

Appendix E – Pretreatment Program

RULES AND REGULATIONS

Appendix E

Industrial Pretreatment Program

Dominion Water and Sanitation District

Adopted: April 21, 2026

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Chapter 1. General Provisions

Section 1.01 Purpose:

For the health, safety, and welfare of the public, it is necessary to regulate the collection wastewater in the Dominion wholesale collection system and the Sterling Ranch Community Authority Board (CAB) retail gravity sewer system and treatment of wastewater discharged to South Platte Renew (SPR) and the future Chatfield Basin Water Reclamation Facility (CBWRF). This Pretreatment Program incorporated into Dominion’s Rules and Regulations by Resolution¹ (hereinafter “Rules and Regulations”) outlined herein, sets forth uniform requirements for commercial, and industrial users of the wastewater collection system. It shall enable the Publicly Owned Treatment Works (POTW) to comply with its National Pollutant Discharge Elimination System (“NPDES”) permit, issued from the State of Colorado, as well as all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403).

Section 1.02 Objectives:

The objectives of these Rules and Regulations are:

- Prevent the introduction of pollutants into the POTW, which will interfere with its operation, including interference with its use or disposal of municipal sludge.
- Prevent the introduction of pollutants into the POTW which will pass through the treatment works or be incompatible with the POTW.
- Protect utility personnel who may be exposed to wastewater and sludge in the course of their employment and to protect the health, safety, and welfare of the general public.
- Improve the opportunity to recycle and reclaim water and sludges from the POTW.
- To provide for equitable distribution among users of the cost of the POTW and DWSD Pretreatment Program; and
- Enable SPR and/or DWSD to comply with CDPS Permit conditions, federal and state requirements applicable to sludge use and disposal, and any other federal or state laws or regulations to which the POTW is subject.

¹ Resolution of the Board of Directors of Dominion Water and Sanitation District Adopting a First Amendment to the Amended and Restated Rules and Regulations (Pre-Treatment Standards) adopted April 21st, 2026

Section 1.03 Incorporation of Standards by Reference:

Currently wastewater is conveyed through Dominion’s Retail Customers gravity system to Dominion’s Wholesale Collection System, is comingled with Roxborough Water & Sanitation Districts (“RWSD”) waste stream just upstream of the O-line (Manhole 13) and conveyed to the Roxborough Conveyance System for treatment and handling at the South Platte Renew (SPR) facility. DWSD has a combination of leased and permanent capacity in the O-line and Roxborough Conveyance System as defined in the O-line Agreement² and capacity at the SPR Facility as defined in the IGA with the City of Littleton³.

All services furnished by DWSD are subject to the terms and provisions of the said agreements and subject to the terms and provisions of Chapter 5 of Title 7 of the Littleton City Code of 2026 (the “Wastewater Utility Ordinance”), as now or hereafter constituted, [KS3.1]. The provisions of said agreement and said Ordinance are hereby incorporated into these Rules and Regulations by reference, to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance, or use of the DWSD System.

Section 1.04 Authority of the Manager:

Except as otherwise provided, the DWSD General Manager shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted to, or duties imposed upon DWSD General Manager may be delegated by DWSD General Manager to other qualified personnel.

Section 1.05 Definitions:

The following definitions set forth in the Rules and Regulations of DWSD pertain to Appendix E. Unless specifically indicated otherwise, the meaning of the terms herein shall be as follows. Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the following meanings. Words not otherwise defined shall be given their common and ordinary meaning.

- 1) “Act” or “The Act” is the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. 1251, *et seq.*, as amended.
- 2) “Administrative Enforcement” is non-judicial enforcement actions taken by EPA, state or Local Pretreatment authority under its own authority. These actions do not involve a

² Intergovernmental Agreement For Temporary Lease of and Acquisition of Capacity in the Roxborough Wastewater Conveyance System Between Roxborough Water and Sanitation District and Dominion Water and Sanitation District, October 1, 2020, or as amended.

