

**TOWN OF GEORGETOWN, COLORADO
BOARD OF SELECTMEN**

ORDINANCE NO. 3 (Series 2016)

**AN ORDINANCE AMENDING THE GEORGETOWN MUNICIPAL CODE
REGARDING INDUSTRIAL PRETREATMENT REGULATIONS**

WHEREAS, the Town of Georgetown, Colorado is a Colorado territorial municipality operating under a charter approved by the Colorado Territorial Legislature in 1868; and

WHEREAS, the Board of Selectmen of the Town is authorized to enact ordinances for the protection of public health, safety and welfare, and for the provision of water and wastewater utility services to the residents of the Town pursuant to the Territorial Charter and C.R.S. 31-15-101 et seq.; and CRS 31-35-101 et. seq. and

WHEREAS, in the exercise of this authority the Board of Selectmen has previously adopted Title 13 of the Georgetown Municipal Code (the Code), concerning Public Services; and

WHEREAS, the Board of Selectmen finds and concludes that the maintenance of the integrity of the Town's water and wastewater systems is critical to the health, safety and welfare of the Town's residents; and

WHEREAS, the Board of Selectmen wishes to amend Title 13 of the Code by enacting a new Chapter 13.26 of the Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Selectmen of the Town of Georgetown, Colorado:

Section 1. The Georgetown Municipal Code is amended by the addition of a new Chapter 13.26 to read as follows:

Chapter 13.26 Industrial Pretreatment Regulations

13.26.010 General Including Silver Plume Discharge

The Industrial/Pretreatment Waste Control Program of the Town is designed to enable the Town to comply with all state and federal laws, including the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations Part 403), and conditions of the Town's National Pollutant Discharge Elimination System (NPDES) permit for the following purposes, among others:

- a. To prevent the introduction of pollutants into the Town's wastewater collection system (the "System") which will interfere with the operation of the wastewater treatment plant.
- b. To prevent the introduction of pollutants into the System which will pass through the System, inadequately treated, into the receiving waters.

- c. To prevent the introduction of pollutants into the System which might constitute a hazard to humans.
- d. To enable the Town to comply with the Town's NPDES permit, sludge disposal requirements, and other federal and state laws.

13.26.20 Compliance Requirements

The Town will permit no new connections and will discontinue existing connections to the System if, as determined by the Wastewater Treatment Plant Supervisor, the connection allows entrance of sewage to the System that does not comply with requirements of this Chapter. In addition to the other requirements of this chapter and of Title 13 of the Code, the Town has the following rights with respect to the System:

- a. The Town has the right to require any industrial user responsible for accidental slug discharge to notify the Town immediately.
- b. The Town has the right to prohibit the authorization of diluting any discharge to the System. The Town may require a set mass standard of discharge.
- c. The Town has the right to require users to install monitoring equipment as necessary. The facility sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility, at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- d. The Town has the right to require any industrial user discharging any toxic pollutants which cause an increase in the cost of managing the Town's effluent or sludge treatment works to pay for such increased costs.

13.26.030 Right of Entry

The Town shall have the right to **[enter the premises of any user served by Town of Georgetown** to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued. Where a user claims confidentiality for any information, the Town must implement procedures to ensure confidential information is treated in accordance with the procedures in 40 CFR Part 2. Procedures for entry shall include:

- a. Users shall allow the Town ready access to all parts of the premises for purposes of inspection, sampling, records, and performance of any other duties.
- b. Users shall make necessary arrangements with security so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purpose of performing specific responsibilities.

- c. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user. The cost of clearing such access shall be borne solely by the user.
- d. Unreasonable delays in allowing the Town access to the user's premises shall be a violation of these regulations.
- e. Search warrants may be obtained and enforced under Town Code 13.12.130.

13.26.040 Prohibited Discharges

The following discharges to the System are prohibited:

