

Title 13

PUBLIC UTILITIES

Chapters:

- 13.04 Electric, Water and Sewer Systems
- 13.08 Pretreatment Program, Industrial User, and Sewage System Supplemental Regulations

Chapter 13.04

ELECTRIC, WATER AND SEWER SYSTEMS

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13.04.010 Applicability.

A. All users of City electric, water or sewer services shall be subject to the terms and conditions as set out in this Chapter and shall be subject to all applicable regulations of the City Code and other ordinances, resolutions and regulations of the City, as they now exist or as they may be amended in the future.

B. The owner, lessee, party in possession and party actually using electric, water or sewer service, of any property served by City electric, water or sewer service, shall be jointly and severally liable for all fees, charges and penalties imposed by this Chapter and for compliance with other requirements of this Chapter, notwithstanding any agreement among themselves. (Ord. 23, §1(part), 1984)

13.04.020 Application for service.

A. Application for City electric, water or sewer service shall be made upon forms provided by the City, which forms shall require information as may be necessary for the proper billing and management of the electric, water or sewer system.

B. The City may grant permission for the use of electric, water or sewer service only upon receipt of the proper application and payment of all applicable fees, charges and deposits.(Ord. 23, §1(part), 1984; Ord. 20, §1, 1998)

13.04.030 Conditions of and application for connection.

A. Applications for connection to the City electric, water or sewer system shall be made upon forms provided by the City which forms shall require information as may be necessary for the proper management and operation of the systems. The application shall be accompanied by the system improvement and other fees imposed by this Chapter, a plan of the property to be served, and the evidence of title to, and legal description of, the property to be served.

B. If the property to be served is outside the City limits, the application shall be accompanied by:

1. A title memorandum furnished by a reputable title company, a copy of the applicant's deed or a copy of a title insurance policy showing the title status of the property, the

owner of record, and the legal description of the property to be served; and

2. An agreement executed by the applicant and the owner which contains the following conditions and other conditions consistent with this Chapter:

a) All service lines between the City lines or mains and the building served shall be constructed and maintained in compliance with all City codes, standards and specifications.

b) The owner and applicant agree to annex, to execute a petition for annexation of the property served, and to vote for annexation at any annexation election to the City, upon the City's request, at any time that such property is eligible for annexation. They shall irrevocably appoint the City Clerk as their attorney-in-fact with respect to annexation proceedings. This agreement shall be binding upon and shall run with the land for which service is provided. The City may require immediate annexation at the applicant's expense.

c) The owner and applicant agree to comply with all provisions of this Chapter, as amended from time to time.

C. Whenever a City sewer main is installed within 400 feet of the premises upon which a structure requiring plumbing is located, the occupant or owner will, upon request of the City, connect to such sewer line and pay all system improvement and other fees, therefore, in accordance with City ordinances and regulations, as they may be amended from time to time.

D. Applications for connection to the City electric, water or sewer system shall be accompanied by properly executed documents granting the City all easements reasonably necessary for electric, water or sewer lines and facilities.

E. Applications for all connections must be reviewed and approved by the City Manager. If any City main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the City. The application shall be denied if capacity is not available for utility related reasons.

F. The City Council may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances which require such action in their opinion.

G. Separate buildings shall require separate taps to a City water main and a City sewer main, or in the case of service provided through a water or sewer company, district or privately

owned main, separate taps to the company, district or privately owned main. Provided, however, a garage, regularly used to house vehicles accessory only to a residence within the City, may have plumbing and plumbing fixtures served off of the residence's taps, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a City, company, district or privately owned main, regardless of building ownership. Separate dwelling units in a travel home park or mobile home park shall require separate sewer taps to a City owned sewer lateral or main. The purchaser may purchase more than one tap to serve any building or dwelling unit. New summer irrigation water taps shall not be authorized.

H. No application for the connection of any private line, private electric, water or sewer company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for water service to a mobile home park, travel home park, apartment building or condominium building, through a master water meter. Existing water companies or other private lines served by the City shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.04.040, on the same basis as if the connection was to be directly to a City main.

I. Taps may be used to serve only that property for which the tap was purchased and approved to serve.

J. All existing authorized summer taps shall be used solely for irrigation purposes. Any other use shall terminate the right to use such tap. The City shall turn such taps on and off at the customer's request. (Ord. 23, §1(part), 1984; Ord. 20, §1, 1998; Ord. 29, §1, 1999; Ord. 21, §3, 2002)

13.04.040 Water and sewer system improvement fees and tap fees.

A. General provisions applicable to water and sewer fees:
1. Fees imposed by this Section shall be due when any customer presently served by water or sewer extends his facilities or changes his use, if the expansion or change in use necessitates a larger connection or increases the number of units, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of City material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefore.

2. No connection to the City or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in City codes and specifications. No customer may make any changes or additions to property served which would substantially increase the amount of water used or sewage produced without obtaining an enlarged tap sufficient to accommodate such use.

3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this Chapter for an amount equivalent to the charge which would be imposed by this Chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this Chapter. Provided, however, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the City.

4. Private water or sewer systems shall be charged the charges imposed by this Chapter both for the connection of the private line to the City system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in Subsections B and C below.

5. System improvement fees imposed upon property located outside the City limits shall be twice the charges specified in accordance with this Section. This shall not apply to water tapping fees.

6. If, at the time service is first initiated following connection, the amount of system improvement fees or water tapping charges has been increased by the City from what the applicant paid previously at the time he obtained the permit for connection or actually made the connection, he shall remit such additional amount at the time of initial service. Provided, however, this Subsection is not applicable to taps approved by the City before January 1, 2009.

B. Water connection fees and charges:

1. Charges are as set out in Section 13.04.240 and these charges shall be imposed and collected prior to connection to the water system, prior to the time of any occupancy permit, prior to the use of any such unit or dwelling, or as otherwise required, pursuant to this Section.

2. No water tap larger than 2" shall be approved, except solely for a fire line, unless the City determines that adequate capacity is available to serve the use without adverse

effects, or unless the applicant pays for the cost of installing necessary system capacity.

3. In addition to Water System Improvement Fees, a Water Tapping fee shall be paid as set out in Section 13.04.240 to cover City expenses incurred in tapping the main and installing pipe, meter and curb boxes, except when these facilities are provided by the developer, pursuant to the City Subdivision Regulations. Tapping fees shall be paid at the time the tap is purchased except when said tap has been purchased previously or credited through other means.

