ORDINANCE NO. 19-34

AN ORDINANCE AMENDING MULITPLE SECTIONS OF ARTICLE 5 (WASTEWATER TREATMENT CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED

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

Section 1. Section 201 (Definitions) of Part 2 (Definitions) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.5.201: DEFINITIONS:

A. * * *

~~BIOCIDES: Those chemical compounds commonly known as herbicides, fungicides, rodenticides, insecticides, or bactericides.~~

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~~CONSUMPTIVE USE ADJUSTMENT: The technical determination of the volume of potable water purchased through City meters which is not discharged to the sanitary sewer and is not used for landscape irrigation.~~

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DENTAL DISCHARGER: An industrial user where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, State, or local governments, that discharges wastewater to a publicly owned treatment works (POTW). 40 CFR Part 441.20(e).

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~~INCOMPATIBLE POLLUTANT: Any pollutant which is not a "conventional pollutant" as defined in this section.~~

* * *

NEW SOURCE: 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 Act which will be

applicable to the source if the standards are thereafter promulgated in accord with that section, provided that:

* * *

5. Construction of a "new source" as defined above has commenced if the owner or operator has begun or caused to begin as part of a continuous ~~on site~~**on-site** construction program:

* * *

pH: ~~The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.~~ **A logarithmic scale used to specify the acidity or basicity of an aqueous solution on a scale from 0 to 14. A measure of how acidic or alkaline a substance is. More acidic solutions have lower pH. More alkaline solutions have higher pH. Substances that aren't acidic or alkaline (that is, neutral solutions) have a pH of 7.**

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~~RETIREMENT HOME: A residential facility other than a hotel, where for compensation either paid directly or indirectly, lodging and meals are provided for the elderly (over 60 years). No continuous medical or personal care is provided by the operators of the home.~~

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SIGNIFICANT INDUSTRIAL USER OR SIGNIFICANT USER OR SIU: Any industrial user of the POTW who:

* * *

2. Discharges wastewater containing significant amounts of ~~those~~ toxic materials specified by the Chief Executive Officer in accord with rulemaking or as defined in the standards issued under section 307 of the Act; or as defined in this Code; or

* * *

SLUG DISCHARGE: Any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a ~~noncustomary~~**non-customary** batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits or permit conditions, including such discharge which:

1. Contains any substances regulated by part 7 of this article in concentrations or amounts which exceed for any time, ~~period~~ the prohibitions contained in 40 CFR section 403.5(b), as specified in subsections 12.5.702E, F, G, J, N, S, T and U of this article;

* * *

WASTE SILVER RICH PHOTOCHEMICAL SOLUTIONS: Any waste photochemical solutions generated from photoprocessing activities that contain silver ~~at significant~~ concentrations generally in excess of four hundred milligrams per liter (400 mg/l). This includes, but may not be limited to~~, the following photochemical processing solutions~~: fix, bleach-fix, stabilizers from washless minilabs, low flow washes. This excludes non-silver rich photochemical processing solutions such as developers and wash waters generated from properly operated and maintained photoprocessing equipment.

* * *

WASTEWATER SYSTEM: See definition of Publicly Owned Treatment Works (POTW). ~~or Wastewater Treatment System Or Wastewater System.~~

WASTEWATER TREATMENT SYSTEM: See definition of Publicly Owned Treatment Works (POTW). ~~or Wastewater Treatment System Or Wastewater System~~.

B. Terms not otherwise defined herein shall have the meanings adopted in the latest edition of "Standard Methods ~~For The~~ **for the** Examination ~~Of~~ **of** Water ~~And~~ **and** Wastewater", published by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

Section 2. Section 413 (Disconnection) of Part 4 (Connection and Installation) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

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12.5.413: DISCONNECTION:

A. ~~In the event that~~**If** a user desires to disconnect user's premises from the wastewater system, the user shall not be permitted to take up that portion of the service line between the collection line and the property line of the premises, but at user's expense the service line shall be capped at the property line and the service line shall be removed from the property line to the structure except as required by section 12.5.411 of this part. New service lines to replace existing service lines shall not be approved by Utilities until old service lines are dug up and properly capped. The cap shall be sufficiently tight to prevent the escape of wastewater gas or the infiltration of water.

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Section 3. Multiple Sections of Part 7 (Prohibitions - Limitations on Wastewater Discharge) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.5.703: WASTEWATER DISCHARGE; LIMITATIONS:

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F. Dilution ~~As~~**as a** Substitute ~~For~~ **for** Treatment ~~Prohibited~~: Consistent with the provisions of the Act, it is unlawful for any discharger into the wastewater treatment system to augment use of process water or otherwise dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with these standards.

