significant Industrial User. Any Industrial User who (a) has a discharge flow of 25,000 gallons or more per average work day, or (b) has in his wastes Toxic Pollutants, or (c) is found by the City, the Colorado Department of Health or the U.S. Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

z) State. State of Colorado.

aa) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

bb) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

cc) Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering according to standard laboratory procedure.

dd) Toxic Pollutant. Including, but not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other acts.

ee) User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.

ff) Wastewater. The liquid and water-carried industrial and domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

gg) Wastewater Contribution Permit. As set forth in Section 13.13.110 of this Chapter.

13.13.030 Abbreviations. The following abbreviations shall have the designated meanings:

- BOD - Biochemical oxygen demand.
- CFR - Code of Federal Regulations.
- COD - Chemical oxygen demand.
- EPA - Environmental Protection Agency.
- l - Liter.
- mg - Milligrams.
- mg/l - Milligrams per liter.
- NPDES - National Pollutant Discharge Elimination System.
- POTW - Publicly owned treatment works.
- SIC - Standard Industrial Classification.

- SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- USC - United States Code
- TSS - Total suspended solids.

13.13.040 General Discharge Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to the POTW:

a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particules greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

c) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

d) Any wastewater containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment

process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Standard.

e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

f) Any substance which may cause the POTW's effluent or any other product of the POTW (such as residues, sludges or scums) to be unsuitable for reclamation processes. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

g) Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

i) Any wastewater having a temperature which will inhibit biological activity in the POTW Treatment Plant resulting in Interference, but in no case wastewater containing heat in such amounts that the temperature at the introduction into the POTW Treatment Plant exceeds 40 C (104 F).

j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause Interference to the POTW. In no case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the City Manager in compliance with applicable State or Federal regulations.



1) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the City Manager determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts to to Interfere with the operation of the POTW, the City Manager shall: 1) Advise the User of the impact of the contribution on the POTW; and 2) Develop effluent limitations for such User to correct the Interference with the POTW.

13.13.050 National Categorical Pretreatment Standards.  
Upon the promulgation of a National Categorical Pretreatment Standard for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The City Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

<u>Effluent Parameter</u>	<u>Special Pollutant Discharge Standards.</u>	
	<u>Discharge Limitations</u> <u>Maximum Concentrations</u>	
	<u>30-day avg.</u>	<u>Daily Max.</u>
Cadmium, total, mg/l	0.001	0.002
Chromium hexavalent, mg/l	0.045	0.09
Chromium trivalent, mg/l	0.092	0.184
Copper, total, mg/l	0.04	0.08
Cyanide, free, mg/l	0.0094	0.019
Lead, total, mg/l	0.03	0.06
Mercury, total, mg/l	0.00005	0.00010
Nickel, total, mg/l	0.14	0.28
Silver, total, mg/l	0.0001	0.0002
Zinc total, mg/l	0.36	0.72

13.13.070 State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter.

13.13.080 City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 13.13.010 of this Chapter.

13.13.090 Excessive Discharge. No User 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 the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

13.13.100 Accidental Discharges. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing Users shall complete such a plan within 180 days after the effective date of this Chapter. No User who commences contribution to the POTW after the effective date of this Chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Chapter. In the case of any accidental or unusual discharge, it is the responsibility of the User to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

a) Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the City Manager a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

b) Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

13.13.110 Wastewater Contribution Permits. a) General.

All significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Chapter.

b) Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application on the form prescribed by the City, and accompanied by a fee of \$25.00. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

1) Name, address and location (if different from the address);

2) SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

3) Time and duration of wastewater discharge;

4) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

5) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

6) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

7) Wastewater constituents and characteristics including but not limited to those mentioned in Section 13.13.040 through 13.13.100 of this Chapter and any applicable State or National Pretreatment Standards, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

8) A statement regarding whether or not the discharge standards contained in Sections 13.13.040 through 13.13.100 of this Chapter, and applicable State or National

Pretreatment Standards, are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet the applicable standards;

9) If additional pretreatment and/or O&M will be required to meet the Pretreatment or discharge standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment or discharge standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

B) No increment referred to in paragraph A) shall exceed nine (9) months.

