

ORDINANCE 2022-10

AN ORDINANCE ESTABLISHING AND IMPLEMENTING THE REQUIREMENTS OF AN INDUSTRIAL PRETREATMENT PROGRAM & OIL AND GREASE MANAGEMENT PROGRAM FOR THE TOWN OF RYE

WHEREAS, the Town of Rye (herein after the “Town”) is a statutory Town governed by the laws of the state of Colorado; and

WHEREAS, an industrial pretreatment program and an oil and grease management program is required per the Department of Public Health and Environment, Colorado Water Control Act, and the EPA; and

WHEREAS, the regulations therein were originally promulgated pursuant to the Colorado Water Quality Control Act, sections 25-8-101 through 25-8-703 C.R.S. They are promulgated and amended under the following sections: 25-8-202; 25-8-205; 25-8-508; and

WHEREAS, the Town has not established specific requirements for the discharge of fats, oils, grease, motor oils, sand, and pollutants into the Town’s sewage systems; and

WHEREAS, the Board of Trustees for the Town of Rye (herein after the “Board”) finds that without a pretreatment program for the discharge of fats, oils, grease, motor oils, sand and pollutants into the Town’s wastewater system, the Town and it’s residents will incur additional costs in connection with the Town’s wastewater system, including the operation of the Town’s sewer main lines and repairs associated with any blockages of the waste water system; and

WHEREAS, the Board finds the regulations proposed below regarding the pretreatment for the discharge of fats, oils, grease, motor oils, sand and pollutants into the Town’s wastewater system will help reduce the costs on the Town and its residents in connection with the Town’s operation of its wastewater system, and, therefore, such regulations are in the best interest of the health, safety, and general welfare of the residents and visitors of the Town; and

WHEREAS, public notice of ordinance and public meeting was made on October 27, 2022 and on [REDACTED] in the Greenhorn Valley Newspaper and on the Town of Rye website pursuant to C.R.S. 31-16-106; and

WHEREAS, the first reading of the Ordinance for consideration by the Board was held on November 9, 2022 at the Regular Monthly Board meeting; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RYE AS FOLLOWS:

SECTION 1. The Town of Rye Ordinance 2022-10 Industrial Pretreatment Program & Oil and Grease Management Program is hereby adopted in full to read as follows:

INDUSTRIAL PRETREATMENT PROGRAM & OIL AND GREASE MANAGEMENT PROGRAM

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A. APPLICABILITY

This Ordinance sets forth uniform requirements for all industrial or commercial users discharging to the POTW and enables the Town of Rye to comply with all applicable state and federal laws including the Clean Water Act and the General Pretreatment Regulations (40 CFR Part 403). Any industrial user or commercial user stated therein, the discharge from which directly or indirectly enters the POTW from areas within or without the boundaries of the Town of Rye shall be bound by the Ordinance as it now exists or may hereafter be amended. This Ordinance may be enforced against any industrial user or commercial user stated therein.

B. PURPOSE AND POLICY.

It is necessary for the health, safety, and welfare of the residents of the Town of Rye to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. This Ordinance sets forth the uniform requirements for users of the publicly owned treatment works (POTW) of the Town of Rye (Town) and enables the Town to comply with applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403).

C. DEFINITIONS.

"Act" means the Colorado Water Quality Control Act as from time to time amended, section 25-8-101 C.R.S., 1973, et seq.

"Approval Authority" means the Environmental Protection Agency or, the Director of the Water Quality Control Division at such time that Colorado has an approved State pretreatment program, and until such time, the EPA Region 8 Administrator, or the Colorado Department of Public Health and Environment.

"Approved POTW Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW in accordance with 40 CFR 403.11, or a program previously approved by EPA as described in the approved program document.

"Approved Program Document" means the approved pretreatment program. The approved program document describes in detail the steps necessary for adequate implementation of the POTW's industrial pretreatment program including, but not limited to the level of effort appropriate for monitoring, permitting and enforcement.

"Authorized representative of the industrial user" means:

1. If the industrial user is a corporation:
 - a. 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. The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the industrial user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the industrial user is a federal, state, or local government facility: a director or highest official appointed or designed to oversee the operation and performance of the activities of the government facility, or his or her designee.
4. The individuals described in (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the industrial user, and the written authorization is submitted to the Town.

“Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Prohibitions and maintenance procedures for food and engine service facilities are set forth in Section F. of this Ordinance.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration such as milligrams per liter.

“Bypass” means the intentional diversion of waste streams from any portion of an industrial user’s treatment facility.

“Categorical Industrial User” means an industrial user subject to categorical standard or categorical pretreatment standard.

“Categorical Standard or National Categorical Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with sections 307(b) and (c) of the act that apply to a specific category of industrial user and that appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

“Chemical Oxygen Demand (COD)” means the measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water expressed as a concentration, such as in milligrams per liter.

"Clean Water Act" or "CWA" means the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.)

“Commencement of Construction of a New Source” means if the owner or operator has:

1. Begun, or caused to begin, as part of an onsite construction project either,
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within reasonable time. An option to purchase or contract that can be terminated or modified without substantial loss, or a contract for feasibility, engineering and design studies does not constitute a contractual obligation under this definition.

“Commission” means the Water Quality Control Commission created by section 25-8-201, C.R.S., 1973, as amended.

"Composite sample" means multiple samples collected at equally spaced intervals or proportioned according to flow.

"Control Authority" means the Director of the Water Quality Control Division or the Town of Rye.

"Daily Maximum" means a limitation not to be exceeded by either a composite sample or the arithmetic average of grab samples taken within a 24-hour period.

"Director" means the Director of the Water Quality Control Division or his/her authorized representative.

"Discharge" or "Indirect Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act.

"Domestic Wastewater" includes:

1. wastewater from normal residential activities including, but not limited to, wastewater from kitchen, bath and laundry facilities,
or
2. wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, non-commercial sinks, and similar structures) of commercial, industrial, or institutional buildings, provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically *excluded* from this definition is wastewater from commercial, industrial, or institutional laundries or food preparation facilities.

"Enforcement Division Director" means one of the directors of the Enforcement Division within the Regional VIII offices of the EPA or this persons delegated representative.

"Engine Service Facility" means any non-domestic facility which repairs, services or cleans vehicles, machinery or any type of motorized equipment that requires petroleum-based lubricants for operation and which may introduce sand and oil into the wastewater collection system. Facilities shall include, but are not limited to: car washes, automotive workshops, gasoline and diesel service stations, machine shops, repair garages and boat repair shops.

"EPA" means the federal Environmental Protection Agency.

"Existing Source" means any source of discharge that is not a new source.

"Food Service Facility" means any non-domestic facility which prepares and/or packages food or beverages for sale or consumption, on or off the premises and which may introduce grease into the wastewater collection system. Food service facilities shall include but are not limited to food handling establishments in Section F.(a) of this Ordinance even when located in a residence, food courts, food manufacturers, food packagers, restaurants, grocery

stores, bakeries, taverns and all food facilities located within hospitals, hotels, motels, bed and breakfasts, nursing homes, churches, clubs, fraternal organizations, schools, day cares and other facilities that prepare, service or otherwise make foods for consumption.

“Garbage Disposal” means a device which shreds or grinds up food and putrescible waste materials into smaller portions for discharge into the Town’s wastewater collection system.

"Grab Sample" means a single "dip and take" sample collected over a period of time not exceeding 15 minutes, so as to be representative of the parameter being monitored.

“Gray Water” means all of the liquid contained in a grease interceptor within the layer below the floating grease layer and above the solid food layers.

“Grease” means a material, either liquid, or solid, composed primarily of fat oil and grease, and compounds and derivations thereof, from animal or vegetable sources. The terms “fats, oils and grease”, “FOG”, “oil and grease” or “oil and grease substances” shall all be included within this definition.

“Grease Hauler” means any person who collects the contents of a grease interceptor, grease trap or sand interceptor and transports it to an approved recycling or disposal facility.