12.5.705: SILVER SOURCE CONTROL:

A. **The Chief Executive Officer may implement BMPs under a Silver Source Control Program for any industrial user who has the potential to discharge waste silver-rich photochemical solutions into the wastewater system. Industrial users that are significant industrial users may be eligible for coverage under the Silver Source Control Program if approved by the Chief Executive Officer.** ~~Any discharger (who is not otherwise a significant industrial user) of waste silver rich photochemical solutions generated from photoprocessing activities shall apply for and prior to the discharge, obtain a control mechanism authorizing discharge (per section 12.5.1111 of this article). Prior to the discharge, the discharger shall install, operate, maintain and monitor treatment technology in an effort to consistently achieve discharge concentrations which shall not be greater than four hundred milligrams per liter (400 mg/l).~~

~~Discharge concentrations are measured by a composite sample taken during a discharger's operating day, at the end of the approved treatment process.~~

~~The above performance based limits shall become effective and enforceable ninety (90) days after the effective date of the control mechanism. The discharger of waste silver rich photochemical solutions may be subject to more stringent requirements, to install, operate and maintain treatment technology if pass-through is occurring.~~

B. **Industrial users subject to coverage under the Silver Source Control Program shall comply with BMPs and treatment requirements contained in the Silver Source Control Policies and Procedures Manual.** ~~If pass-through is occurring, the Executive Director may revise or issue the control mechanism to require either more restrictive treatment requirements or to prohibit the introduction of waste silver rich photochemical solutions to the wastewater treatment system.~~

C. **Prior to the discharge, the discharger shall install, operate, maintain, and monitor process treatment equipment capable of consistently achieving discharge concentrations which shall not exceed four hundred milligrams per liter (400 mg/L). It is unlawful to fail to either install, operate, or maintain wastewater treatment equipment.** ~~The Executive Director will issue a control mechanism to each applicant upon finding that the applicant's proposed treatment technology will reliably maintain the required concentrations shown in subsection A of this section. The authorization will contain~~

~~necessary conditions for accessible inspection sites and for discharger monitoring, sampling, testing, reporting, and recordkeeping.~~

D. **In order to assure compliance with the POTW's CDPS permits, compliance with local limits and the MAHL, and to prevent pass-through; or otherwise protect the wastewater system, the Chief Executive Officer may modify the Silver Source Control Policies and Procedures Manual in accordance with subsection 12.1.110B. of this chapter, to require more restrictive treatment requirements, to impose numeric limits, to require discharge monitoring and/or other conditions determined to be necessary by the Chief Executive Officer. Alternatively, the Chief Executive Officer may revoke coverage under the Silver Source Control Program and may issue an individual control mechanism or discharge permit.** ~~It is unlawful to fail to either install, operate or maintain treatment technology necessary to achieve the concentration required.~~

~~E. Any other requirements of this article, excluding subsection 12.5.703B of this part, which are more restrictive shall prevail.~~

~~F. To reduce the reporting requirement for dischargers of waste silver rich photochemical solutions, best management practice (BMP) plans may be approved by the Executive Director. Any discharger could submit a BMP plan if the following criteria are met:~~

~~1. The discharger has been issued a control mechanism for at least two (2) years;~~

~~2. The discharger has a history of effective silver treatment demonstrated by compliance with the silver discharge limit in the control mechanism;~~

~~3. A BMP plan approved by the department is submitted by the discharger and contains a sound silver recovery operation and maintenance procedure and spill plan; and~~

~~4. Adequate recordkeeping is in place.~~

~~Any discharger with a BMP, but not complying with adequate silver treatment, proper operation and maintenance or recordkeeping may be reissued a control mechanism.~~

12.5.706: MERCURY SOURCE CONTROL:

A. **The Chief Executive Officer may implement BMPs under a Mercury Source Control Program for any industrial user who has the potential to discharge mercury into the wastewater system. Industrial users that are significant industrial users are not eligible for coverage under the Mercury Source Control Program.** ~~The Executive Director may issue a "notice of coverage" under an "industrial user general control mechanism for the control of mercury" to any industrial user who has the potential to discharge mercury into the wastewater system. Industrial users that also are significant industrial users are not~~

~~eligible for coverage under an "industrial user general control mechanism for the control of mercury".~~