C. Sewer System Improvement Fees:

1. Charges are as set out in Section 13.04.250 and shall be imposed and collected prior to any connection to the sewer system, prior to the time of any occupancy permit, prior to the use of any such unit or dwelling, or as otherwise required, pursuant to this Section.

2. No sewer tap larger than 6 inches shall be approved unless the City determines that adequate capacity is available to serve the proposed use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity. (Ord. 23, §1(part), 1984; Ord. 1, §1, 1998; Ord. 20, §1 & §3, 1998; Ord. 16, §1, 2001; Ord. 34, §1, 2002; Ord. 9, §20, 2004; Ord. 21 §1, 2004; Ord. 8, §4, 2006; Ord. §12, 2008)

13.04.050 Installation and maintenance responsibilities.

A. Water system - The City shall make and maintain all connections to the City water system, shall provide and maintain 3/4-inch meters with related pits and yokes, shall install and maintain water service lines from the City main to the customer's curb box, and shall install and maintain the curb box, except as otherwise provided by contract for existing private companies, or pursuant to City Subdivision Regulations. The owner shall purchase from the City all water meters larger than 3/4-inch, along with a yoke and a pit and related materials, including asphalt replacement, if required, at the time the tap is purchased. The City will install the tap, all meters and service line from the main to the meter. The owner shall install and maintain all other water lines and facilities to serve owner's property. The location of all meters must be approved by the City prior to installation. No occupancy permit shall be issued by the City for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The City will own and

maintain all water meters after proper installation. All meters shall be obtained through the City.

B. Sewer system - The customer shall be responsible for the connection, installation and maintenance of all sewer lines and facilities, including the entire length of sewer lateral between the City owned main and the customer's premises and for plumbing facilities serving his property.

C. Electric system

1. The City shall install, own and maintain all lines, facilities, and service connections up to the customer's service point, unless otherwise specified by written agreement. The service point for an overhead electric service is the point where the service conductor connects to the structure. The connection point shall be decided by the City. The service point for an underground electrical service shall be at the meter box line side connectors. All costs the City incurs in extending service to the customer's building or facility shall be paid to the City by the customer, except that the City shall bear the first \$300 of costs to extend service to permanent individually owned residential dwelling units. The City's estimated costs of extending service shall be paid by the customer in advance, unless otherwise provided by contract. The City shall own and maintain the electric meter itself regardless of its location in relation to the service point and shall have a right of access to said meter.

2. Subdividers shall, at their cost, establish the permanent "rough grade" prior to installation of underground facilities.

3. The City shall convert overhead facilities to underground facilities where practical at the customer's request and expense.

4. All customers with motors 20 HP or greater shall install compensating starters and obtain a permit therefore prior to operation, unless other adequate protection is demonstrated to the City's satisfaction.

D. If any portion of the water, electric, or sewer lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the City, the City may either terminate water or electrical service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this Chapter.

E. Separate Non-Residential Irrigation Meters. The City will install, own and maintain all meters and related back-flow prevention devices requested by a customer to utilize the landscape irrigation rate of subsection 13.04.110(F). The customer shall reimburse the City for the cost of such installation and shall be responsible for the installation and ownership of all landscape irrigation facilities downstream of the back-flow prevention devices. (Ord. 23, §1(part), 1984; Ord. 11, §2, 1994; Ord. 1, §2, 1998; Ord. 16, §1, 2001; Ord. 9, §2 & 3, 2016;)

13.04.060 Electric, water and sewer use charges--General provisions.

A. Charges for water, sewer and electric service shall be payable, assessed and billed at periodic intervals specified by the City Council.

B. Monthly water, electric and sewer charges shall commence when service is first utilized.

C. Sewer and electric charges may be billed with the water bills or otherwise, as determined by the City Council.

D. All bills shall specify a due date. Bills not paid by the due date shall be subject to a late payment penalty as set out in Section 13.04.270.

E. Minimum charges for minimum periods of less than one month shall be prorated.

F. All charges and fees imposed by this Chapter shall become a lien on the property served as of the date they are billed or due. (Ord. 23, §1(part), 1984; (Ord. 5, §1, 2001)

13.04.070 Remedies for nonpayment. In addition to any other remedies which the City may have, the City may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

A. The City may foreclose the lien imposed by this Chapter in accordance with law.

B. The City may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.

C. The City may certify the amount of any charge due to the County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.

D. It shall be unlawful to fail to pay the charges imposed by this Chapter.

E. The City may shut off water or electricity to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.140 of this Chapter. (Ord. 23, §1(part), 1984)

13.04.080 Specifications and standards. The materials used and installation of all components of the City electric, water and sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the City, and in accordance with all City building, electrical and plumbing regulations and other applicable regulations. Such City standards, specifications and regulations may include but not be limited to the installation, location, and type of material of water and sewer mains, electric lines, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable State and Federal regulations and The National Electric Safety Code. (Ord. 23, §1(part), 1984)

13.04.090 Electric, water and sewer extensions.

A. No water or sewer main, or electrical lines or facilities of the City may be extended without the approval of the City.

B. The City may, at its own expense, extend its water or sewer mains and electric lines as deemed feasible or necessary. The City may provide for such extensions in accordance with its Subdivision Regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the City and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the City Council deems in the public interest.

C. All such mains, lines and facilities connected to the City system shall be conveyed and dedicated to the City, and the

appurtenance easements shall be conveyed to the City, free and clear of all liens and encumbrances. (Ord. 23, §1(part), 1984)

13.04.100 Right of entry.

A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this Chapter, any authorized City representative may enter upon any building or premises served by City electric, water or sewer at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry.

If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court.

B. The right of entry shall apply but not be limited to the following functions: To determine the location and conditions of all hydrants, pipes, fixtures, electrical facilities and meters, to read meters, to make repairs, to perform dye and smoke tests, and to investigate violations of this Chapter. (Ord. 23, §1(part), 1984)

13.04.110 Monthly water rates.

A. Single family homes, parsonages, duplexes, apartments, condominiums, rooming houses, mobile home parks and other multiple unit dwelling facilities providing permanent residences shall be subject to the monthly rates as set out in Section 13.04.240 for each meter serving the customer. Provided, however, use through an authorized summer irrigation tap shall be combined with use through the household meter for purposes of the application of rates as set out in Section 13.04.240.

B. Existing authorized summer irrigation taps shall pay charges as set out in Section 13.04.240 for each month the tap is in use.

C. Existing customers for which the City has determined that the installation of a meter is physically unfeasible shall pay the $\frac{3}{4}$ " or smaller fee per commercial unit per month as set out in Section 13.04.240.