“Grease Interceptor” means a device usually located outside of a food service facility, which is designed to collect, contain or remove food wastes and grease from the waste stream of a food service facility while allowing the gray water to discharge to the Town’s wastewater collection system.

“Grease Trap” means a device located inside a food service facility or under a sink designed to collect contain or remove food wastes and grease from the waste stream in a food service facility while allowing the gray water to discharge to the wastewater collection system.

“Indirect Discharge” means the introduction of pollutants in the POTW from any non-domestic source.

“Industrial” means of or pertaining to industry, manufacturing commerce, trade or business as distinguished from domestic or residential.

"Industrial User" or "User" means a source of indirect discharge which contains non-domestic wastewater.

“Industrial Wastes or Wastewater” means the liquid and water-carried wastes from industrial processes or discharged from industrial plants, including but not limited to wastewater from pretreatment facilities and polluted cooling water, as distinct from normal domestic strength wastewater.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal; and
2. Therefore is a cause of a violation of any requirement of the POTW's 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 the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Federal Clean Water Act, the Solid Waste Disposal Act (SWDA) which includes Title II known as the Resource Conservation and Recovery Act, the Division's Domestic Sewage Sludge Regulations, the Federal Clean Air Act, or the Toxic Substance Control Act. Code of Colorado Regulations 4

"Local Limit" means a specific discharge limit developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 C.F.R. Sections 403.5(a)(1) and (b).

"Medical Waste" means isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

"Monthly Average" means a monthly average determined by the arithmetic mean of all samples collected during a calendar month unless otherwise defined in the regulations except that split samples shall be averaged as a single value. Samples may not be used for more than one reporting period.

"National Pretreatment Standard," "Pretreatment Standard," or "Standard" means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307 (b) and (c) of the Clean Water Act, including prohibitive discharge limits established pursuant to 40 CFR 403.5 and which applies to Industrial Users.

"New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act which will be applicable 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 wastewater source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing wastewater source at the same site. In determining whether these are substantially independent, factors such 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 should be considered.

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 installation meeting the criteria of paragraphs (2) and (3) above but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- a. Begun or caused to begin as part of a continuous onsite construction program;
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Non-domestic wastewater" means wastewater which does not meet the definition of domestic wastewater above.

"Notice of Discharge Requirements" means the control mechanism issued by the Director that contains terms and conditions that must be met in order to achieve compliance with applicable pretreatment standards and requirements.

"Pass-through" means an indirect discharge that exits the POTW into waters of the state in quantities or concentrations that, alone or in conjunction with an indirect discharge or indirect discharges from other sources, is a cause of a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation).

"Permit" means a CDPS permit issued pursuant to state and federal law.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity (whether federal, state, local or other), or any other legal entity; or their legal representatives, agents, or assigns.

"Pollutant" means dredged spoil, dirt, slurry, solid waste, incinerator residue, filter backwash, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, disease causing agents, radioactive material, heat, wrecked or discarded equipment, rock, sand, automotive fluids, paint, cooking grease, or any industrial, commercial, household, medical waste, munitions, municipal, agricultural or industrial waste and certain

characteristics of wastewater, including pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor, or any other characteristic regulated pursuant to the act or regulations promulgated thereunder.

"Pretreatment" or "Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

"Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard, imposed on an Industrial User.

"Pretreatment Standards or National Pretreatment Standards or Standards" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the act, that applies to industrial users, including but not limited to categorical pretreatment standards, prohibitive discharge standards, best management practices, and local limitations established pursuant to 40 C.F.R. § 403.5.

"Prohibitive Discharge Standard or National Prohibitive Discharge Standard" means any absolute prohibitions against the discharge of certain substances pursuant to Section 307(b) of the act and 40 C.F.R. § 403.5.

"Publicly Owned Treatment Works" or "POTW" means a publicly owned domestic wastewater treatment facility that is owned by the Town. This includes any and all of the Town's wastewater system such as any publicly owned devices, systems used in the storage, treatment, recycling or reclamation of municipal sewage or treatment of industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they are publicly owned or if they convey wastewater to a wastewater system. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharge from such a treatment works.

"Regional Administrator" means the EPA Region 8 Administrator.

"Sand Interceptor" means a device to collect, contain, or remove sand, sediment and similar waste material, in addition to any oily or greasy residual wastes contained therein from any engine service facility.

"Sand and Oil" means any hydrocarbon or petroleum product and sand, grit, gravel, or any other aggregate. The terms "petroleum, oils and grease", "POG" or "oil, sand and sediment" shall be included within this definition.

"Septage Waste or Septic Tank Waste" means either liquid or solid material removed from a septic tank, cesspool, pit toilet, portable toilet, Type III marine sanitation device or similar treatment works that receives only domestic sewage and shall include RV wastewater that is pumped or drained directly from a boat or recreational vehicle into a property permitted and operated RV dump station.

“Severe Property Damage” means substantial physical damage to property, damage to the treatment facilities that causes them to become 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.

“Sewage” means human excrement and gray water, including wastewater from household showers, dishwashing operations and other similar uses.

"Significant Industrial User" means:

1. All Industrial Users subject to categorical pretreatment standards found in Section I, and
2. Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW'S operation or for violating any pretreatment standard or requirement.
3. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards 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 gallons per day (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:
 - c. the Industrial User, prior to Control Authority’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; Code of Colorado Regulations 6
 - d. the Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - e. the Industrial User never discharges any untreated concentrated wastewater.
4. Upon a finding that an Industrial User meeting the criteria in subsection (2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW determine, that such Industrial User is not a significant Industrial User.

“Significant Noncompliance” means an industrial user who is in violation of one (1) or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including but not limited to instantaneous limits, as defined by 40 C.F.R. 403.3(1), for the same pollutant parameter;
2. Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all the measurements for a pollutant parameter taken during a six-month period equal or exceed the product

of the numeric pretreatment standard or requirement, including but not limited to instantaneous limits, as defined by 40 C.F.R. 403.3(1) for the same pollutant parameter, multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

3. Any other violation of a pretreatment standard or requirement as defined by 40 C.F.R. 403.3(1) (daily maximum, long-term average, instantaneous limit, narrative standard or best management practice) that the POTW determines has caused, alone or in combination with the other discharges, interference or pass through (including but not limited to endangerment of the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge;
5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local mechanism or enforcement order, for starting construction, completing construction or attaining final compliance;
6. Failure to provide, within thirty (30) days after the due date required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation or group of violations, including but not limited to violations of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

“Slug or Slugload” means any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or noncustomary batch discharge; or the discharge of any pollutant, or combination of pollutants, at a noncustomary flow rate or concentration that has a reasonable potential to cause interference or pass through, or in any way violates the POTW's regulations, local limits or permit conditions.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with the applicable pretreatment standards or requirements because of factors beyond the reasonable control of the industrial 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.

“Waste Grease Container” means any receptacle used to store waste grease or oils.

“Wastewater (sewage)” means any liquid or water-carried industrial or sewage wastes whether treated or untreated including polluted cooling water from dwellings, commercial buildings, industrial facilities, food service facilities and institutions that is contributed into or permitted to enter the wastewater system.

“Wastewater Treatment Plant or Treatment Plant” means the portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

D. OBJECTIVES OF THESE RULES.

- a. The provisions in this Ordinance shall be applicable to all existing food and engine service facilities that are located within the boundaries of the Town and to all food and engine service facilities that commence operations within said boundaries on or after the effective date of this Ordinance. The provisions of the Ordinance shall also apply to all grease haulers which provide service to any food and engine service facility located within the boundaries of the Town, regardless of where the grease hauler may have its principal place of business.
- b. The requirements of this Ordinance shall further apply to persons outside the Town who are, by contract or agreement with the Town, users of the Town's wastewater collection system.
- c. The objectives of this ordinance are:
 - 1. To prevent the introduction of excessive amounts of grease, sand and oil into the Town's wastewater collection system in amounts that, alone or in combination with other discharges, have the potential to disrupt flows in the wastewater collection system or cause interference or pass through in the Town's water systems;
 - 2. To prevent clogging or blocking of the Town's wastewater collection system which may result in backups or sewer overflows upon streets, or within buildings, resulting in expensive clean up costs and potential health risks the public;
 - 3. To establish administrative review procedures and reporting requirements;
 - 4. To establish enforcement procedures for violations of any part or requirement of this Ordinance;
 - 5. To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
 - 6. To protect both POTW personnel who may be affected by wastewater or sludge in the course of their employment and the general public;
 - 7. To promote reuse and recycling of reclaimed wastewater and sludge from the POTW;
 - 8. To provide for the equitable distribution of the cost among users of the POTW;
 - 9. To provide for and promote general health, safety, and welfare of the citizens residing within the Town; and

10. To enable the Town to comply with its Colorado discharge permit system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject. These regulations shall apply to persons in the Town, and to persons outside the Town who are, by contract or agreement with the Town, users of the POTW.