³ Start-Up and Emergency Back-Up Wastewater Treatment Intergovernmental Agreement, August 18, 2015

judicial court process. An Administrative Enforcement Action by EPA, state, Local Pretreatment authority agency may be in the form of:

- a. a notice of violation letter, or
 - b. an order (either with or without penalties) directing an individual, an Industrial user, to take action to come into compliance with local discharge limitations, categorical discharge limitations, and/or Local Pretreatment Rules and Regulations.
- 3) “Administrative Order” is an enforcement document which directs industrial users to undertake or cease specified activities, and may incorporate compliance schedules, administrative penalties, or termination of service orders.
- 4) “Application” means those forms required for DWSD’s review, action, and record-keeping purposes.
- 5) “Authorized Representative” or “Duly Authorized Representative of the Industrial User” is:
- a) If the Industrial User is a corporation:
 - i. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for reporting requirements established by DWSD; if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b) If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c) If the Industrial User is a limited liability company, the managing member(s) of the limited liability company.
 - d) If the Industrial User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or designee of such official.

- e) The individuals described in Subsections (a) through (d) above, may designate another Duly Authorized Representative if the authorization is made in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to DWSD.
- 6) “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices. BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Rules and Regulations and Section 307(d) of the Act, as specified at 40 CFR Section 403.5(c)(4).
- 7) “BMP Inspector” are DWSD personnel whose duties include the inspection of Industrial Users who have BMP requirements to ensure that they are being fulfilled.
- 8) “5-Day Biochemical Oxygen Demand” or “BOD5” is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees (20°) Celsius, expressed in milligrams per liter (mg/L) by weight, using methods approved under 40 CFR Part 136.
- 9) “Board” is DWSD Board of Directors.
- 10) “Categorical Industrial User” is an Industrial User subject to a Categorical Pretreatment Standard. These Users are under the jurisdiction of SPR in the DWSD district.
- 11) “Categorical Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, as amended, which apply to a specific category of industrial users and that appear in 40 CFR chapter I, subchapter N, Parts 405-471.
- 12) “Chemical Oxygen Demand (COD)” is the measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant under laboratory procedures.
- 13) “Color” is the visual appearance of the wastewater
- 14) “Colorado Discharge Permit System Permit” or “CDPS Permit” is a permit issued by the Colorado Department of Public Health and Environment, pursuant to Regulation 61, that establishes special and general conditions for discharging treatment plant effluent into waters of the State by DWSD POTW.

- 15) “Compliance Schedule” is a set of milestones or activities that must be completed during a designated timeframe, which may include multiple steps and reports along the way.
- 16) “Composite sample” is a representative flow-proportioned sample containing at least 12 aliquots and collected within a twenty-four (24) hour period or the industrial user’s operating data as appropriate. The aliquots are combined according to flow. Time-proportional composite samples consisting of at least 12 aliquots may be approved or used by DWSD where time-proportional samples are believed representative of the discharge.
- 17) “Consent Order” is an agreement between the Control Authority and the IU of a negotiated settlement for violations that have occurred.
- 18) “Control Mechanism” is a document used by DWSD to apply these Rules and Regulations to an Industrial User and may include permits, registrations, authorizations to discharge, notice of discharge requirements or other written communications.
- 19) “Connector” shall include both customers of DWSD, including Retail Districts, and Special Connectors
- 20) “Cooling water” includes:
 - a) Contact: Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
 - b) Noncontact: Water used for cooling purposes which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.
- 21) “Daily Maximum Discharge Limit” means the maximum allowable discharge limit of a pollutant that may be discharged during a twenty-four (24) hour period or as specified in the Industrial Wastewater Discharge Permit or other control mechanism. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the sampling period. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken during that sampling period.
- 22) “Direct Discharge” is the discharge of treated or untreated wastewater directly to the waters of the State of Colorado.
- 23) “Dissolved Solids” means that concentration of matter in the wastewater consisting of particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

- 24) “District General Manager” is the person designated by DWSD to manage and direct the overall operations and business of DWSD, subject to the direction and control of the Board.
- 25) “Domestic or Sanitary Wastewater” is water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, and other places, of similar volume or chemical make-up to that of a residential dwelling unit unless otherwise regulated at an Industrial User by an applicable Categorical Pretreatment Standard.
- 26) “DWSD” is a quasi-municipal entity which has users that discharge to DWSD collection system.
- 27) “DWSD Board” shall mean the Board of Directors of DWSD Water & Sanitation District.
- 28) “Environmental Protection Agency” or “EPA” is the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Regional Administrator or other duly authorized official of said Agency.
- 29) “Flow” is the volume of wastewater per unit of time.
- 30) “Fats, Oils and Grease” or “FOG” means non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using the approved method for Hexane Extractable Materials in the analytical procedures established in 40 CFR Part 136.
- 31) “Food grinder” is any device installed in the plumbing or sewage system for grinding food waste or food preparation by-products for the purpose of disposing it in the sewer system.
- 32) “Food Service Establishment” or “FSE” means an Industrial User where preparation, manufacturing, processing of food, or washing/sanitizing of dishes or equipment occurs.
- 33) “General Pretreatment Regulations for Existing and New Sources of Pollutants” are regulations adopted by EPA and published at 40 CFR Part 403. These regulations establish procedures, pretreatment standards and requirements for EPA, states, municipalities, and industrial users to prevent the introduction of pollutants that would adversely impact a POTW, receiving water, the environment or the health and safety of workers and the public.
- 34) “Grab Sample” is a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a period not to exceed fifteen (15) minutes.