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

10) Each product produced by type, amount, process or processes and rate of production;

11) Type and amount of raw materials processed (average a maximum per day);

12) Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system;

13) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City Manager shall evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City Manager may issue a Wastewater Contribution Permit subject to the terms and conditions provided herein.

c) Permit Issuance. The City Manager shall issue a Wastewater Contribution Permit to the applicant if the City Manager finds that all of the following conditions are met:

1) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Sections 13.13.040 through 13.13.100 of this Chapter.

2) The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system; and

3) The proposed discharge of the applicant would not result in a violation by the City of the terms and conditions of its NPDES permit.

If the City Manager finds that the condition set out in subsection(c)(1) hereto is not met, the City Manager may issue a Wastewater Contribution Permit to the applicant if the conditions set out in sub-sections (2) and (3) of this section are met and if the applicant submits, and the City Manager approves, a schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with the provisions of this Chapter.

d) Permit Denial; Hearing. In the event an application for a Wastewater Contribution Permit is denied, the City Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a Permit.

Upon receipt of notification of denial of a Permit application, the applicant may request and shall be granted a hearing to be held by the City Manager. At such hearing the applicant shall have the burden of establishing that the conditions set out in Section 13.13.110(c) of this Chapter have been met and that a Permit should issue.

The City Manager may conduct the hearing and take the evidence or may designate a representative to:

1) Issue in the name of the City Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

2) Take the evidence;

3) Transmit a report of the evidence and hearing, including transcripts and other evidence, to the City Manager together with recommendations for action thereon.

Testimony taken at any public hearing shall be under oath and recorded stenographically. The transcript as recorded shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

Upon review of the evidence taken by the City Manager, the City Manager shall make written findings of fact. Thereupon, the City Manager may issue a Wastewater Contribution Permit, or direct that such Permit shall not be issued, or give such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the City Manager may appeal such order to the District Court in and for the County of Jefferson pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

e) Permit Conditions. Wastewater Contribution Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, User charges and fees established by the City. Permits may contain the following:

1) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;

2) Limits on the average and maximum wastewater constituents and characteristics;

3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

4) Requirements for installation and maintenance of inspection and sampling facilities;

5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;

6) Compliance schedules;

7) Requirements for submission of technical reports or discharge reports;

8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording the City access thereto;

9) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW:

10) Requirements for notification of slug discharges as per Section 13.13.040(j) of this Chapter;

11) Other conditions as deemed appropriate by the City to insure compliance with this Chapter.

f) Permit Modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such Standard shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 13.13.110(b) hereof the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution permit shall submit to the City Manager within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by sub-sections (8) and (9) of section 13.13.110(b).

g) Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 13.13.040, et seq., are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

h) Permit Transfer Prohibited. Wastewater Contribution Permits are issued to a specific User for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation.

13.13.120 Reporting Requirements for Permittee - Pretreatment Standards. a) Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the City Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for those process units in the User's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

b) Periodic Compliance Reports.

1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the City Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the City Manager, a report covering the preceding six (6) months and indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes. At the discretion of the City Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City Manager may agree to alter the months during which the above reports are to be submitted.

2) The City Manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph 1) of this paragraph shall indicate the



mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the City Manager of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

c) Monitoring Facilities. The City may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

13.13.130 Inspections and Sampling. The City may inspect the facilities of any User to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representatives, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or records copying in the performance of any of their duties. The City, the Colorado Department of Health and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User

has security measures in force which would require proper identification and clearance before entry into his premises, the User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the City, the Colorado Department of Health, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

13.13.140 Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User's initiation of the changes.