D. The rates for water sold at the City dispenser shall be as set out in Section 13.04.240.

E. All other customers, including churches and apartments who so elect, shall be charged, unless otherwise provided by an existing contract, as set out in Section 13.04.240.

F. Customers with a water account subject to the rates in subsection (E) who have installed a separate 2 inch or smaller meter to supply water exclusively for irrigation of lawn, trees, shrubs and other decorative landscaping plantings shall be charged an irrigation water rate for each such meter, 2 inches in size or less, as set out in Section 13.04.240.

G. Water used by the City shall be charged to the appropriate City fund at the rate as set out in Section 13.04.240.

H. Water used by construction meter shall be charged as set out in Section 13.04.240. (Ord. 23, §1(part), 1984; Ord. 13, §1, 1988; Ord. 11, §2, 1990; Ord. 13, 1990; Ord. 12, §2, 1992; Ord. 11, §1, 1994; Ord. 27, §1, 1994; Ord. 37, §2, 1995; Ord. 37, §1, 1996; Ord. 1, §3, 1998; Ord. 20, §1, 1998; Ord. 29, §1 & 4; 1999; Ord. 34, §2, 2002; Ord. 8, §2, 2006; Ord. §12, 2008)

13.04.120 Monthly electric rates.

A. Monthly charges for residential customers (including single family homes, parsonages, duplexes, apartments, condominiums, apartment houses, rooming houses, mobile homes, and other multiple unit dwelling facilities providing permanent residences) shall be charged as set out in Section 13.04.260 for each meter serving the customer.

B. Security lights and yard lights shall be charged as set out in Section 13.04.260 per light per month. Street lighting, electricity for traffic lights, and other electricity used by the City shall be charged as set out in Section 13.04.260. KWH for nonmetered street lights shall be determined as follows:

100 Watt High Per Sodium Light - 40 KWH per month.
250 Watt High Per Sodium Light - 115 KWH per month.
Small LED Street Light - 15 KWH per month.
Large LED Street light - 24 KWH per month.

C. All other customers, other than those provided for in Subsections A and B above, shall be charged for electric service as set out in Section 13.04.260. Single phase and Three phase are defined as less than 50 KVA of installed transformer

capacity. Customers with 50 KVA or more of installed transformer capacity shall pay rates indicated as Industrial in Section 13.04.260. Provided, however, those Industrial customers whose meter is on the line side of the transformer shall receive a 2% discount on the energy charge.

D. Wholesale (City) customers shall be charged at the rates as set out in Section 13.04.260. (Ord. 23, §1(part), 1984; Ord. 4, §1, 1990; Ord. 14, 1991; Ord. 37, §2, 1996; Ord. 23, §1, 2002; Ord. 8, §3, 2006; Ord. §12, 2008. Ord. 5, §1, 2011 Ord. 9, §4, 2016)

13.04.130 Monthly sewer rates.

A. Charges for sewer service shall be as set out in Section 13.04.250.

B. A monthly surcharge for any users other than the residential class discharging waste water with biological oxygen demand or concentrations of suspended solids other than those of the average residential user* shall be computed in accordance with the formula as set out in Section 13.04.250 and added to the charge provided for in Subsection A.

C. 1. If any user is discharging toxic or other pollutants in concentrations higher than that of a residential user which causes increased treatment or system costs, an additional surcharge may be imposed based upon the excess concentrations.

2. Industrial users who exceed limits in their Discharge Authorization Order may be subject to additional surcharges.

3. Any restaurant which does not have a grease trap and any service station or car wash without a sandtrap shall be subject to an additional surcharge equal to 50% of the BOD surcharge computed pursuant to Subsection B above.

D. Each user shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the use charges which are attributable to wastewater treatment services.

E. Each customer's BOD and SS will be assigned pursuant to City regulations by the City Manager based upon available data from the Colorado Department of Health Individual Sewage Disposal System Guidelines or the best available engineering data, except when data based upon actual composite sampling, done in accordance with minimum State Health Department sampling

procedure guidelines, is available, in which event such data shall be utilized.

F. Customers served by water utilities other than the City shall provide their actual water consumption data to the City. Failure to provide such data shall be reason to terminate City sewer service.

G. Water delivered through an authorized landscape irrigation meter shall not be utilized in determining charges due under this section. (Ord. 2, §1(part), 1985; Ord. 4, §1, 1985; Ord. 11, §3, 1990; Ord. 12, §3, 1992; Ord. 43, §1, 1993; Ord. 11, §3, 1994; Ord. 4, §1, 1995; Ord. 37, §3, 1995; Ord. 37, §4, 1995; Ord. 1, §4, 1998; Ord. 29, §2, 1999; Ord. §12, 2008)

13.04.140 Non-Payment, termination, and resumption of electric, water and sewer service.

A. In case any person fails or refuses to pay any charges or penalties for City water, electric or sewer service or shall fail to comply with the provisions of this Chapter or other regulations applicable to the City electric, water or sewer service, the City may shut off the electricity or water to the premises.

B. Prior to shutting off the electricity or water, the City shall send a notice to the address of the customer concerned, as shown on City records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off in the United States mail. Additionally, the City shall send or deliver a pre-disconnect notice 24 hours prior to the date of service disconnection and shall charge a pre-disconnect fee as set out in Section 13.04.270.

C. The customer shall be entitled to a hearing with a City representative for the purpose of resolving any dispute concerning the amount due or the violation specified. The notice of shut off shall so advise the customer.

D. If the customer requests a hearing, an informal hearing shall be scheduled as soon as possible by the City.

E. If the City representative, following the hearing, determines the matter adverse to the customer, service may be

shut off immediately or on the date specified in the notice of shut off, whichever is later.

F. The customer may appeal any such decision to the City Council where he will be allowed a hearing, providing he makes a deposit with the City in the amount of any charges due.

G. If the City shuts off electric or water service pursuant to this Chapter, service will not be restored until all overdue charges, penalties, other applicable charges which have been billed, and a non-payment penalty charge as set out in Section 13.04.270 have been paid to the City. These charges shall be paid even if service has not been shut off.

H. Customers whose premises will be vacant may request water, sewer and electric service to be shut off. Monthly charges shall not be due during months in which service is shut off during the entire month.