- 35) “Gravity Grease Interceptor” or “GGI” is an in-ground tank containing at least one baffle in which solids, greases and oils are separated from wastewater, located outside the FSE’s building, and made accessible by at least two manhole covers. May be referred to as an Oil- Grease Interceptor (OGI).
- 36) “Grease trap” or “Hydromechanical Grease Interceptor” or “HGI” is a small device hooked directly to the outgoing drains of sinks located inside a commercial food preparation facility that allows for the separation of fats, oils, and grease of a non-petroleum nature from wastewater prior to being discharged into the POTW. A HGI is only authorized under a variance.
- 37) “Hazardous waste” is any waste designated as hazardous under the provisions of 40 CFR Part 261 and 6 CCR 1007-3.
- 38) “Holding Tank Sewage” is any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump trucks.
- 39) “Hydromechanical Grease Interceptor” (HGI) is a device designed to separate and retain FOG from wastewater using hydromechanical separation, interior baffling, and air entrainment barriers.
- 40) “Individual (Private) Wastewater Disposal System” is a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the POTW.
- 41) ‘Industrial’ or ‘Non-Domestic Waste’ means a liquid or solid waste from industrial manufacturing processes, trade, or business activities distinct from domestic wastewater.
- 42) “Indirect Discharge” is the discharge or introduction of pollutants into the POTW from any Industrial User as defined in these Rules and Regulations and all other industrial users regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. 1317), including holding tank waste from a non-domestic user discharged into the POTW.
- 43) “Industrial User” is a source of Indirect Discharge, or any other industrial or commercial facility or business that has a sewer connection to the POTW, whether the user discharges non-domestic wastewater. All commercial, government, and industrial facilities are classified as an Industrial User.
- 44) “Industrial Wastewater Discharge Permit” is a type of Control Mechanism issued by DWSD to an Industrial User that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW.
- 45) “Interceptor” means any major trunk line conveying wastewater to the POTW.

- 46) “Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources, that interferes with the complete or individual process of the POTW, Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of DWSD CDPS 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 any of the following statutory or regulatory provisions or permits issued thereunder, or more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- 47) “Instantaneous Discharge Limit” means the maximum or minimum concentration or measurement for a pollutant or pollutant property allowed to be discharged at any time as determined by use of a grab sample or direct measurement.
- 48) “Local Limit” is a discharge limit developed by SPR or DWSD in accordance with 40 CFR Section 403.5(c) and (d), which is a Pretreatment Standard.
- 49) “Maximum Allowable Industrial Loading” is the total mass of a pollutant that all IU’s of a POTW may discharge, as determined by local limits development.
- 50) “Normal Domestic Strength Wastewater” means wastewater, when analyzed in accordance with procedures established in 40 CFR Part 136, as amended, contains no more than three hundred (300) mg/L of 5-Day Biochemical Oxygen Demand (BOD5) or three hundred fifty (350) mg/L of Total Suspended Solids or seven hundred fifty (750) mg/L of Chemical Oxygen Demand (COD). Discharges to the POTW that exceed these concentrations may be surcharged for the concentrations above these levels.
- 51) “North American Industry Classification System” or “NAICS Code” is the industrial classification scheme developed by the United States Office of Management and Budget used to classify business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. Also, see Standard Industrial Classification.
- 52) “O-line” is the interceptor pipeline, owned by Roxborough Water and Sanitation District, consisting of a sixteen-inch (16”) force main traversing approximately 7.3 miles, a transition vault, and a gravity interceptor traversing approximately 5.9 miles (5.1 miles of twenty-four- inches (24”) and 0.8 miles of thirty-six inches (36’’)).
- 53) “Pass- Through” means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or

discharges from other sources, is a cause of a violation of any requirement of an CPDS Permit issued to SPR and/or DWSD, including an increase in the magnitude or duration of a violation.