E. RECOVERY OF COSTS.

- a. It is the purpose of this section to provide for the recovery of costs from users of the Town's wastewater system for the implementation of the program established herein. The applicable charges or fees shall be set forth as appropriate in these regulations.
- b. The Town may adopt charges and fees to reimburse the Town for the costs of operating the Town's pretreatment program. The rationale for imposing fines and fees for industrial users is described in the Town's policies:
 1. Industrial waste control enforcement response guide.
 2. Fats, oils, and greases (FOG) response guide.

F. FATS, OIL AND GREASE (FOG) CONTROL AND PETROLEUM, OIL AND SAND SEPARATOR REQUIREMENTS AND BEST MANAGEMENT PRACTICES.

1. The requirements established in this section shall apply to facilities subject to the oil and grease program requirements established by the Town.
 - a. FOG Facilities. Nondomestic dischargers located within the Town's boundaries where the following uses or activities occur, and which are subject to the Town's system for control of fats, oil and grease (FOG): nonresidential properties on which occurs or facilities exist for the preparation, manufacturing, or processing of food, including but not limited to: restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, schools, nursing homes, day care centers, hotels, motels, bed and breakfasts and other facilities that prepare, service, or otherwise make foodstuffs available for consumption or that serve food prepared off site when dishwashing or other activities that may be performed on site that have a reasonable potential to cause FOG, BOD, TSS, or other parameter to be greater in concentration than is typical for domestic wastewater.
 - b. POGS Facilities. Nondomestic dischargers located within the Town's service area where the following Petroleum Oil, Grease and Sand (POGS) and are further defined as: nonresidential properties on which occurs, automotive service or repair, machine shops, automotive care centers, auto body shops, car washes, boat repair shops or any other facility that generates sand, grit or petroleum waste that may discharge into a wastewater collection system.

- c. Grease interceptors and sand interceptors shall have a minimum of two (2) compartments and at least 750 gallons capacity for grease interceptors and 300 gallons capacity for sand/oil separators and shall be capable of separation and retention of grease and storage of settled solids. Interceptor design shall conform with the requirements of the State Plumbing Code. A control manhole over each compartment for monitoring purposes shall be required and installed at the owner/operator's sole expense. Covers shall have a gas tight fit. The interceptor shall be designed, constructed and installed for the calculated loading. Flow control devices shall be required where the water flow through the interceptor may exceed its rated flow. Interceptors shall be installed in a location outside the building which provides easy access at all times for inspections, cleaning and proper maintenance, including pumping.
- d. Grease interceptors and sand interceptors shall be vented in accordance with the State Plumbing Code. The vent shall terminate not less than six (6) inches above the flood-rim level or in accordance with the manufacturers' instructions.
- e. Grease interceptor and sand interceptor capacity calculations shall be performed by the food or engine service facility based on size and type of operation according to the formula contained in the State Plumbing Code. Where sufficient capacity cannot be achieved with a single unit, installation of interceptors in series is required.

The Town will use the following general sizing criteria to evaluate grease interceptor sizing:

Grease Interceptor Sizing Table

Fixture Type	# of Fixtures		Surge Flow from Fixture (gpm)		Total Flow (gpm)
Kitchen Area Sinks					
Single Compartment		x	20	=	
Double Compartment		x	25	=	
Triple Compartment		x	30	=	
Mop/Clean-Up		x	20	=	
Dishwashers					
Up to 30-Gallon Capacity		x	15	=	
30- to 50-Gallon Capacity		x	25	=	
50- to 100-Gallon CapaTown		x	40	=	

Grease Interceptor Sizing Table

Fixture Type	# of Fixtures		Surge Flow from Fixture (gpm)		Total Flow (gpm)
Total surge flow for facility (gpm):					
Detention time (min):					x 10
Required minimum grease interceptor capacity (gallons)*					
* Minimum approved size is 750 gallons; standard size is 1,000 gallons.					

- f. Car Wash Facilities. In addition to installing an adequately sized sand/oil separator, car washes shall post signage that notifies the customer that the discharge of any oil, antifreeze or other waste not specifically removed as a result of normal usage of the car wash facilities is prohibited and may be prosecuted. Car wash facilities shall utilize detergents that do not contain nonylphenols or nonylphenol ethoxylates as a significant component (greater than one percent) of the detergent concentrate.
- g. Additives. Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives, used for the purpose of grease reduction are strictly prohibited.
- h. FOG Facilities. Biological treatment or enzyme treatment shall not be a substitute for the servicing of grease interceptors at the frequency determined by the Town. Use of enzymes to degrade and/or emulsify oil and grease is prohibited.
- i. Existing Facilities. Existing facilities not connected to a grease interceptor or oil/sand separator, as appropriate, and who contribute oil, grease or sand to the Town’s collection system will be identified through the Town’s inspection program. Once identified and determined by the Town to need treatment, the facility shall be required to install an interceptor or separator and maintain it according to this section. In the time before an interceptor or separator can be installed, the Town will require these businesses to implement BMPs to minimize the discharge of pollutants to the sanitary sewer system as described within this Ordinance.

2. General Control Requirements.

- a. All food service facilities shall have one (1) or more adequately sized grease interceptors. All engine service facilities shall have one (1) or more adequately sized sand interceptors. The requirements in this Ordinance are in addition to any applicable requirements of the State Plumbing Codes, to the extent of any conflict, supersede the requirements of the State Plumbing Codes.
 - 1. A grease interceptor or sand/oil separator shall be required when, in the judgment of the Town, they are necessary for the proper handling of liquid wastes which may be harmful to or cause an

obstruction in the wastewater collection system or cause or contribute to interference or pass-through.

2. Food and engine service facilities which are newly proposed or expanded, and existing structures which will be renovated to include a food or engine service facility, where such facility did not previously exist shall be required to install, operate and maintain one (1) or more grease interceptors or sand interceptors in accordance with the requirements contained in this Ordinance.
3. It shall be the responsibility of the user and owner of an existing property, business or industry or an authorized representative of the user to contact the Town of Rye Board of Trustees for obtaining a plan review. The plan review shall determine the need, method, size, and location of the interceptor or separator required to control discharges into the POTW. Written approval from the Board must be obtained prior to installation of the interceptor or separator.
4. With respect to the general and technical requirements set forth in in this Ordinance, all food and engine service facilities existing within the Town prior to the effective date of this Chapter shall be allowed to operate and maintain existing grease interceptors, grease traps, and sand interceptors, provided such devices are functioning and in proper operating condition, and provided the facility has not been issued a written violation.
5. Detailed plans describing such facilities and operating procedures shall be submitted to the Board for review and shall be acceptable to the Board before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Board under the provisions of this Ordinance.
6. The design, sizing, and construction of grease interceptors and oil/sand separators shall be in accordance with the Town regulations.
7. The grease interceptor and oil/sand separator shall be designed, sized, installed, maintained and operated to accomplish their intended purpose of intercepting pollutants from the user's wastewater and preventing the discharge of such pollutants to the Town's wastewater collection system.
8. The Town may require an existing food or engine service facility to install, operate and maintain a new grease interceptor or sand interceptor that complies with the requirements of this Ordinance, or to modify or repair any noncompliant plumbing or existing grease trap, grease interceptor or sand interceptor. The Town may issue such order upon any of the following basis:

- a. The facility is found to be contributing grease or sand and oil in quantities sufficient to cause sewer line clogging or necessitate increased maintenance on the wastewater collection system;
- b. The facility has an undersized, inoperable or defective grease trap, grease interceptor or sand interceptor;
- c. Proposed renovation of the facility's plumbing system which will introduce or permit the introduction of excessive amounts of grease or sand and oil into the Town's wastewater system;
- d. The facility has failed to implement or otherwise comply with the BMPs set forth in this Ordinance; or
- e. There has been a sale, transfer or conveyance of ownership of the existing food or engine service facility.

b. Variance.