- a. Sewage delivered at such a rate/flow which would impair the hydraulic capacity of the System.
- b. Sewage of such quantity, quality, or other nature as to impair the strength and durability of the sewer structures, equipment, or treatment works, either by chemical or mechanical actions.
- c. Sewage having abnormal temperature ranges, including any water that has been used for cooling or heating transfer purposes or for air conditioning, refrigeration, heat exchangers or any other similar use.
- d. Any radioactive substances.
- e. Any wastes containing grease or oil or other substances that will solidify or become viscous at temperatures between 32F and 150F. Any other materials that can obstruct flow which include, but are not limited to, wax, rags, glass, sand, straw, tars, paints, wood, plastics, lime slurries, beer and distillery slops, grain wastes, bulk solids, etc.
- f. Any wastes containing concentrated dyes or other wastes that are highly colored or become highly colored when reacting with other internal wastes.
- g. Any wastes which are unusually high in composition with large amounts of total suspended solids, BOD, dissolved solids, or any chlorine that will upset treatment works.
- h. Any substance which may cause the Town to violate its NPDES permit.
- i. Any materials discharged to the System that exceeds LEL permits. Such materials include, but not limited to, gasoline, kerosene, carbides, hydrides, sulfides, benzene, acetylene, etc.
- j. Any wastes having pH less than 5.0 or greater than 9.0.

- k. Any wastes that have the potential to overload the System with metals such as but not limited to, zinc, copper, cadmium, chromium, lead, mercury, cyanides, etc.
- l. Any wastes that have the potential to overload the System with nutrients such as but not limited to, phosphorus, ammonia, nitrates, nitrites, heavy organics, nitrogen, etc.
- m. Pollutants that create a fire or explosion hazard in the system, including waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (°F) or 60 degrees Celsius (°C) using the test methods specified in 40 CFR 261.21
- n. Any pollutant, including oxygen-demanding pollutants (BOD and the like) released in a discharge at a flow rate or concentration that will cause interference with the system
- o. Pollutants that result in the presence of toxic gases, vapors, or fumes within the system in a quantity that could cause acute worker health and safety problems
- p. Any trucked or hauled pollutants, except at discharge points designated by the system

13.26.050 Judicial Enforcement

When the Town finds that a user has violated, or continues to violate, any of the requirements of this Chapter, a wastewater discharge permit, or any other order issued, the Town may petition the District Court of Clear Creek County through the Town Attorney for the issuance of a temporary or permanent injunction, as appropriate. The Town may also seek any other appropriate legal and/or equitable relief, including a requirement for a user to conduct environmental remediation. The Town may take any or all of these actions on combination or simultaneously.

- a. A user who has violated, or continues to violate, the requirements of this Chapter, the requirements of its wastewater discharge permit, or any other order issued by the Town under this Chapter, shall be liable to the Town for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation, per day.
- b. In addition, the Town may recover reasonable attorney fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring, and the cost of any actual damages incurred by the Town.
- c. Filing a civil suit shall not be a bar against, or prerequisite for taking any other action against the user including a criminal prosecution.
- d. Criminal prosecution may be pursued against any user that willfully neglects and violates any requirement of this chapter, or who knowingly makes false

statements, representations, or certifications of any records, reports, or plans with intent to evade these requirements or to mislead the Town.

13.26.060 Definitions.

For the purpose of this Chapter 13.26, the following terms are defined:

Code of Federal Regulations (CFR)

A codification of federal rules published annually by the Office of the Federal Register National Archives and Records Administration. Title 40 of the CFR contains the regulations for "Protection of the Environment."

Compliance schedule

A schedule of remedial measures included in a permit or an enforcement order, including a sequence of requirements (for example, actions, operations, or milestone events) that lead to compliance with the CWA and regulations.

Conventional pollutants [40 CFR 401.16]

Pollutants typical of municipal sewage, and for which municipal secondary treatment plants are typically designed. EPA has, pursuant to section 304(a) of the CWA, identified BOD5, total suspended solids (TSS), fecal coliform bacteria, oil and grease, and pH as conventional pollutants.

National Pollutant Discharge Elimination System (NPDES)

The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing discharge permits from point sources to waters of the United States, and imposing and enforcing pretreatment requirements, under CWA sections 307, 402, 318, and 405.

Pollutant [40 CFR 122.2]

Dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. section 2011 et sec 1]); heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water.

Slug discharge [40 CFR 403.80(2)(vi)]

Any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the system's regulations, local limits, or permit conditions.

Section 2. Effective Date. This ordinance shall take effect upon adoption and posting up as provided by Section 5.26 of the Territorial Charter.

INTRODUCED, READ, APPROVED AND POSTED IN FULL ON FIRST READING on the 22nd day of March, 2016.

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the 10th day of May, 2016.

TOWN OF GEORGETOWN

By: 
Lynette Kelsey, Police Judge-pro-tem

ATTEST:


Jennifer Yobski, Town Clerk



Posting

- Posted up in full on the Town's website and at Town Hall and three (3) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.