- 54) “Person” means any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, or their legal representatives, agents, or assigns. The definition includes all federal, state, and local government entities.
- 55) “Periodic Compliance Reports” (PCR) are regular reports required to be submitted by SIU’s at a frequency outlined in their permit to demonstrate their compliance with permit and rules and regulations requirements.
- 56) “pH” is the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).
- 57) “Petroleum, Oil, Grease, and Sand separator” or “POGS separator” is a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept sand (or other aggregate) and petroleum-based oil and grease from a wastewater discharge and are designed considering retention times, volumes in gallons calculated for each facility, and gravity separation; such interceptors include baffle(s) and a minimum of two compartments and as specified in **Error! Reference source not found.**
- 58) “Pollutant” means but is not limited to any dredged spoil, solid waste, incinerator residue, biological material, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- 59) “Pretreatment” is the reduction of the mass of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical process, biological process, or by other process or means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes but not limited to; control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW.
- 60) “Pretreatment Intergovernmental Agreement” is an agreement between DWSD and connector municipalities to ensure that the DWSD Pretreatment Program is fully administered and enforced in all Connector Jurisdictions, including all appropriate legal authorities.

- 61) "Pretreatment Program Enforcement Response Plan" is a document outlining the specific framework for investigating and responding to Industrial User violations of these Rules and Regulations or any control mechanism issued by SPR and/or DWSD. The Pretreatment Program Enforcement Response Plan will be maintained on file at SPR offices and/or DWSD offices once developed.
- 62) "Pretreatment Requirement" is any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.
- 63) "Pretreatment Standard" is any regulation containing pollutant limitations promulgated by the EPA in accordance with Section 307(b) and(c) of the Act and implemented through CDPS permits or as established by DWSD which applies to industrial users. The term includes prohibited discharge limits or standards, BMPs, local limits, and specific prohibitions established by SPR and/or DWSD. In cases of differing Standards, the more stringent shall apply.
- 64) Process Wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- 65) "Publicly Owned Treatment Works" or "POTW" is a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes or other conveyances which convey wastewater to the treatment plant. The term also means the municipality having jurisdiction over indirect discharges to, and the discharges from such a treatment works.
- 66) "Roxborough Conveyance System" is the O-line and the Roxborough Lift Station, among other components, making up Roxborough's wastewater conveyance system.
- 67) "Sanitary Sewer" is a sewer owned by a DWSD which carries sewage and to which storm, surface, and ground waters are not intentionally admitted, including the pipe or conduit system and appurtenances, for the collection, transportation, pumping and treatment of sewage. This definition shall also include the terms "public sewer", "sewer system", "sewer", and "collection line" and is part of the POTW.
- 68) "Sector Control Program" is a set of regulations designed to control specific pollutants from industrial users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices.

- 69) “Septic Tank Waste” is sewage and solids from domestic activities pumped from a septic tank serving one or more private residences, wastes from chemical toilets, campers, trailers, or cesspools.
- 70) “Service Area” is the geographic area in which wastewater is generated and discharged to the POTW. Location within the service area does not create an entitlement to service.
- 71) “Service Application” is a form submitted by a User to obtain a Letter of Availability before any connection of any kind is made to the sanitary sewer. A Service Application must be filed with DWSD in which the User’s premises to be served or located. Additionally, for commercial and industrial facilities, an Industrial User Survey must be filed with DWSD and shall contain such information and data as may be required from DWSD.
- 72) “Service Approval” is official written permission to make a physical connection to the sewer system to discharge wastewater in compliance with District requirements and for industrial users, these Rules and Regulations.
- 73) “Service Line” or “Customer Line” is the wastewater collector line extending from the wastewater disposal facilities of the premises up to and including the connection to the municipal sanitary sewer.
- 74) “Shall”, ‘May’ to be treated as follows: “shall” is mandatory; "may" is permissive.
- 75) “Significant Industrial User” or “SIU” is:
- a) A Categorical Industrial User as defined in 1.4.7 and 1.4.9.
 - b) A Significant Industrial User that:
 - i. Discharge an average of 25,000 gpd or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or
 - ii. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as a SIU by the District General Manger on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
- 76) “Signatory Certification” is the required certification statement from 40 CFR 403.6(a)(2)(ii).
- 77) “Significant Noncompliance” is defined as those violations meeting the definition of 40 CFR 403.8(f)(2)(viii).