1. A conditional waiver of the requirements for a grease interceptor or sand inceptor may be granted by the Board for the following reasons:
 - a. The food or engine service facility will have negligible discharge of grease and sand and an insignificant impact to the Town's wastewater collection system; or
 - b. The installation of a grease interceptor or sand interceptor is not feasible due to lack of adequate space or inadequate slope.
2. A variance may be granted from the requirements of a grease interceptor to allow alternative pretreatment technology. Approval shall be conditioned upon the facility establishing the proven removal efficiencies of the proposed alternative pretreatment technology and reliability of operations.
3. A variance may be granted to the monthly and/or quarterly pumping requirements contained in this Ordinance where the facility establishes that an extended period will not result in the grease or sand interceptors exceeding the limitations otherwise set forth. The Town may require inspection by Board authorized personnel to document and verify same.
4. The Town will evaluate all data and information supporting a request for a variance. The FOG facility has the burden of proof on demonstrating through data and other information why a variance should be granted. All such applications shall be in writing and shall be filed with the

Town Clerk. A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance which shall include compliance with all other requirements of this Ordinance including applicable BMPs set forth. A variance or waiver may be revoked by the Board at any time upon his or her determination that any of the terms or conditions for its issuance is not satisfied or if the conditions upon which the variance or waiver was based have changed so that the justification for the variance or waiver no longer exists. The variance or waiver shall be valid so long as the food or engine service facility remains in compliance with the terms and conditions or until the expiration date in the variance or waiver. In no case shall a variance result in violation of any requirement or effluent limit specified in these regulations. The granting of any variance shall be at the sole discretion of the Board. If a variance is granted, the FOG facility shall:

- a. Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids;
 - b. Submit records of this cleaning to the Board within 15 days of each sewer line cleaning;
 - c. Pay the costs incurred by the Town for accelerated sewer line cleaning on the Town's sewer line providing service to the user, costs to the Town of treating the excess strength waste, and any costs for sampling and analysis.
 - d. Upon change of ownership or significant changes to the building requiring any existing facility which would be required to have an interceptor or separator under this section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor or oil/sand separator is installed.
 - e. Toilets, urinals and similar fixtures shall not waste through a grease interceptor or oil/sand separator. Such fixtures shall be plumbed directly into the building sewer and wastewater system.
 - f. FOG Facilities. All sink fixtures not equipped with a garbage disposal which are connected to a grease interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the grease interceptor.
- c. Notification to the Town by the User. The user shall inform the Town prior to:
1. Sale or transfer of ownership of the business;
 2. Change in the trade name under which the business is operated;

3. Change in the nature of the services provided that affect the potential to discharge oil, grease, sand, grit or petroleum;
4. Remodeling the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval from the Board.

d. Required Maintenance.

1. Grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the FOG facility's wastewater and prevent the discharge of said materials into the Town's wastewater collection system. A grease interceptor in service shall be serviced at a minimum of every 90 days or whenever the combined thickness of the floating greases and settled solids is greater than 25 percent of the hydraulic working capacity of the grease interceptor, whichever is sooner.
2. Sand/oil separators shall be maintained by regularly scheduled removal of the accumulated sand and oil so that they will properly operate as intended to intercept the sand and oil from the affected property's wastewater and prevent the discharge of sand and oil to the Town's wastewater collection system. A sand/oil separator in service in the Town shall be serviced at a maximum interval of 120 days.
3. The Board may require more frequent cleaning of FOG and POG facilities. A variance from this requirement may be obtained when the user can demonstrate less frequent cleaning is sufficient. The Town will not allow a cleaning frequency of less than once per 12 months.
4. Maintenance of grease interceptors shall be done in a workmanlike manner only by a licensed and insured business/professional normally engaged in the servicing of such plumbing fixtures.
5. In the event an interceptor or separator is not properly maintained by the user, owner, lessee, or other authorized representative of the facility, the Town may authorize such maintenance work be performed on behalf of the facility.
6. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing to the Town and shall constitute a lien against the property until paid in full.
7. Users shall:
 - a. Ensure interceptors and separators are easily accessible for inspection, cleaning, and removal of grease.

- b. Maintain interceptors and separators at their expense and keep in efficient operating condition at all times by the regular removal of oil, grease and solids.
 - c. Document each pump-out with a waste manifest or trip ticket which must be kept on site for at least three years.
 - d. Take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e., through a certification by the hauler included on the waste manifest or trip ticket for each load).
3. Best Management Practices established in this section shall apply to facilities subject to the oil and grease program requirements established by the Town.
- a. Food Service Facility BMPs.
 - 1. All food service facilities shall comply with the following Best Management Practices in an effort to minimize the discharge of grease into the Town's wastewater system:
 - a. Employee training shall be provided as part of the normal orientation process and annually thereafter including, at a minimum, the following subjects:
 - 1. How to scrape excess food into the garbage and "dry wipe" pots, pans, dishware and work areas before washing to remove grease.
 - 2. How to pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage can or other solid waste disposal device as needed.
 - 3. How to pour all liquid oil and grease from pots into a waste grease bucket stored at the pot washing sink. Heavy solid buildup of oil and grease on pots and pans should be scraped off into a waste grease bucket.
 - 4. The location, use and disposal of absorption products to clean any spills under fryer baskets and other locations where grease may be spilled or dripped.
 - 5. Other kitchen practices identified by the Town and/or FOG facility which will decrease the point source discharge of oil and grease.
 - b. Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be made available for review at any time by the Board or authorized personnel.

2. Drain screens shall be installed on all drainage pipes in food preparation areas.
 3. "No Grease" signs shall be posted above sinks and on the front of dishwashers.
 4. All liquid oil and grease shall be poured into a waste grease container where it can be recycled or disposed of properly in accordance with Federal, State and local regulations.
 5. Food wastes shall be disposed of directly into the trash or garbage and not in the drain. In-sink garbage disposal units shall not be installed in any food service facility. The Town discourages the continued use of existing in-sink garbage disposal units, as these can increase the introduction of grease into the Town's wastewater system. However, if used, garbage disposal units must be connected to a grease trap or grease interceptor. Garbage disposal units shall not be used for disposal of any food wastes that can be disposed as solid waste.
- b. Engine Service Facility BMPs.
1. All engine service facilities shall comply with the following Best Management Practices in an effort to minimize the discharge of oil, sand and sediment into the City's wastewater collection system:
 - a. Employee training shall be provided as part of the normal orientation process and annually thereafter and shall include, at a minimum, the following subjects:
 1. No dumping of petroleum-based waste products into the waste collection system;
 2. How to sweep floors prior to floor wash down to ensure there is no excessive oil or sand entering the Town's wastewater system.
 3. Utilizing appropriate absorbent materials to contain and clean up any spillage of petroleum-based products and disposing of all used absorbent materials as solid waste;
 4. The location, use, and disposal of absorption products to clean any spills (washing spills into drains is prohibited); and
 5. How to properly dispose of oils and other wastes into designated containers without spilling. At no time shall any oils or hazardous wastes be poured directly into the sand/oil interceptor.
 6. Other practices identified by the Town and/or facility which will decrease the discharge of sand and oil

b. Training shall be documented, and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be made available for review at any reasonable time by the Board or authorized personnel.