B. **Industrial users subject to coverage under the Mercury Source Control Program shall comply with BMPs and treatment requirements contained in the Mercury Source Control Policies and Procedures Manual. In addition, dental dischargers shall comply with the BMPs and treatment requirements contained in the Mercury Source Control Policies and Procedures Manual and the Dental Amalgam Pretreatment Standards found in 40 C.F.R. Part 441.** ~~Industrial users issued a "notice of coverage" under an "industrial user general control mechanism to control mercury", shall comply with BMPs and treatment requirements contained in the control mechanism. Compliance is required within thirty (30) days of the date of notice of coverage, unless an extension is requested by the user and granted by the Executive Director.~~

C. **In order to assure compliance with the POTW CDPS permits, local limits, and the MAHL; and to prevent pass-through or otherwise protect the wastewater system, the Chief Executive Officer may modify the Mercury Source Control Policies and Procedures Manual in accordance with subsection 12.1.110B of this chapter, to require more restrictive treatment requirements or BMPs, to impose numeric limits, to require discharge monitoring, and/or other conditions determined necessary by the Chief Executive Officer. Alternatively, the Chief Executive Officer may revoke coverage under the Mercury Source Control Program and may issue an individual control mechanism or discharge permit.** ~~To assure compliance with the POTW CDPS permits, local limits and the MAHL, and to prevent pass-through or otherwise protect the wastewater system, the Executive Director may modify the "industrial user general control mechanism for the control of mercury", in accord with subsection 12.1.109B of this chapter, to require more restrictive treatment requirements or BMPs, to impose concentration based limits, to require discharge monitoring and/or other conditions determined necessary by the Executive Director. Alternatively, the Executive Director may revoke the "industrial user general control mechanism for the control of mercury", and may reissue individual control mechanisms or discharge permits.~~

D. **If an industrial user exceeds the local limit for mercury, is not in compliance with the requirements contained in the Mercury Source Control Program, or otherwise is designated by the Chief Executive Officer as a significant industrial user, the Chief Executive Officer shall revoke coverage under the Mercury Source Control Program. The Chief Executive Officer may require a discharge permit or may issue an individual control mechanism. Remedies for noncompliance shall be in accordance with part 12 of this article.** ~~If an industrial user exceeds the local limit for mercury or otherwise is designated by the Executive Director as a significant industrial user, the Executive Director shall revoke the "notice of coverage" under the "industrial user general control mechanism for the control of mercury" and require a discharge permit. If an industrial user is not in compliance with the "industrial user general control mechanism for the control of mercury" and is not designated a significant industrial user, the Executive Director may revoke or suspend the "notice of coverage" under the "industrial user general control mechanism for the control of mercury" and may issue an individual control mechanism to the industrial user. The remedies shall be in accord with part 12 of this article.~~

12.5.707: BEST MANAGEMENT PRACTICES:

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B. The Chief Executive Officer may develop general BMPs that are applicable to categories of industrial users, categories of activities or geographic areas. Adoption of general BMPs shall be in accord with subsection 12.1.1**10**~~09~~B of this chapter.

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Section 4. Section 805 (Admission to Property) of Part 8 (Control of Prohibited Wastes) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.5.805: ADMISSION TO PROPERTY:

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B. The inspection shall be completed with reasonable promptness. If any samples are taken, ~~an equal quantity~~ **a portion of the sample** shall be given, if requested, to the owner, agent, or operator. The occupant of the property or premises shall render all proper assistance in the activities.

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Section 5. Section 1204 (Administrative Hearing Procedures) of Part 12 (Enforcement) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.5.1204: ADMINISTRATIVE HEARING PROCEDURES:

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D. Hearing Procedures:

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3. * * *

c. Discovery: To the extent practicable, Colorado Rules of Civil Procedure 29 and 30, regarding depositions, apply to hearings conducted under this article. The parties retain their rights under the Colorado Open

Records Act and the Chief Executive Officer retains its inspection and enforcement authorities under this article during the ~~pendancy~~ **pendency** of the proceedings and the hearing officer shall not abridge these rights.

* * *

Section 6. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by charter.

Section 7. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 14th day of May, 2019.

Finally passed: May 28th, 2019

Council President

ATTEST:

Sarah B. Johnson, City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled **"AN ORDINANCE AMENDING MULITPLE SECTIONS OF ARTICLE 5 (WASTEWATER TREATMENT CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED"** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on May 14th, 2019; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 28th day of May, 2019, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 28th day of May, 2019.

Sarah B. Johnson, City Clerk

1st Publication Date: May 17th, 2019
2nd Publication Date: May 31st, 2019

Effective Date: June 5th, 2019

Initial: _____
City Clerk