- 78) “Sludge” is the accumulated solids separated from liquids, such as water or wastewater, during processing, or deposits on bottoms of streams or other bodies of water, or the precipitate resulting from chemical treatment, coagulation, or sedimentation of water or wastewater.
- 79) “Slug Load” or “Slug Discharge” is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate DWSD Rules and Regulations or Control Mechanism conditions. This includes a discharge which exceeds the hydraulic or design of an Industrial User’s treatment system or any part of the treatment unit.
- 80) “Slug or Spill Discharge Control Plan” is an IU’s written plan to control Slug Loads or Slug Discharges or Spills per the requirements of DWSD and/or SPR.
- 81) “Special Connector” is a Connector that has signed a Special Connector's Agreement with DWSD, including but not limited to any agreement for DWSD to provide extra-territorial service for wastewater collection and/or treatment.
- 82) “Spill” is to cause or allow a substance to run or fall out of a container.
- 83) “Standard Industrial Classification Code” or “SIC Code” is a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972, as amended. Also, see North American Industry Classification System.
- 84) “Standard Specifications” are the current specifications used by DWSD.
- 85) “State” is the State of Colorado.
- 86) “Stormwater” means that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a receiving water or stormwater facility.
- 87) “Technical Review Criteria Violations” or “TRC violations” are violations meeting the definition of 40 CFR 403.8(f)(2)(viii)(B).
- 88) “Total Suspended Solids” or “TSS” means the solids that either float on the surface of or are suspended in water, sewage, or other liquid, and which are removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.
- 89) “Toxic pollutant” is any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307(a) of the Act or as otherwise listed in 40 CFR Part 122, Appendix D.

- 90) “User” is any person who contributes, causes, or permits the contribution of wastewater into the POTW.
- 91) “Wastewater” or “Sewage” means the liquid and water-carried industrial or domestic wastes from residences, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged to the POTW.
- 92) “Wastewater Treatment Plant” is that portion of the POTW or any portion thereof designed to provide treatment of wastewater.
- 93) “Watercourse” means any channel in which a flow of water occurs, either continuously or intermittently.
- 94) “Waters of the State” means any and all surface and subsurface waters which are contained in or flow in or through this State and are designated as such by the State.
- 95) “Waters of the United States” are waters meeting the definition of 30 CFR §328.3 (a).
- 96) “Whole Effluent Toxicity (WET) Test” is measurement of the aggregate toxic effect of wastewater on aquatic organisms, assessing their ability to survive, grow, and reproduce when exposed to effluent samples.

Section 1.06 Abbreviations:

The following abbreviations shall have the designated meanings:

BMP	Best Management Practices
BOD ₅	5-Day Biochemical Oxygen Demand
°C	degrees Celsius
CDPHE	Colorado Department of Public Health and Environment
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
DEA	Drug Enforcement Administration
DFU’s	Drainage Fixture Units
DWSD	Dominion Water and Sanitation District
EA	Establishing Agreement

EPA	Environmental Protection Agency
°F	degrees Fahrenheit
FOG	Fats, Oils and Grease
FSE	Food Service Establishment
gpd	gallons per day
GCD	Grease Control Device
GGI	Gravity Grease Interceptor
HGI	Hydromechanical Grease Interceptor
IU	Industrial User
IWS	Industrial Waste Survey
LEL	Lower Explosivity Level
mgd	million gallons per day
mg/L	milligrams per Liter
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Grease
O&M	Operation and Maintenance
MAIL	Maximum Allowable Industrial Loadings
NAICS	North American Industry Classification System
NON	Notice of Non-compliance
NOV	Notice of Violation
PCE	Perchloroethylene
PCR	Periodic Compliance Report
PIA	Pretreatment Intergovernmental Agreement
PIF	Plant Investment Fee
POGS	Petroleum, Oil, Grease, and Sand
POTW	Publicly Owned Treatment Works

RWSD	Roxborough Water and Sanitation District
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-Compliance
SPR	South Platte Renew
TCR	Technical Review Criteria
UV	Ultra-Violet
VN	Verbal Notice
WET	Whole Effluent Toxicity
WL	Warning Letter

Section 1.07 Manhole Covers:

No person shall open any sewer owned or controlled by DWSD without approval.