2. Funnels or pumps shall be used to transfer automotive or other commercial or industrial fluids and chemicals, oil and like substances.
3. Drip pans or containers shall be kept under the vehicles at all times during maintenance. Drip pans or containers shall be kept under stored or out of service vehicles awaiting restoration or service if leakage is suspected.
4. Spent or spilled automotive or other commercial or industrial fluids and chemicals, oils and like substances shall not be washed down a drain that is tied to the Town's wastewater system.
5. Dry cleanup methods shall be used to clean spills of automotive or other commercial or industrial fluids and chemicals, oils and like substances. Absorbent materials shall be available for dry cleanup.
6. No wastewater, fluids or other substances from commercial and industrial operations containing hazardous wastes, heavy metals, or other prohibited discharge shall enter the interceptor or any drain tied to the Town's wastewater system.
7. Signs shall be posted in process areas with floor drains and above sinks prohibiting the discharge of oil and other chemical waste down the drains.

I. Surcharging in Lieu of Grease Trap Installation.

1. The Town is sensitive to the fact that the installation of a grease interceptor at an existing facility can be expensive and, in some cases, places a heavy financial burden on the facility.
2. Modification of existing plumbing to accommodate installation of a trap may not always be possible in existing buildings.
3. When a facility is required by these regulations to install a trap the Town may grant a waiver from the trap installation requirement. Facilities with grease trap waivers will be considered noncomplying facilities.
4. Grease trap waivers will not be granted for new or renovation construction. Noncomplying facilities shall pay the costs incurred by the Town for accelerated sewer line cleaning on the Town's sewer lines providing service to the user, costs to the Town of treating the excess strength waste, and any other costs for sampling and analysis and administration.

5. Accelerated cleaning will be performed downstream from noncomplying food preparation facilities at a minimum frequency of once per quarter.
6. Once the grease attaches to the piping system it solidifies and continues to accumulate until a blockage occurs.
7. The accelerated cleaning surcharge is based on the average cost incurred by the Town as a result of cleaning 400 feet of sewer pipe at a minimum quarterly frequency. The surcharge will be adjusted to match current operating costs.
8. Users electing to pay a surcharge in lieu of installing a grease trap must comply with the requirements of this section which describes BMPs for minimizing grease discharges to the sewer.
9. Additional surcharges for biochemical oxygen demand (BOD) and total suspended solids (TSS) will also apply. Grease trap surcharges are based on an average grease trap size of 1,000 gallons, a three-month accumulation of BOD and TSS resulting in concentrations of 32,200 mg/L and 52,000 mg/L, respectively, and the Town's most current annual wastewater operating costs.
10. Total monthly surcharges for a noncomplying facility, effective January 1, 2023, are to be determined by the Board on a case-by-case basis.
11. Surcharges may be adjusted by the Town when analytical data is available showing that a wastewater discharge is more or less concentrated than typical domestic wastewater.
12. Samples may be collected by the Town at the user's request when a sampling location is accessible and representative. Analytical costs will be at the user's expense.

G. MAINTENANCE, RECORD KEEPING AND INSPECTIONS.

a. Maintenance.

1. Each food and engine service facility shall be responsible for the costs of installing, inspecting, pumping, cleaning and maintenance of a grease interceptor or sand interceptor. Pumping services and disposal shall include the complete removal of all contents, including floating materials, wastewater and bottom sludges and solids. Cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe work. It shall be the responsibility of each facility to inspect its grease interceptor, or sand interceptors during the pumping procedure to ensure that it is properly cleaned and that all internal fittings and fixtures are in working condition and functioning properly. The solids, grease, and sand shall be disposed of in a solid waste disposal facility authorized to receive such waste or it may be recycled. No grease, solid materials removed

or sand and oil shall be returned to any grease interceptor, sand interceptor, private sewer line, or to any portion of the Town's wastewater system.

2. Each food or engine service facility may contract with a grease hauler who meets the requirements standard requirements therein for cleaning services.
3. Each food and engine service facility shall have its interceptor(s) pumped according to the following criteria for each facility:
 - a. Food service facilities shall determine frequency of pumping of its grease interceptor(s) according to the following criteria;
 1. Food service grease interceptors shall be pumped no less than once per month; or
 2. When the floatable grease layer exceeds six (6) inches in depth as measured by an approved dipping method; or
 3. When the settled solids layer exceeds eight (8) inches in depth as measured by an approved dipping method; or
 4. When the total volume of captured grease and solid material displaces more than 20% of the capacity of the interceptor as calculated using an approved dipping method; or
 5. When the interceptor is not retaining/capturing oils and greases; or the removal efficiency of the device, as determined through sampling and analysis, is less than eighty percent (80%).
 - b. Engine service facilities shall determine their frequency of pumping according to the following criteria:
 1. Sand interceptors shall be pumped no less than once every quarter for truck washes, heavy equipment washes, and commercial washes and no less than once every year for all other users; or
 2. If the total accumulation of solids, debris and oil exceeds twenty-five percent (25%) of either the total capacity or twenty-five percent (25%) of the capacity of any one (1) chamber.
4. Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used by a food or engine service facility, or the grease hauler must be approved by the Board prior to their use. MSDS sheets and manufacturer instructions for use shall be submitted to the Board together with a written statement

outlining the proposed use of the additive(s) by the facility or grease hauler. Based upon the information received and any other information obtained from the potential user or supplier, the Board shall allow or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the Board at any time. In no circumstance shall the use of additives alone take the place of regular pumping and cleaning.

b. *Record Keeping.*

1. Each food and engine service facility shall keep accurate records of all services performed on a grease and sand interceptor including the identification of the person or persons performing the services, the date and time of the cleaning, maintenance, repairs or other services performed. The records shall be available for inspection by the Board or authorized personnel.
2. Each food and engine service facility shall submit a semi-annual report to the Town. Reports shall be submitted on or before the last day of June and December in each year. Each report shall record the number of times a grease interceptor or sand interceptor has been cleaned since the last report and shall indicate the volume of liquids and solids removed on each occasion and the name and address of the grease hauler. If a variance has been granted, the alternate cleaning frequency shall also be reported. Each report shall also note any repairs that have been made to a grease interceptor, or sand interceptor including the dates that these repairs were made. Reports shall be submitted to the Board and shall be deemed to be in violation of this requirement if they are received by the Town more than thirty (30) days after the deadline for submission. All maintenance records are required to be kept for a minimum of three (3) years.

c. *Inspections.*

1. The Board or authorized personnel will conduct inspections of any facility with or without notice and will consider such factors as, but not limited to, potential to discharge oil, grease, sand, grit, petroleum contaminated wastes, or for the purpose of determining applicability and/or compliance with any requirement of this Ordinance.
2. Inspection results will be provided in writing to the facility.
3. If any inspection reveals noncompliance with any provision of these requirements, corrective action shall be required within five days, or further enforcement action may be initiated. However, required response times vary from immediately to within 14 calendar days depending on the seriousness of the reason for noncompliance and whether or not the user has been previously notified to correct same. Such noncompliance may include, but is not limited to:
 - a. Poor maintenance of interceptors or separators;

- b. Failure to timely correct previously noted areas of noncompliance;
- c. Inability to access or open a grease interceptor or oil/sand separator; or
- d. Inability to inspect an interceptor or separator due to overabundance of oil, grease, grit, or sand accumulation; or
- e. Refusal to allow a scheduled or unscheduled inspection to commence.