I. Customers may request that utilities be shut off for convenience at any time. Any person desiring their service temporarily shut off or turned on shall pay the City a disconnect or shut-off fee of fifteen dollars (\$15.00) or a reconnect or turn-on fee of fifteen dollars (\$15.00) for such service. Consumptive charges shall not accrue during the period when the service is disconnected or shut-off. (Ord. 23, §1(part), 1984; Ord. 9, §5 & 6)

13.04.150 Restriction of water use.

A. The City Council may by resolution limit the use of City water to specific times, days and uses.

B. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.

C. It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.

D. It shall be unlawful to cause or allow any pollutant to be introduced in the City water system or to cross connect it with any irrigation water system. (Ord. 23, §1(part), 1984)

13.04.160 Use of fire hydrants.

A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be

made to the City for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.

B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the City for use on fire hydrants. In addition to any other remedy available to the City, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this Chapter shall be subject to removal and confiscation by the City. (Ord. 12, §1(part), 1984)

13.04.170 Tampering with and unauthorized use of utilities and service. It shall be unlawful to tamper with, damage or destroy any City water, sewer or electric lines, mains, meters or facilities, or to utilize any City utility service without lawful authority, or to operate any City utility facilities without lawful authority. Violation of this Section shall be a Municipal violation subject to a fine of not less than \$250 in addition to such other fines or penalties as may be determined by the Delta Municipal Court. (Ord. 23, §1(part), 1984; Ord. 9, §7, 2016)

13.04.180 Groundwater. All groundwater from the Dawson, Denver, Arapahoe, Laramie-Fox Hills, and Dakota aquifers, and other nontributary groundwater underlying land included within the corporate limits of the City of Delta as of January 1, 1985, is hereby incorporated in the actual municipal service plan of the City, pursuant to and in accordance with the provisions and exceptions of C.R.S. 37-90-137. (Ord. 11, 1985)

13.04.190 Special provisions for Garnet Mesa Sewer Project

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter with respect to connections to the sewer mains constructed as part of the 1995/1996 Garnet Mesa Sewer Extension Project (Project).

B. "5th & B" and "Quakie" segments.

1. Taps purchased utilizing the "5th and B" and "Quakie" segments prior to construction of them shall be charged the inside City rate for System Improvement Fees (SIF). If the Project does not receive the full package of grants and loans, each such tap shall be billed for an additional amount to bring the total up to the outside City rate for System Improvement Fees, unless the owner of the tap has not connected to the

system and decides to surrender the tap, in which event the owner shall receive a refund of amounts paid except for \$500 which the City shall retain.

2. Taps purchased subsequent to construction shall be subject to standard outside City rates for SIF's.

C. "Pioneer Road" segment.

1. Taps purchased prior to construction for the Pioneer Road segment may be purchased at the inside City rate for System Improvement Fees.

2. If the full package of state and federal loan and grant funds is not obtained for the Project, persons purchasing a tap pursuant to paragraph 1 above shall have the option of voiding the tap and receiving a refund of everything but \$500, or paying an additional surcharge equal to the applicable outside City System Improvement Fees to retain the tap. Taps which are voided pursuant to this paragraph shall result in the property in question being required to pay standard City System Improvement Fees as applicable in the future, plus an additional 50% surcharge for taps repurchased thereafter.

3. Property for which no tap is purchased pursuant to paragraph 1 which utilizes the Pioneer Road segment shall be subject to standard System Improvement Fees and other charges at any time in the future for connection if the Project is constructed with the full package of state and federal grant and loan financing, plus a 50% surcharge if the Project does not receive the full package of state and federal loan and grant financing.

D. General project provisions.

1. Taps purchased for Project mains prior to July 15, 1995, not covered by (B) or (C) above may be purchased at the inside City rate for System Improvement Fees. Taps purchased thereafter, but before construction of the main is completed at the tap's connection point, may be purchased for 1.5 times the inside City rate for System Improvement Fees.

2. Taps purchased thereafter shall be at standard outside City rates for SIF's.

E. Taps purchased which will utilize mains constructed by the Project, including segments referenced in (B), (C) and (D) above, which are not activated and subject to standard monthly charges shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge commencing after completion of construction. If such property has an existing septic system, it will not be required to connect to the sewer system until an individual sewage disposal

system installation or repair permit is necessary to replace or repair the septic system.

F. For taps purchased pursuant to paragraphs (B)(1), (C)(1) and (D)(1) above, the City will make the tap and extend the service line to the edge of the street where applicable. (Ord. 23 §1, 1995; Ord. §12, 2008)

13.04.200 Construction surcharge.

A. Connections to the water system constructed pursuant to the Alsdorf Water Main Extension Project shall be subject to a surcharge of \$1,250 prorated for each 3/4" connection or equivalent, until further action by City Council.

B. Connections to the water system constructed pursuant to the 2005 5th Street Water Main Extension Project shall be subject to a surcharge of \$550 prorated for each ¾" connection or equivalent, until further action by City Council. Such surcharge shall be payable on the sooner of payment of a tapping fee for any tap, payment of the system investment charge for any tap, or sale of any lot in a subdivision planned to be served by such main, including Fox Hollow Subdivision Filing No. 1. (Ord. 20, §2, 1998; Ord. 20, §1, 2004)

13.04.210 Outside City services. The City may require as a condition of continuing to provide service outside the City from its water, sewer, or electric system, a contemporaneous agreement executed by the owner of the property served, agreeing to annex and appointing the Delta City Clerk irrevocably as the owner's attorney-in-fact for the purposes of executing petitions to annex. (Ord. 20, §2, 1998)

13.04.220 Additional water company requirements. Each water company served by the City shall furnish monthly to the City of Delta a list of its current customers by name and address. They'll notify the City immediately upon any changes in the customers served or new taps. No new taps shall be authorized by any company until approved by the City with payment of applicable fees and charges. (Ord. 20, §2, 1998)

13.04.230 Special provisions for the North Delta Sewer Project.

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter, with respect to connections to the sewer mains constructed as part of the 2000 North Delta Sewer Extension Project (Project). The System Improvement Fees for taps purchased on the Project by June 23,

2000, shall be at the inside City rate and may be paid in installments due on or before June 23, 2000 and December 20, 2000. Taps purchased after June 23, 2000, but before construction of the main is completed at the tap's connection point, may be purchased for 1.5 times the inside City rate for System Improvement Fees. Outside city taps purchased thereafter shall be subject to standard outside City rates for System Improvement Fees as in effect from time to time.

B. Taps purchased which will utilize mains constructed by the Project which are not activated shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge. If such property has an existing septic system which is operating properly, it will not be required to connect to the sewer system until an individual sewage disposal system installation or repair permit is necessary to repair or replace the septic system.