Section 1.08 Prohibited Connections:

No person shall make, allow or cause to be made any connection to the POTW for the purpose of servicing property that lies outside the legal boundaries of a Connector.

Section 1.09 Service Authorizations:

- 1) Commercial, Government and Industrial.
 - a) New Industrial User connections to the POTW: The Industrial User shall obtain a Service Authorization from DWSD before connecting to and/or discharging to the collection system.
 - b) Service Applications: Industrial users shall submit to DWSD the following information to obtain approval to discharge:
 - i) Submit all plans, drawings, specifications, and methods of work, together with a completed Service Application request to DWSD. All drawings submitted must be prepared and stamped by a licensed engineer.

- ii) Submit a completed and signed Industrial Waste Survey to DWSD. Forms are available from DWSD. DWSD will review and notify the Industrial User of any follow-up based on the contents of the Survey.
- iii) Any other data, information or fees as required by DWSD; and
- iv) Comply with industry-specific requirements:
 - (1) Significant Industrial Users:
 - (2) Food Service Facility (FSE)
 - (3) Petroleum, Oil, Grease and Sand Facilities:
 - (4) Other Industrial Users:
- c) DWSD shall generally approve a service authorization for the applicant if it finds that all the following conditions are met:
 - i) The applicant has submitted all required information and documents as required by DWSD in response to information provided by the applicant in the Industrial Waste Survey.
 - (1) The proposed discharge would comply with these Rules and Regulations.
 - (2) The POTW has the available hydraulic or loading capacity to accept such waste.
 - (3) The proposed discharge would permit the normal and efficient operation of the POTW; and
 - (4) The proposed discharge would not result in a violation by DWSD of the terms and conditions in its Connecting Agreement or future CDPS permit.

Section 1.10 Service Denial and Appeal.

- 1) In the event an application for a service authorization is denied, DWSD shall notify the applicant in writing of such denial. Such notification shall state the grounds for denial with a degree of specificity, which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a service authorization.
- 2) Upon notification of denial of a service authorization, the applicant may follow the appeal procedure laid out in Chapter 10, Section 1.68 of these Rules and Regulations.

Chapter 2. Connecting Jurisdictions

All Special Connector's Agreements shall be subject to DWSD Rules and Regulations.

Section 2.01 Connector Responsibilities:

The provisions and requirements herein shall apply to all users, and each Connector shall have responsibility to enforce such provisions and requirements as to all users within its legal boundaries, in accordance with the following:

- 1) In the operation and protection of a Connector's sanitary sewer system and DWSD sanitary sewer system and POTW, all applicable provisions of DWSD Rules and Regulations, City of Littleton Industrial Pretreatment Wastewater Connector requirements, and the CDPS discharge permit issued to DWSD and/or SPR shall be the minimum standards for the Connector's system. Each Connector shall abide by all applicable State and Federal laws, rules, regulations, standards or permits, including but not limited to those of the Environmental Protection Agency (EPA), the State of Colorado Department of Public Health and Environment, and the Denver Regional Council of Governments Clean Water Plan, as they are or become effective or implemented.
- 2) Connectors shall inform all users, contractors and subcontractors of such laws, standards, rules, and regulations upon inquiry from such persons, and shall not furnish any information inconsistent therewith. It shall be the responsibility of each Connector to obtain from the appropriate governing body the applicable requirements.
- 3) To the extent possible, the provisions of these Rules and Regulations shall be interpreted in such a way as to remain consistent with all applicable laws, standards, rules, regulations, and permits, including but not limited to those of the agencies or entities afore mentioned; provided however, that no provision or requirement of any other agency or entity shall be, by reason of this section Chapter 2, dispositive of any conflict or controversy between DWSD and such agency or entity, or binding upon DWSD except in accordance with applicable law or a valid agreement to which DWSD is a party, or which is a Prior Agreement as herein defined. In the event of a perceived conflict or inconsistency between these Rules and Regulations and other laws, standards, rules, regulations, permits, or agreements, the DWSD Board s shall determine the proper interpretation of these Rules and Regulations, and the proper resolution of any such conflict or inconsistency.
- 4) Each Connector shall, at all times, properly maintain its sewer system and shall rectify any problems or conditions which have been determined by the Connector or DWSD to be detrimental to DWSD treatment process and/or SPR treatment process

- 5) Should DWSD determine that any discharge enters the sewer system contrary to governing laws, ordinances, statutes, rules, regulations, or permits, upon written notice of same, the Connector shall proceed at once, or as determined by DWSD, to take whatever lawful means may be necessary to rectify any such problem or condition.
- 6) Each Connector shall maintain, at its own expense, all of its collection system lines, or those collection system lines now owned and operated by a Connector, or within its legal boundaries, and DWSD assumes no responsibility should any of a Connector's lines become blocked, damaged, or require maintenance.
- 7) Any Connector shall refuse to serve a User or potential User, disconnect the service of a User pursuant to appropriate law, or take other appropriate action in the event of violation of or non-compliance by such User with these Rules and Regulations, rules, permits or regulations of DWSD.