H. AUTHORITY, ENFORCEMENT AND COMPLIANCE.

- a. The Board is authorized and empowered to administer and enforce this Ordinance with authority to issue to any person in violation of any provision of this Ordinance a notice of violation and order to correct. An appeal of such notice and order may be taken by filing with the Town a written appeal specifying the grounds for appeal. Any such appeal must be filed within fourteen (14) days of service of the notice and order. The Board shall fix a date and time for the hearing of the appeal, give ten (10) days' notice thereof to the parties in interest, and decide the same within a reasonable time.
- b. It shall be unlawful and a:
 - 1. Class 1 municipal offense for any person to knowingly obstruct, hinder or interfere with any Board member, authorized personnel or other employee of the Town acting under color of his or her official authority, in the discharge or apparent discharge of his or her duties, by means of physical force or violence, or by threats of imminent physical force or violence;
 - 2. Class 2 municipal offense for any person to fail to make, maintain or produce on demand any record required to be kept as required by this Ordinance; or
 - 3. Class 2 municipal offense for any person to fail to install, repair, maintain, clean, or operate any grease interceptor or sand interceptor as required by this Ordinance.
- c. It shall be unlawful and a Class 2 municipal offense for any person served with a notice and order issued by the Board to fail to comply with the order within the time specified in the order. Failure to comply with an order of the Board as herein provided constitutes a separate and independent violation in addition to and not in substitution of any other violation of the provisions of this Ordinance. It shall be an affirmative defense to a violation of this Subsection (c) that the order has been duly and timely appealed to the Board, and the Board has reversed or modified the order after notice and hearing.
- d. The Board has the right to reject acceptance of any waste which may be harmful to or cause obstruction of the wastewater system, or which may cause or contribute to interference or pass-through or violate any local limits adopted by the Town.

1. Facility owners and lessees regulated under this section shall be jointly and severally responsible for complying with the requirements and standards established by these requirements.
2. Any extraordinary costs incurred by the Town due to interference, damage or maintenance necessary in the treatment and/or collection system shall be paid by the user to the Town. The direct costs of all labor, equipment and materials incurred in rectifying the interference or damage, including reasonable attorney's fees, shall be billed directly to the owner of the user by the Town, and such costs shall become part of the total charges due and owing to the Town and shall constitute a lien on the user until paid in full.

I. INDUSTRIAL WASTEWATER DISCHARGE STANDARDS.

It shall be unlawful for any person to discharge any domestic or nondomestic wastewater into any natural waterway, any surface drainage, or storm sewer within the Town, or in any area under the jurisdiction of the Town. No industrial wastewater shall be discharged to the Town's POTW unless done so in compliance with the provisions of these regulations and applicable local, state or federal regulations.

- a. General Prohibitions. A user may not introduce into a POTW any pollutant(s) which cause pass-through or interference. These general prohibitions and the specific prohibitions of this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other pretreatment standards or any federal, state, or local pretreatment requirements.
- b. Specific Prohibitions. It shall be unlawful for any industrial user to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the Town any wastewater which contains the following:
 1. Storm water drainage from ground, surface, roof drains, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the Town's wastewater system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading, or any other water associated with construction activities.
 2. Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease byproduct in excess of 200 milligrams per liter (200 mg/L) except where a food service establishment has installed an appropriate grease interceptor and is properly operating and maintaining such

interceptor and implementing all BMPs. No wastewater containing total oil and grease at a concentration that would cause or contribute to pass-through or interference shall be discharged.

3. Explosive mixtures consisting of 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 wastewater treatment system or to the operation of the system. At no time shall a reading on an explosion hazard meter at the point of discharge into the wastewater system be more than 10 percent of the lower explosive limit (L.E.L.) of the meter. Specifically prohibited are pollutants which create a fire or explosion hazard in the Town's POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or 60 degrees centigrade (60°C) using the test methods specified in 40 CFR § 261.21.
4. Noxious material consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.
5. Radioactive wastes or isotopes of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of rules and regulations pertaining to radiological control and any applicable federal regulations that may apply. Users shall notify the director of any such discharges.
6. Solid, viscous or liquid wastes which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater system.
7. Substances which are not amenable to treatment or prescribed reduction by the treatment process employed by the Town or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in effluent discharge from the treatment works that does not meet requirements of state, federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.
8. Wastes with color not removable by the treatment process.
9. Wastewater which has an instantaneous pH value less than five (5) standard units.
10. Spent process chemicals, solutions or materials, filter press solids, hazardous waste as defined by the Federal Resource Conservation and Recovery Act; and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the director and after suitable treatment as approved by the director has been affected.

11. Wastes from hospitals, clinics, dental offices, offices of medical doctors, and convalescent homes consisting of but not limited to laboratory pathological wastes, surgical operating room wastes or delivery room wastes that cause or contribute to interference or pass-through.
12. Wastewater which has a temperature exceeding 150 degrees Fahrenheit (150°F). Specifically prohibited is heat in amounts which will inhibit biological activity in the Town's wastewater treatment works resulting in interference, but in no event shall heat be permitted to be received in such quantities that the temperature at the Town's wastewater treatment plant exceeds 40 degrees centigrade (40°C) or 104 degrees Fahrenheit (104°F).
13. Any pollutant including oxygen-demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference.
14. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
15. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
16. Any trucked or hauled pollutants, except at discharge points designated by the Town.
17. Any substance directly into a manhole or other opening in the POTW unless specifically authorized by the director or as otherwise permitted under these regulations.
18. Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the Board to collect such wastes within the Town.
19. Cooling waters or process waters to a storm sewer or natural outlet unless such person has a valid CDPS permit issued by the Colorado Department of Public Health and Environment.
20. Wastes where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in these regulations.
21. Bulk, expired, outdated or concentrated prescription or nonprescription drugs.
22. Detergents, surfactants and other surface-active, or other substances which may cause excessive foaming in the POTW or cause or contribute to pass-through or interference.
23. Discharge of nonylphenol from the use of bulk or concentrated nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes or asphalt manufacturers or other industrial users.

24. Discharge of any wastewater containing perchloroethylene (PCE) (also known as tetrachloroethene and tetrachloroethylene) from any industrial user involved in the dry-cleaning business.

c. Wastewater Discharge Limitations.

1. No significant industrial user, industrial users that hold a notice of discharge requirements from the Department of Public Health and Environment (CDPHE) pursuant to Regulation 63 or other permitted industrial users designated by the Town shall discharge or cause to be discharged, wastewater that exceeds the following local discharge limits:

Pollutant	Daily Maximum Discharge Limitation ⁽¹⁾	Sample Type
Arsenic, total	0.18	composite
Boron, total	3.40	composite
Cadmium, total	0.028	composite
Chromium, hexavalent	0.27	grab
Chromium, total	2.29	composite
Copper, total	0.37	composite
Cyanide, amenable	0.13	grab
Cyanide, total	1.48	grab
Lead, total	0.15	composite
Manganese, total	28.5	composite
Mercury, total	0.0009	composite
Molybdenum, total	0.12	composite
Nickel, total	0.49	composite
Oil and Grease	187	grab
pH, minimum	5.0	grab
pH, maximum	11.0	grab
Selenium, total	0.059	composite
Silver, total	0.01	composite
Temperature (Celsius)	65.0	grab

Pollutant	Daily Maximum Discharge Limitation ⁽¹⁾	Sample Type
Zinc, total	1.83	composite
5-Day Biochemical Oxygen Demand (BOD ₅), lbs/day	2.86	
Total Suspended Solids (TSS), lbs/day	2,457 ⁽²⁾	
Ammonia, lbs/day	2,407 ⁽²⁾	
Phosphorus, lbs/day	754 ⁽²⁾	
	210 ⁽²⁾	

*All limits are in mg/L unless otherwise specified and shall be analyzed as total. This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all significant industrial users and other designated and permitted non-SIUs.

2. The following limits shall apply to wastewaters that are discharged from:
 - a. Ground water cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
 - b. Discharges where one or more of these pollutants are present; or
 - c. Where these pollutants are appropriate surrogates.
3. It shall be unlawful for any industrial user to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits, as applicable:

Pollutant ⁽¹⁾	Daily Maximum Discharge Limit ⁽³⁾
Benzene	0.050
BTEX ⁽²⁾	0.750

*All pollutants shown in the table are total and as mg/L. BTEX shall be measured as the sum of benzene, ethylbenzene, toluene and xylenes. These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989."