The City shall annually publish in the official City newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against Users during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or the Approval Authority upon request.

13.13.150 Confidential Information. Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential shall not be transmitted to any governmental agency, or to the general public by the City until and unless a ten (10) day notification is given to the User.

13.13.160 Harmful Contributions. The City Manager may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City Manager in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Interference to the POTW or causes the City or the Adolph Coors Company to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the Person to comply voluntarily with the suspension order, the City Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City Manager shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City Manager within fifteen (15) days of the date of occurrence.

13.13.170 Revocation of Permit. Any User who violates any conditions of this Chapter, or applicable state and federal regulations, is subject to having his permit revoked. Grounds for permit revocation include, but are not limited to:

- a) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- d) Violation of conditions of the permit.

13.13.180 Notification of Violation. Whenever the City finds that any User has violated or is violating this Chapter, Wastewater Contribution Permit, or any prohibition, limitation of requirements contained herein, the City Manager may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City Manager by the User.

13.13.190 Show-Cause Hearing. a) Upon a finding by the City Manager that a person has caused or permitted an unauthorized discharge or that any such unauthorized discharge has not been corrected by timely compliance with a correction schedule, whether with or without a meeting with the City Manager, the City Manager may order any person who causes or allows such unauthorized discharge to show cause before the City Manager why an enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the City Manager regarding the violation, the proposed enforcement action, and directing the offending party to show cause before the City Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

b) The City Manager may conduct the hearing and take the evidence, or may designate a representative to:

1) Issue in the name of the City Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;

2) Take the evidence;

3) Transmit a report of the evidence and hearing to the City Manager, including transcripts and other evidence, together with recommendations for action thereon.

c) At any public hearing, testimony taken before the hearing authority or any person designated by it, shall be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

d) Upon review of the evidence by the City Manager, the City Manager shall make written findings of fact. Thereupon the City Manager may:

1) Issue an order stating that no unauthorized discharge has occurred and directing that service shall not be terminated therefor;

2) Issue an order stating that an unauthorized discharge has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:

A) Adequate treatment facilities, devices or other appurtenances shall have been installed, or

B) Existing treatment facilities, devices or other appurtenances are properly operated or maintained; or

3) Issue such other or further orders and directives as are necessary and appropriate.

e) Any party to the hearing aggrieved or adversely affected by an order of the City Manager may appeal such order to the District Court in and for the County of Jefferson, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

13.13.200 Legal Action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Chapter, Federal or State Pretreatment Requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this County.

13.13.210 Purpose. It is the purpose of this Chapter to provide for the recovery of costs from Users of the City's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

13.13.220 Charges and Fees. The City may adopt charges and fees which may include:

- a) Fees for reimbursement of costs of setting up and operating the program described herein;
- b) Fees for monitoring, inspections, and surveillance procedures;
- c) Fees for reviewing accidental discharge procedures and construction;
- d) Fees for permit applications;
- e) Fees for filing appeals;
- f) Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by the City.

13.13.230 Penalties. (a) Any User who is found to have violated an Order of the City or City Manager or who willfully or negligently fails to comply with any provision of this Chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter or the orders, rules, regulations, and permits issued hereunder.

(b) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or Wastewater Contribution Permit, 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 Three Hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both.

Section 2. Section 13.12.053 of the Golden Revised Ordinances of 1965 is hereby repealed. Any other ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 8th day of October, 1987.

Adopted, approved and ordered published this 22nd day of October, 1987.

\_\_\_\_\_  
James T. Brown, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Sharon L. Bennetts  
City Clerk

Approved as to form:

\_\_\_\_\_  
Russell J. Sindt  
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 8th day of October, 1987 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 22nd day of October, 1987, the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 23rd day of October, 1987.

Ordinance No. 1033  
Page 24

(SEAL)

Attest: \_\_\_\_\_  
Sharon L. Bennetts, City Clerk  
of the City of Golden, Colorado