C. Taps purchased to be served by the Project's mains which are purchased before construction of the main is completed at the tap's connection point will be provided the physical tap and extension of the service line to the edge of the street, where applicable, and any necessary pump to serve an existing structure, if service is initiated within one year of completion of the project, at the cost of the Project. All such pumps and appurtenances will be installed, owned and maintained at the cost of the customer thereafter.

D. The City will deny future taps to property owners for significant new facility construction to be located in designated flood hazard areas unless there were no practical alternative. A "designated flood hazard area" would be a floodway or floodplain, so determined by FEMA or another responsible agency of Federal, State or local government involving a 500-year frequency flood hazard in the case of a Critical Action or involving a 100-year frequency flood hazard in all other instances. A "Critical Action" constitutes any action which would create or extend the useful life of the following facilities: 1) facilities which produce, use or store highly volatile, flammable, explosive, toxic, or water reactive materials; 2) schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; 3) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and 4) multi-family housing facilities designed primarily (over 50 percent) for

individuals with disabilities. This special mitigation measure will only pertain to newly issued taps within the impact area of the project to be financed by the RUS, and will not involve any other areas within the City of Delta's overall service area. This "impact area of the project" has been determined to be that portion of the North Delta area served by RUS-funded sewer mains, lying generally north of the Gunnison River, east of 1400 Lane extended, west of 1675 Road, and south of the North Delta Canal. (Ord. 23, §1, 2000)

13.04.240 Water Fees/Rates Table.

Water	Service Size/Type	Basic System Improvement Fee*	Basic System Imp. Fee - Unit Charge	Tapping Fee	Monthly Base Charge	Monthly Included Consumption (Gal)	Consumption Charge	
	3/4" or smaller	\$3,000.00	Multiple unit residences/facilities shall be charged \$1,500 per unit for each unit after the first unit which is served by City water out of a single tap. Hotels, motels and travel home parks shall be charged \$600 per unit for each unit after the first unit which is served by City water out of a single tap.	\$1,400.00	\$26.00	4,000	\$2.65/1000 gallons	
	1"	\$5,800.00		\$1,500.00	\$42.00	10,000	\$2.45/1000 gallons	
	1-1/4"	N/A		N/A	\$58.00	15,000	\$2.45/1000 gallons	
	1-1/2"	\$12,200.00		\$1,700.00	\$85.00	25,000	\$2.45/1000 gallons	
	2"	\$21,400.00		\$1,900.00	\$135.00	40,000	\$2.45/1000 gallons	
	3"	\$48,700.00		\$2,100.00	\$265.00	80,000	\$2.45/1000 gallons	
	4"	\$86,100.00		\$2,500.00	\$380.00	100,000	\$2.45/1000 gallons	
	6"	N/A		N/A	\$700.00	150,000	\$2.45/1000 gallons	
	Irrigation service					\$16.00	N/A	\$2.65/1000 gallons
	City buildings service					N/A	N/A	\$1.70/1000 gallons
	Construction meter**				\$20.00	N/A	\$2.65/1000 gallons	
	Outside City limit 3/4"				\$31.00	4,000	\$3.25/1000 gallons	
	City water dispenser						\$4.00/1000 gallons	

* Outside City limit BSIF's shall be double
 ** Set up fee of \$50.00

13.04.250 Sewer Fees/Rates Table.

Sewer	Service Size/Type	Basic System Improvement Fee*	Basic System Imp. Fee - Unit Charge	Monthly Base Charge	Consumption Charge
	3/4" or smaller	\$5,450.00	Multiple unit residences/facilities shall be charged \$2,600 per unit for each unit after the first unit which is served by City water out of a single tap. Hotels, motels and travel home parks shall be charged \$1,100 per unit for each unit after the first unit which is served by City water out of a single tap.	Permenant residential customers, including single family homes, parsonages, duplexes, apartments, condominiums, moble home parks, trailer courts, and other individually owned units of multiple dwelling facilities and nonmetered commerical units.	N/A
	1"	\$9,850.00			
	1-1/2"	\$21,700.00			
	2"	\$38,650.00			
	3"	\$86,700.00			
	4"	\$154,000.00			
	6"	\$346,700.00			
	8"	\$617,400.00			
	* Outside City limit BSIF's shall be double				
			All other users (commercial, etc.)	\$25.00	\$1.65/1,000 gallons Over 6000 gallons
			BOD Surcharge**	((Volume)x(BOD-1.669)x(\$0.44))+((Volume)x(SS-BOD-2.087)x(K))	
				K=0 if SS is less than or equal to (BOD+2.087)	
				K=\$0.44 if SS is greater than (BOD+2.087)	
				** BOD surcharge shall be added if discharge has greater than average residential BOD*** or SS****	
				***Avg. res. BOD = 1.669 pounds/1,000 gal.	
				****Avg. res. SS = 2.087 pounds/1000 gal.	

13.04.260 Electric Fees/Rates Table.

Service Size/Type	Monthly Base Charge	Consumption Charge	Monthly Demand Charge
Residential	\$20.00	\$0.1000/KWH	N/A
Security/Yard Lights	\$11.00	N/A	N/A
LED Security / Yard Lights	\$6.00	N/A	N/A
Street Lights	N/A	\$0.0900/KWH	N/A
Single Phase Commercial	\$25.00	\$0.0989/KWH	N/A
Three Phase Commercial	\$41.00	\$0.0989/KWH	N/A
Industrial	\$140.00	\$0.0700/KWH	\$9.00 X cust. monthly kW demand
City buildings service	N/A	\$0.0900/KWH	N/A
Net metering avoided rate credit	N/A	\$0.0460/KWH	N/A
Net metering dist. network charge	N/A	\$2.79 x month/y peak A/C production rate of renewable generation	

(Ord. 5, §2, 2014. Ord. 9, §8, 2016)

13.04.270 Late Payment Penalty and Non-Payment/Resumption of Service Fees Table.

Late Payment Penalty and Non-Payment/Resumption of Service Fees	
Late Payment	\$25.00
Pre-disconnect notice	\$10.00
Non-Payment penalty*	\$40.00
*After hours shall be double	

(Ord. 9, §9, 2016)

Chapter 13.08

PRETREATMENT PROGRAM, INDUSTRIAL USER, AND SEWAGE SYSTEM SUPPLEMENTAL REGULATIONS

Sections:

- 13.08.010 Approval of industrial discharges.
- 13.08.020 Prohibited discharges.
- 13.08.030 Compliance schedules.
- 13.08.040 Self-monitoring and reports.
- 13.08.050 Right of entry and inspection.
- 13.08.060 Administrative enforcement action.
- 13.08.070 Enforcement and penalties.
- 13.08.080 Definitions.
- 13.08.090 Administration.
- 13.08.100 Specific reporting requirements.
- 13.08.110 Required test procedures.
- 13.08.120 Publication of list of significant violators.
- 13.08.130 Slug discharge control.