4. Standards for Hydrogen Sulfide.

Hydrogen Sulfide	ppm
10-minute ceiling	10 ⁽¹⁾
8-hour ceiling	20 ⁽²⁾
Peak concentration	50 ⁽³⁾
IDLH	100 ⁽⁴⁾

*This limit is based upon the NIOSH recommended exposure limit (REL). The Town may require that an industrial user install treatment or take any other actions if hydrogen sulfide exceeds this level in any part of the Town’s collection system. This limit shall not be exceeded for more than 10 minutes during any eight-hour period. This limit shall not be exceeded at any time for any length of time. Any industrial user discharging wastewater that causes this limit to be exceeded shall immediately cease all discharges. “IDLH” means immediately dangerous to life or health.

5. Dilution is prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.
6. The director may establish more stringent pollutant limits, additional site-specific pollutant limits, BMPs or additional pretreatment requirements when, in the judgment of the director, such limitations are necessary to implement the provisions of these regulations.

J. SURCHARGES FOR HIGH STRENGTH WASTE.

- a. The extra strength treatment surcharge allows the Town to recover actual treatment costs associated with treating wastewater containing biochemical oxygen demand (BOD) and total suspended solids (TSS) in excess of normal domestic discharges. Associated fees are to be determined by the Board on a case-by-case basis.
- b. BOD will be calculated based on effective COD measurements if applicable.
- c. Surcharges apply to the additional pounds discharged above and beyond the concentrations expected for domestic wastewater.

K. SPECIFIC POWERS OF THE DIRECTOR.

If wastewaters from a user covered by these regulations are discharged or proposed to be discharged into the POTW, the director may take any of the following actions:

- a. Prohibit the discharge of such wastewater;
- b. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these regulations;
- c. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the Town for handling, treating or disposing excess loads imposed on the wastewater treatment system;
- d. Take enforcement action and issue fines and penalties for violations of these regulations. The Town may also assess charges against the user for any fines or legal expenses associated with violations of the Town's permit that resulted from the discharge of pollutants from a user;
- e. Require the user to apply for and obtain a permit;
- f. Require timely and factual reports from the facility responsible for such discharge; or
- g. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these regulations.

L. GENERAL POWER OF DIRECTOR.

- a. In addition to the authority to prevent or eliminate discharges through enforcement of pretreatment standards and requirements, the director shall have the following authority:
 - 1. Endangerment to Health or Welfare of the Community. The director, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the Town, any area under jurisdiction of the Town, the POTW of the Town or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
 - 2. Endangerment to Environment or Treatment Works. The director, after written notice to the discharger, may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the Town, any area under jurisdiction of the Town, the POTW, wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.

- b. The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these regulations.

M. PRETREATMENT AND MONITORING FACILITIES.

- a. Pretreatment facilities users shall provide wastewater treatment, including flow equalization, to comply with these regulations and shall achieve compliance with all pretreatment standards and requirements within the time limitations specified by the director.
 - 1. Any facilities determined by the director to be necessary for compliance or monitoring shall be provided, operated, and maintained at the user's expense.
 - 2. All treatment facilities shall be properly operated and maintained. Detailed plans describing such facilities and operating procedures shall be submitted to the director.
 - 3. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of these regulations. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without notice to the director.
- b. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- c. Should the director deem it necessary to fulfill the purposes of these regulations, the owner or operator of any premises or facility discharging industrial wastewater into the collection system shall install at the user's expense suitable monitoring facilities or equipment. The monitoring facilities and equipment shall allow for the accurate observation, sampling and measurement of regulated discharges. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- d. When more than one user is able to discharge into a common service line, the director may require installation of separate monitoring equipment for each user.
- e. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable construction standards and specifications.
- f. Pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or

with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

N. SLUG DISCHARGE AND SPILL CONTROL PLANS.

- a. Each SIU and other users required by the director shall provide protection from slug loads or spills of pollutants regulated under these regulations. Facilities to prevent discharge or slug loads of pollutants shall be provided and maintained at the user's cost and expense. The director may establish specific requirements and conditions to prevent spills or slug discharges for any user.
- b. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call in the event of a spill or slug discharge to the sewer system. Employers shall ensure that all employees who work in any area where a spill or slug discharge may occur or originate are advised to the emergency notification procedures. The notice shall specify that the Town of Rye shall be notified immediately (Monday through Thursday, 8:00 a.m. to 4:00 p.m.) at 719-489-2011. At other times, the posted notice shall indicate that the employees shall dial 911 and report the discharge.

O. WASTEWATER DISCHARGE PERMITS.

- a. All significant industrial users, proposing to connect to or discharge into any part of the wastewater system, shall contact CDPHE to obtain a permit.
- b. Users proposing to discharge hauled wastes shall complete and file with CDPHE. Such application shall be filed within 30 days of receipt to the Town.
- c. The director may issue a wastewater discharge permit containing all pretreatment standards and requirements that the director deems necessary. The conditions of wastewater discharge permits shall be enforced in accordance with these regulations and applicable state and federal regulations.
- d. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass-through or interference, protect the quality of the body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- e. Discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than five years at the director's discretion or may be stated to expire on a specific date.

- f. Wastewater discharge permits are issued to a specific user for a specific operation. No permit shall be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

P. DISCHARGE PERMIT MODIFICATION.

The director may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user’s operation, processes, or wastewater volume or character since the time of the individual 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 POTW, Town personnel, or the receiving waters;
- e. Violation of any terms or conditions of the individual wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or
- g. To correct typographical or other errors in the individual wastewater discharge permit.

Q. DISCHARGE PERMIT REVOCATION.

- a. A violation of the conditions of a permit or of these regulations or of applicable state and federal regulations may be reason for revocation of such permit.
- b. Upon revocation of this permit, any wastewater discharge from the affected user shall be considered prohibited and illegal. Grounds for revocation of a permit include, but are not limited to, the following:
 - 1. Failure of a user to accurately disclose or report the wastewater constituents and characteristics of the discharge;
 - 2. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

3. Refusal of access to the user's premises for the purpose of inspection or monitoring;
4. Falsification of records, reports or monitoring results relating to chemical materials;
5. Tampering with monitoring equipment;
6. Violation of conditions of the permit;
7. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to pay permit and sampling fees; or
11. Failure to meet compliance schedules.

R. SPECIAL AGREEMENTS AND CONTRACTS.

No statement contained in these regulations shall be construed as prohibiting special written agreements between the Town and any industrial user allowing industrial waste of unusual strength or character to be discharged to the POTW, provided the industrial user compensates the Town for any additional costs of treatment where appropriate. Such agreement, however, shall not allow or cause:

- a. Any adverse effect to the POTW;
- b. A violation of a general or specific prohibition; or
- c. A violation of state or federal law or regulation.

S. REPORTING REQUIRMENTS.

- a. Reporting for Industrial User Regulated by the State or EPA.
 1. All industrial users that are applying for or hold a notice of discharge requirements (NDR) issued by the Colorado Department of Public Health and Environment (CDPHE) pursuant to Regulation 63 shall copy the Town on the following items:

- a. NDR application information;
 - b. The NDR issued by the CDPHE;
 - c. All reports required by the NDR; and
 - d. Any other report or documentation reported to the CDPHE as required by the NDR or Regulation 63.
2. All industrial users that are categorical industrial users shall notify the Town that they are located within the Town and meet the definition of an industrial user. The industrial user shall copy the Town on all reports, documents and notifications that are reported to EPA pursuant to 40 CFR Part 403 and the applicable categorical standard.
- b. Self-Monitoring Reports (SMR).
1. Any industrial user required by the Town to submit self-monitoring reports shall submit such reports at a frequency required by the Town but no less than once per six months. In cases where the permit or other control mechanism requires compliance with BMPs, the industrial user must submit documentation required by the Town necessary to determine compliance status of the industrial user. All industrial monitoring reports must be signed and certified in accordance with subsection (J) of this section.
 2. All wastewater samples must be representative of the industrial user's discharge.
 3. If an industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Town, using the methods and procedures prescribed in subsection (I) of this section, the results of this monitoring shall be included in the SMR.
- c. Change in Discharge or Operations. Every SIU shall file a change in discharge or operations notification to the Town a minimum of 14 days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than 20 percent in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:
1. Change in number of shifts, and/or hours of operation.
 2. Additional processing, manufacturing or other production operations.
 3. New regulated substances used which may be discharged.

