



## Legislation Details (With Text)

**File #:** 19-200      **Version:** 2      **Name:**

**Type:** Resolution      **Status:** Mayor's Office

**File created:** 3/29/2019      **In control:** City Council

**On agenda:** 5/28/2019      **Final action:** 5/28/2019

**Title:** Ordinance No. 19-34 amending multiple sections of Article 5 (Wastewater Treatment Code) of Chapter 12 Utilities) of the Code of the City of Colorado Springs 2001, as amended

**Presenter:**  
David Padgett, Chief Environmental Officer  
Lauren Swenson, Industrial Pretreatment Supervisor  
Aram Benyamin, Chief Executive Officer

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CSU-WastewaterORD-2019-04-22 Final Final.pdf, 2. Signed Ordinance 19-34

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	finally passed	Pass
5/14/2019	1	City Council	approved on first reading	Pass

Ordinance No. 19-34 amending multiple sections of Article 5 (Wastewater Treatment Code) of Chapter 12 Utilities) of the Code of the City of Colorado Springs 2001, as amended

**Presenter:**

David Padgett, Chief Environmental Officer  
Lauren Swenson, Industrial Pretreatment Supervisor  
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**Summary:**

Industrial Pretreatment (IPT) is seeking approval to modify Utilities Code Sections 12.5.705 (Silver Source Control) and 12.5.706 (Mercury Source Control) to support updated policy and procedural manuals, as well as minor modifications and edits to various code sections for clarification and the addition, subtraction, or amendment of certain definitions. Best Management Practices will be used to provide sector control for specific groups of users to control mercury and silver discharge to the Publicly Owned Treatment Works (POTW). The updated manuals will provide a streamlined approach to sector control, align IPTs programs to Federal and State rules and regulations, and allow IPT to demonstrate compliance with new Federal requirements and will minimize the reporting burden on our affected Industrial Users (IUs).

**Previous Council Action:**

No previous Council Action associated with these proposed changes.

**Background:**

The EPA promulgated 40 CFR Part 441 (Dental Office Point Source Category) on June 14, 2017 with an effective date of July 14, 2020, for any existing source (dental office) prior to the Rule's publication. As of July 14, 2017, any new source (dental office) subject to the new rule is required to comply with the requirements of the rule. This rulemaking necessitated the evaluation and modification of Utilities Code Section 12.5.706 (Mercury Source Control) and subsequently IPT's Mercury Source Control Policies and Procedures Manual (Mercury PPM). Updating this section of the code and the Mercury PPM is necessary to meet the requirements found in 40 CFR 441. New dental facilities have been handled on a case by case basis and have completed the certifications required by the Federal Rule.

Redrafting Utilities Code Section 12.5.706 provided ideal timing to re-evaluate Utilities Code Section 12.5.705 (Silver Source Control) and to align these two sections for consistency. IPT has identified opportunities to streamline control methods for non-domestic dischargers that introduce waste silver-rich photochemical solutions into the POTW while maintaining compliance with Federal, State, and local rules and regulations. Implementation of Best Management Practices (BMPs) will be required and reporting requirements will be reduced. A reduction in regulatory oversight is supported by years of low or non-detect silver data at our POTWs' influent. Allowing our non-domestic dischargers to certify compliance with a one-time report will reduce costs to them and to the IPT program.

These modifications allow for the continued use of IPT's Enforcement Response Plan in cases of noncompliance. IPT can control silver and mercury discharges into the POTW by requiring implementation of BMPs. Legal authority is still maintained, and all proposed changes have been reviewed and declared approvable by the EPA. These two revised documents are considered stronger, more streamlined, and more consistent approaches to controlling these sectors.

**Financial Implications:**

The EPA regulation imposes a requirement on dentists who do not currently have amalgam separators to have such equipment installed by July 14, 2020. They will also incur annual costs to recycle the collected amalgam. The American Dental Association estimates these costs at \$1,172 per dental office for purchase and installation of an amalgam separator, and \$589 per year for recycling. There are no costs being imposed by Colorado Springs Utilities as a result of these code changes. It is expected that these changes will also reduce staff costs.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

September 2016 - Sent information on publication of new rule; October 2016 - Submitted article for CSDS newsletter; July 2017 - Submitted article for CSDS newsletter; October 2018 - Provided memo on our control strategies; April 2019 - Informed of approval steps and dates; Information currently posted on Colorado Springs Utilities website; public notice and comment period for associated manuals April 15- April 30.

**Alternatives:**

N/A

**Proposed Motion:**

Move approval of the proposed ordinance.

Allows sector control through the implementation of Best Management Practices (BMPs) rather than control using General Control Mechanisms (permits) and Notices of Coverage, which is a more appropriate control method.