13.08.010 Approval of industrial discharges.

A. No industrial user shall discharge any new or increased contributions of pollutants or pollutants changed in nature where such contributions do not meet the applicable requirements of this Chapter or where such contributions would cause the City to violate its Discharge Permit.

B. No industrial user shall be allowed to initially connect to the City sewage system, or to discharge to the City sewage system any new pollutants, any materially increased contributions of pollutants, or any pollutants materially changed in nature, unless such changed or new discharge is approved by a Discharge Authorization Order issued by the City.

C. Applications for discharge authorization shall be submitted on forms provided by the City which may require all information necessary and convenient to characterize and evaluate the industrial user, its industrial processes, and the quantity or quality of its proposed discharge, and to administer and enforce the provisions of this Chapter.

D. The City shall review all such applications and shall approve any application only on the condition that it can and does comply with all the requirements of this Chapter. Upon approval, a Discharge Authorization Order shall be issued

to the industrial user, setting out maximum effluent limits applicable to their discharge, other conditions, and any applicable sampling, testing, monitoring and reporting requirements. Said order shall state the duration of the order, prohibit transfers, include notification and record keeping requirements, include applicable penalties, and include any compliance schedule.

E. All existing industrial users classified as either "Class I--Significant Industrial Users" or "Class II--Minor Industrial Users" shall be issued a Discharge Authorization Order after the effective date of this Chapter. Other industrial users shall be issued Discharge Authorization Orders when changes in discharge occur pursuant to Section C above, or when reclassified as a Class I or Class II Industrial User.

F. The City may periodically require any industrial user to complete and submit reports or surveys on forms provided by the City. Such forms and surveys may require any information necessary or convenient for the administration and enforcement of this Chapter.

G. The Industrial User may have a meeting with the City Manager concerning any provision in a discharge authorization order by submitting a written request to the City within five (5) days of receipt of the order. (Ord. 23, §1(part), 1984; Ord. 2 §10 & §11, 1992)

13.08.020 Prohibited discharges.

A. General Prohibitions: It shall be unlawful to introduce into the City sewage system any pollutants which "pass through" the system or "interfere" with the operation or performance of the system.

B. Specific Prohibitions: In addition, the following pollutants shall not be introduced into the City sewage system:

1. Pollutants which create a fire or explosion hazard in the sewage system, including but not limited to wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;

2. Pollutants which will cause corrosive structural damage to the City's sewage system or with pH lower than 5.0;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewage system, or other interference with the operation of the sewage system;

4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause "interference" with the system;

5. Heat in amounts which will inhibit biological activity in the system resulting in "interference." In no case shall heat be introduced in such quantities that the temperature at the Sewage Treatment Plant exceeds 104EF.

C. Additional Specific Prohibitions: It shall be unlawful to do any of the following:

1. To permit or cause the discharge into the City sewage system of any water or other liquids containing toxic, poisonous or other solids, liquids or gases which, in sufficient quantities, either singly or in interaction with other waste, could contaminate the sludge produced by the treatment plant; interfere with or injure any sewage treatment process; constitute a hazard to humans or animals; create a public nuisance; or create any hazard in or have an adverse affect on the quality of any waters discharged from the City sewage treatment works.

2. To connect any device to the City sanitary sewer system other than sanitary plumbing facilities, including but not limited to any down spout, foundations drain, area way drain, storm sewer, or other source of surface runoff or ground water.

3. To operate a wash rack with drains connected to the City sewer system unless a trap which effectively prevents the entry of sand, mud and gravel has been installed in accordance with specifications approved by the City.

4. To make any discharge into the City sewer system from a hotel, restaurant, club, commercial or institutional kitchen, unless a trap for grease and oil, approved by the City, has been installed.

5. To discharge or permit to be discharged into the City sewer system any of the following:

a) Any liquid or vapor, other than domestic hot water, having a temperature higher than one hundred eighty (180) degrees.

b) Any gasoline, benzene, naphtha, fuel oil, mineral oil, other volatile, flammable or explosive liquids, solids or gas.

c) Any solid or viscous substances in quantities or of a size capable of causing obstruction to flow

in sewers or interference with the proper operation of sewage treatment facilities, including but not limited to ashes, cinders, sand, gravel, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, hair, flushings, entrails, paper, dishes, cups or containers.

d) Garbage that has not been properly shredded or ground by a garbage disposal or grinder.

e) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

f) Wastewater from industrial plants containing floatable oil, fat or grease.

g) A slug of wastewater of such size or concentration that the treatment process is not capable of meeting discharge requirements.

h) Any substance which the Sewage Treatment Plant cannot treat sufficiently to meet plant effluent standards, which causes the release of obnoxious gases, or is harmful to the sewer system and parts.

i) Any trucked or hauled pollutants, except wastes obtained from residential septic or holding tanks delivered to discharge points designated by the City.

j) Pollutants which result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems.

6. To discharge or deposit or cause or allow to be discharged or deposited into the City wastewater system any effluent which fails to comply with the following:

<u>Constituent</u>	<u>Limit (mg/L)</u>
Benzene	0.05
BTEX*	0.75

*Aggregate parameter of benzene, ethyl benzene, toluene and xylene

D. 1. It shall be unlawful to discharge any pollutants to the City sewer system in violation of the National Pretreatment Categorical Standards as promulgated or amended and in effect from time to time including any standards or amendments thereto promulgated in the future.

2. The City shall advise all potentially affected industries when applicable Categorical Standards are promulgated. Compliance with such standards shall be implemented within the applicable time as stated in the Categorical Standards, applicable Federal Regulations, or pursuant to a compliance schedule issued pursuant to this

Chapter. In no case may the deadline for compliance with a National Categorical Pretreatment Standard be extended beyond the time stated in the standard.

E. Dilution Prohibited: Except where expressly authorized to do so by an applicable Categorical Pretreatment Standard, no industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete subterfuge for adequate treatment to achieve compliance with the Categorical Pretreatment Standards.