4. Changes in the listed or characteristic hazardous waste for which the user has submitted or is required to submit information to the Town under these regulations and 40 CFR § 403.12(p) as amended.

d. Slug Discharge and Spill Reporting.

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident.
2. Within five working 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 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 might 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 user of any fines, penalties, or other liability which may be imposed pursuant to these regulations.

e. Notification of the Discharge of Hazardous Waste. Any user shall notify the Town, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the POTW shall be made immediately upon discovery of the discharge. Notification to the state and EPA is the responsibility of the user and shall be made as required under 40 CFR § 403.12(p). The user shall copy the director on all notifications made to the state and EPA. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these regulations, a permit issued hereunder, or any applicable federal or state law.

f. Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of the receipt of the report shall govern.

g. Records Retention. Users subject to the reporting requirements of these regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these regulations, 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. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample; the dates analyses were performed; who performed the analyses; analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period

of three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the director.

- h. Admission to Property and Access to Information. Whenever it shall be necessary for the purposes of these regulations, the director may enter upon any user's facility, property or premises subject to these regulations or where records are required to be kept for the purposes of:
1. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial or other users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial or other users. Compliance monitoring and inspection shall be conducted at a frequency as determined by the director and may be announced or unannounced;
 2. Examining and copying any records required to be kept under the provisions of these regulations or of any other local, state or federal regulations;
 3. Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
 4. Sampling any discharge of wastewater into POTW; and/or
 5. Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these regulations, could originate, be stored, or be discharged to the POTW.

The occupant of such property or premises shall render all proper assistance for such activities.

i. Analytical Requirements.

1. All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other analysis required under these regulations shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by the EPA.
2. Records shall include for all samples:

- a. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
- b. The date(s) and time analyses were performed;
- c. The name of the person performing the analyses;
- d. The analytical techniques/methods used, including method detection limits and QA/QC sample results;
- e. All chain-of-custody records;
- f. The results of such analyses; and
- g. A signed statement from the laboratory director stating that the samples were properly handled and analyzed pursuant to 40 CFR Part 136 or other approved methodology.

j. Signatory Certification. All reports and other submittals required to be submitted to the Town shall include the following statement and signatory requirements:

1. The authorized representative of the industrial user signing any application, questionnaire, any report or other information required to be submitted to the Town must sign and attach the following certification statement with each such report or information submitted to the Town:

“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 ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the 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 a fine and imprisonment for knowing violations.”

2. If the authorized representative is no longer authorized because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.

- k. Requests for Information. When requested by the Town, any industrial user shall submit information to the director regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the director to meet the responsibilities under these industrial wastewater control regulations. Failure to provide information within the time frame specified shall be a violation of these industrial wastewater control regulations.

T. ADMINISTRATIVE ENFORCEMENT ACTIONS.

a. Notification of Violation.

1. When the Board finds that a user has violated, or continues to violate, any provision of these regulations, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Board may serve upon the user a written notice of violation.
2. Within five working days of receipt of the notice of violation a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the user to the Board.
3. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
4. Nothing in this section shall limit the authority of the Board to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

- b. Administrative Compliance Orders. When the Board finds that a user has violated, or continues to violate, any provision of these regulations, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Board may issue an order to the user responsible for the discharge directing that the user come into compliance within a specific time. If the user does not come into compliance within the time, provided sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may 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.

c. Administrative Fines.

1. When the Board finds that a user has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not to exceed \$1,000 per day. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
 2. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.
 3. Users desiring to appeal such fines must file a written request for the Board to reconsider the fine along with full payment of the fine amount within 15 days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing by the board.
 4. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the user.
- d. **Civil/Administrative Fine Pass-Through.** If an industrial user discharges such pollutants which cause the Town to violate any condition of its permit and the Town is fined by the EPA or the state for such violation, then such industrial user shall be fully liable for the total amount of the fine assessed against the Town by the EPA and/or the state.
- e. **Remedies Nonexclusive.** The remedies provided for in these regulations are not exclusive of any other remedies that the Town may have under the provisions of Colorado law. The director may take any, all, or any combination of these actions against a noncompliant user.
- f. **Public Nuisances.** A violation of any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of the Town of Rye Ordinance governing such nuisances.

U. EXTRA MONITORING CHARGE.

- a. The Board may assess an extra monitoring charge to any user who is found to have:
 1. Discharged a waste which causes an obstruction, damage, interference or other impairment to the Town POTW;
 2. Violated provisions of these regulations and was placed in significant noncompliance; or

3. Failed to comply with provisions of the user's discharge permit.
- b. The amount of this charge shall be determined by the Board and may include:
 1. Sampling and analysis costs.
 2. Time, material and equipment costs incurred as a result of inspection procedures.
 3. Costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the POTW as a result of discharge such as time, material and equipment costs including polymer usage, preventing or correcting interference of POTW, etc.
 4. Other associated costs as the director may deem necessary.
 - c. The affected user shall be notified in writing by the Board of the extra monitoring charges within five days of determination.
 - d. Such fees shall be payable by the user within 30 days of being notified of the charges.

V. CONFIDENTIALITY.

- a. All records, reports, data or other information supplied by any person or industrial user because of any disclosure required by these industrial wastewater control regulations or information and data from inspections shall be available for public inspection except as otherwise provided in this section, 40 CFR § 403.14 and the Colorado Open Records Act (§ 24-72-201, C.R.S. et seq.).
- b. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the industrial user which is desired to be considered a trade secret shall have the words, "confidential business information," stamped in a reasonably noticeable manner on each page containing such information. The industrial user must demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

- c. Information designated as a trade secret pursuant to this section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the Town charged with implementing and enforcing the provisions of these industrial wastewater control regulations.
- d. Effluent data from any industrial user whether obtained by self-monitoring, monitoring by the Town or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

W. REGULATION OF USERS FROM OUTSIDE JURISDICTIONS.

- a. If a user located in another municipality, county, state, or other jurisdiction contributes wastewater to the POTW, the Town shall enter into an intergovernmental agreement (IGA) with the contributing jurisdiction.
- b. Prior to entering into an IGA, the Town shall request the following information from the contributing jurisdiction:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 - 2. An inventory of all sources of indirect discharge located within the contributing jurisdiction that are discharging to the POTW; and
 - 3. Such other information as the Town may deem necessary.
- c. The IGA shall contain the following conditions:
 - 1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance or rules which specifically require that all non-domestic users shall be under the jurisdiction of this Ordinance for the purposes of implementation and enforcement of pretreatment standards and requirements;
 - 2. A requirement for the contributing jurisdiction to submit an updated user inventory on at least an annual basis;
 - 3. A provision specifying that the Town shall be delegated full responsibility for implementation and enforcement of the pretreatment program unless otherwise agreed to and specified in the IGA;
 - 4. A requirement for the contributing jurisdiction to provide the Town with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users;

5. Requirements for monitoring the contributing jurisdiction's discharge; and
6. A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

SECTION 2. The Town of Rye authorized personell are directed and authorized to perfor, any and all ats consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

SECTION 3. If any provision of this Ordinance shall be determined to be invalid, inoperative or unenforceable, such determination shall not affect any other provision or provisions of this Ordinance or render same invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 4. This Ordinance shall become effective January 1, 2023.

Introduced, considered favorably on first reading and ordered published by this 9th day of November, A.D. 2022, and to be presented for final passage on the 14th day of December, A.D. 2022.

Marty Rahl, Mayor

ATTEST:

Jocelyn Mower, Town Clerk

Passed and adopted on final reading on the 14th day of December, A.D. 2022.

Marty Rahl, Mayor

ATTEST:

Jocelyn Mower, Town Clerk