F. The following local limitations are established to prevent pass-through and interference, to protect the receiving water quality and to protect sludge quality. These maximum daily industrial loadings shall be allocated through discharge authorization orders so that the total loading to all industrial users subject to discharge authorization orders shall not exceed the limits shown below:

<u>Constituent</u>	<u>*Daily Maximum Allowable Industrial Load (lbs/day)</u>
Cadmium	0.026
Chromium (Total)	2.19
Copper	2.91
Lead	0.48
Mercury	0.036
Molybdenum	0.04
Nickel	0.35

<u>Constituent</u>	<u>*Daily Maximum Allowable Industrial Load (lbs/day)</u>
Selenium	0.05
Silver	8.03
Zinc	5.19

(Ord. 23, §1(part), 1984; Ord. 2, §2, 1992; Ord. 20, §1 & §2, 1996; Ord. 1, §1, 2000)

13.08.030 Compliance schedules. As a condition of any Discharge Authorization Order, Administrative Enforcement Order, order implementing compliance with Categorical Pretreatment Standards, or other order, the City may impose a compliance schedule setting forth reasonable time limits to insure that progress is being made in discrete steps toward the installation of required pretreatment technology and

facilities, or to meet the other requirements of this Chapter.
(Ord. 23, §1(part), 1984)

13.08.040 Self-monitoring and reports.

A. All industrial users subject to Categorical Pretreatment Standards shall sample and monitor their effluent and provide all reports as required by the applicable Standard and 40 CFR 402.12. The required monitoring and sampling frequency shall be set out in the user's Discharge Authorization Order.

B. All users shall notify the City immediately upon the discharge of any slug load or accidental discharge which may contribute to "interference" with the City's sewage system.

C. All "Class I--Significant Industrial Users" shall install, use and maintain a control man-hole and monitoring equipment approved by the City Engineer adequate to facilitate self-monitoring by the industrial user and compliance monitoring by the City. Such man-hole and any monitoring or measuring device shall be accessible and safely located and shall allow the City to readily and safely measure the volume and obtain samples of the flow at any time. In addition, all Class I Industrial Users shall install a suitable device for continuously recording the flow discharged to the City system. Such facilities shall be installed and maintained at the user's expense.

D. All Class I Industrial Users shall take samples, perform and submit reports of a nature and at such frequencies as may be specified by the City in their Industrial Discharge Authorization Order.

E. Any "Class II-Minor Industrial User" may be required by order to install such a control man-hole and monitoring equipment, and to take samples and make reports similar to those required for Class I Industrial Users when it is determined necessary or appropriate for the proper administration and enforcement of this Chapter by the City.

F. It shall be unlawful to falsify any report, tamper with monitoring equipment and methods or fail to make required reports.

G. All results of sampling, testing and related reports should be kept on file and available for inspection for a minimum of three years by the Industrial User. This period of retention shall be extended during the course of any unresolved litigation involving the discharge of pollutants by the Industrial User or during the course of any administrative proceeding before the City upon direction of the City or E.P.A.

H. All data and records obtained by the City in the administration and enforcement of this Chapter shall be a public record, except information or data subject to the confidentiality requirements of 40 C.F.R. 403.14. Provided, however, the U. S. Environmental Protection Agency shall have access to all data obtained by the City and all effluent data shall be available to the public on an unrestricted basis. (Ord. 23, §1(part), 1984; Ord. 2 §4 & §9, 1992)

13.08.050 Right of entry and inspection. The City shall have the authority to enter upon the premises and property of any sewage system customer for the purpose of inspection, administration, or enforcement of the provisions of this Chapter and for sampling and monitoring discharges to the City sewage system. The City shall also have the right to inspect and copy all test results, sample results, and records required to be kept by this Chapter and other business records of the user related to sewage generation at all reasonable times. In the event that entry or inspection is denied, the City shall have recourse to all remedies allowed by law, including obtaining an Inspection Warrant from the Municipal Court or terminating sewer service. (Ord. 23, §1(part), 1984)

13.08.060 Administrative enforcement action.

A. In the event the City determines that any user is introducing wastes into the City sewage system in violation of the requirements of this Chapter, the City may issue an Enforcement Order which may require any of the following:

1. Pretreatment to an acceptable condition;
2. Control over the quantities and rates of discharge;
3. Additional payment to cover the added costs of handling and treating the waste;
4. Rejection of the specific wastes or pollutants.

B. The City may, on account of any violation of any provision of this Chapter, terminate sewer service to any user in accordance with the procedures of this Subsection.

1. In the event that any actual or threatened discharge to the City system presents an imminent or substantial endangerment to the health and welfare of persons or environment, the City may summarily terminate all sewage service. If necessary to effectuate such termination, the City may terminate water service to the user. If the user does not voluntarily comply with such order, the City may sever the sewer connection.

2. In other cases, the City shall deliver notice to the user at his business premises or mail notice to the user at the address listed in the City utility records for such user of termination of sewer service. Such notice shall advise the user of the nature of the violation, the date service will be terminated, and of the user's right to have a hearing before the City Manager before the termination date concerning the question of whether or not he is in violation of any of the provisions of this Chapter. If the user does not request a hearing by the termination date specified, or if following the hearing, the City Manager determines that a violation of this Chapter exists, the City may thereafter terminate sewer service. If necessary to effectuate termination, the City may also terminate water service or sever the sewer connection.

3. If necessary in order to prevent damage to the City sewage system or violations of the City's Discharge Permit, the City may, by order, impose revised effluent limits upon any Class I or Class II Industrial User which may be more stringent than prevailing Federal Standards. The City may impose mass limitations on industrial users which are using dilutions to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate.

C. Any user may request an informal hearing with the City Manager with respect to the terms of any administrative enforcement order by submitting such request in writing to the City within five days of receipt of such order. The City shall thereafter schedule an informal meeting with the City Manager to resolve any questions concerning the order. (Ord. 21, §1(part), 1984; Ord. 2 §7, 1992)

13.08.070 Enforcement and penalties.

A. It shall be unlawful to violate any of the provisions of this Chapter or of any discharge authorization order, administrative enforcement order or other order or regulation issued pursuant of this Chapter. Any person convicted of such a violation may be penalized by a fine of

not more than one thousand dollars (\$1,000) or by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment. Provided, however, no person under the age of eighteen (18) years may be sentenced to any term of imprisonment in excess of ten (10) days, except for contempt of court. Each day a violation continues shall be considered a separate offense.

B. All discharges in violation of the provisions of this Chapter are hereby declared to be a nuisance and may be abated in accordance with law.

C. The City may maintain an action in any court of competent jurisdiction to enjoin any violation of the requirements of this Chapter and to recover from the responsible party the amount of any damages done to the City sewage system on account of any violation of this Chapter or otherwise.

D. The rights and remedies provided herein are in addition to all other rights and remedies as may be provided by law.

E. Any person violating any provision of this Chapter, or of any Discharge Authorization Order, Administrative Enforcement Order, or other order or regulation issued pursuant to this Chapter shall be subject to a civil penalty of \$1,000 per day each day such a violation continues. The City may maintain an action to recover civil penalties in any court of competent jurisdiction. In addition to the penalty, the City may recover reasonable attorney fees, costs and other expenses associated with enforcement activities such as consultant's fees, sampling and monitoring costs, any damages caused to the City, and any fines or penalties incurred by the City as a result of the violations. In determining the amount of a penalty, the Court shall take into account all relevant circumstances including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit to the user by failure to comply, and corrective actions by the user, the user's compliance history, and fines or penalties incurred by the City as a result of the violation, and other factors justice requires. (Ord. 23, §1(part), 1984; Ord. 2 §6, 1992; Ord. 18, §2 & §3, 1997)

13.08.080 Definitions. The following definitions shall apply for the purpose of this Chapter.

A. "Industrial user" shall mean the source of the introduction of pollutants into City sewage system from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Federal Water Pollution Control Act, 33 USC 1251, et. seq. It shall also include any user who discharges wastes from industrial processes.

B. "Class I--Significant Industrial User" means any Industrial User of the City's wastewater disposal system who

1. is subject to Federal categorical pretreatment standards; or
2. discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary non-contact cooling and boiler blowdown wastewaters); or
3. contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
4. has a reasonable potential in the opinion of the City or E.P.A. to adversely affect sewage system operation or for violating any pretreatment standard or requirement.

C. "Class II--Minor Industrial User" is any user that discharges nondomestic pollutants to the public sewer in amounts that, on a routine basis, have insignificant impact on the treatment works, but may nonetheless present the potential to impact the collection or treatment system or to violate the prohibited discharge limitations in the ordinance. This includes those industries that present the potential to cause sewer obstruction, slug loads or chemical spills.

D. 1. "Interference" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a. Inhibits or disrupts the sewer system, its treatment processes or operations, or its sludge processes, use or disposal; and
- b. therefore is a cause of a violation of any requirement of the City's NPDES 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 Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the

SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

2. "Pass Through" means a Discharge which exits the City's sewage treatment plant into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

3. For the purposes of this Subsection (D), an industrial user "significantly contributes" to such a Permit violation or prevention of sludge use or disposal whenever such user:

a) discharges a daily pollutant loading in excess of that allowed by this Chapter, any order issued pursuant hereto, or applicable Federal or State law.

b) discharges wastewater which substantially differs in nature or constituents from the user's average discharge.

c) knows, or has reason to know, that its discharge alone, or in conjunction with discharges from other sources, would result in a violation of the City's Discharge Permit, or prevent sewage sludge use or disposal.

d) knows, or has reason to know, that the City is, for any reason, violating its final effluent limitations in its Discharge Permit and that the user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the City's Discharge Permit violations.

E. "Slug" shall mean any discharge of water, sewage or industrial waste in which the concentration of any given constituents, or which the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average 24 hour concentration or flow during normal operation.

F. "City" shall mean the City of Delta, Colorado, and any authorized council, commission, board, employee or agent thereof.

G. "Categorical Pretreatment Standards" or "Federal Categorical Standards" means those standards set out in 40 C.F.R. Subchapter N as authorized by Section 307(b) and (c) of the Federal Clean Water Act 33 U.S.C. 1251 et seq., as such standards are promulgated or amended from time to time.

H. 1. "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 Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing 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.

2. Construction at 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 (1)(a), (b), or (c) of this Section but otherwise alters, replaces or adds to existing process or production equipment.

3. 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.

I. The term "National Pretreatment Standard," "Pretreatment Standard" or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Federal Water Pollution Control Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

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

K. The term "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by Section 502 (4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502 (4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. (Ord. 23, §1(part), 1984; Ord. 2 §1, 1992; Ord. 20, §4, 1996)

13.08.090 Administration.

A. The City Manager shall be responsible for the administration and enforcement of this Chapter.

B. The City Manager may adopt such additional regulations as may be appropriate for the administration, interpretation and enforcement of this Chapter.

C. The City Manager shall develop local limits and enforce them with respect to any substance deemed appropriate. (Ord. 23, §1(part), 1984; Ord. 2 §13, 1992)

13.08.100 Specific reporting requirements.

A. In addition to any other types of reports required by this Chapter, Industrial Users shall submit the specific reports as required by 40 CFR, Section 403.12 including those referenced in this Section.

B. Within 80 days after the effective date of a categorical pretreatment standard or when otherwise required pursuant to 40 CFR 403.12(b), Industrial Users subject to such categorical pretreatment standards shall submit to the City a baseline monitoring report which contains the information listed in 40 CFR 403.12(b).

C. Compliance schedule progress reports shall be submitted as required by 40 CFR 403.12(c).

D. Reports on compliance with categorical pretreatment standards shall be submitted as required pursuant to 40 CFR 403.12(d).

E. Periodic reports on continued compliance shall be submitted as required pursuant to 40 CFR 403.12(e).

F. All Industrial Users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge.

G. All reports required by this Chapter including baseline monitoring reports, 90-day compliance reports, periodic reports on continued compliance must be signed and certified by a duly authorized representative of the Industrial User, meeting the requirements of 40 CFR 403.12(1) and the certification statement shall meet the requirements of 40 CFR 403.6(a)(2)(ii).

H. All users must notify the City, EPA and Colorado Department of Health of the discharge of any hazardous waste pursuant to 40 CFR 403.12(p). (Ord. 2, §3, 1992)

13.08.110 Required test procedures. Test procedures as required in 40 C.F.R. Part 136 shall be used with respect to all tests required or conducted pursuant to these regulations. (Ord. 2, §5, 1992)

13.08.120 Publication of list of significant violators. The City shall at least once annually publish a list of users in significant noncompliance as that term is defined in 40 C.F.R. 403.8(f)(2)(vii). (Ord. 2, §8, 1992)

13.08.130 Slug discharge control.

A. The City shall "evaluate" at least once every two years whether each Significant Industrial User needs a plan to control slug discharges. For purposes of this Section, a slug

discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

B. The results of such activities shall be available to the EPA and CDH upon request.

C. If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. 403.5(b), with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structure or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (Ord. 2, §12, 1992)