Section 2.02 Regulation of Industrial Users from Special Connectors.

DWSD may allow an Industrial User to discharge industrial wastewater into DWSD Collection System if DWSD determines that it has available capacity, treatment capability and the legal authority to regulate and control such discharges. DWSD and Connector municipalities shall enter into a Pretreatment Intergovernmental Agreement (PIA) or similar agreement when industrial users discharge wastewater to the collection system. Such agreement shall affix responsibilities in an enforceable manner to ensure that DWSD Pretreatment Program is fully administered and enforced in all Connector jurisdictions and to ensure that DWSD has adequate legal authority to oversee implementation and enforcement of DWSD Rules and Regulations. DWSD also requires that the jurisdiction adopts adequate legal authority to ensure that emergency termination of a non-complying Industrial User discharge can be made.

Section 2.03 Information Requirements

Prior to entering into the Pretreatment PIA, DWSD shall collect the following information from the connector district:

- 1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction.
- 2) An inventory of all industrial users located within the connector district that are discharged to SPR and/or DWSD POTW.
- 3) Other requirements as necessary for DWSD to guarantee the effective administration and enforcement of the Pretreatment Program.

Section 2.04 PIA Requirements

A Pretreatment PIA under this Section shall, at a minimum, contain the following provisions:

- 1) A requirement for the Connector to adopt a sewer use or pretreatment ordinance or rules which establish pretreatment standards and requirements at least as stringent as these Rules and Regulations, along with a requirement to revise such Rules and Regulations. Alternatively, the jurisdiction may adopt sewer use code or rules language that delegates all authority to DWSD to implement and enforce the pretreatment program for all industrial users located within DWSD service area.
- 2) A requirement for the connector to submit a revised Industrial User inventory on an annual basis, or more frequently if requested by DWSD.
- 3) A requirement for DWSD to provide an Industrial Waste Survey to all new Industrial User service authorizations or for businesses that are obtaining building permits for construction.
- 4) A provision specifying which pretreatment implementation activities, including, but not limited to, issuing permits or other control mechanisms, conducting compliance inspections, sampling, and enforcement will be conducted by DWSD and which activities will be conducted by the Connector.
- 5) A provision ensuring DWSD access to the facilities of all industrial users within DWSD collection system for inspection, sampling, and to confirm that the pretreatment program is properly administered, and that industrial users are properly categorized; and
- 6) Provisions for addressing any breach of the terms of the Pretreatment Intergovernmental Agreement.

Section 2.05 Existing pretreatment PIAs.

Existing pretreatment intergovernmental agreements that are not in compliance with the provisions of the Pretreatment Program shall be amended to conform or shall be superseded by a pretreatment PIA that conforms to the requirements of the Pretreatment Program. This shall be completed within 6 months of discovering the deficiency.

Section 2.06 Industrial Users with no PIA In-Place.

Until such time as DWSD and Connector enter into a PIA for pretreatment program responsibilities, DWSD shall have the option to exercise any of the following options:

- 1) Prohibit the discharge of non-domestic wastewater from an Industrial User located in the Connector that was not previously approved by DWSD or does not comply with these Rules and Regulations.
- 2) DWSD shall issue a permit or other control mechanism such as a BMP, to the Industrial User that is equivalent to all Pretreatment standards and requirements consistent with these Rules and Regulations.

Chapter 3. High Waste Strength Cost Recovery (RESERVED)

Chapter 4. Industrial Pretreatment Program

Section 4.01 Applicability:

These Rules and Regulations of DWSD set forth uniform requirements for all Industrial Users that discharge domestic and/or non-domestic wastewater into the Publicly-Owned Treatment Works (POTW) and enables SPR and/or DWSD to comply with all applicable Federal and State laws, including the applicable sections of the General Pretreatment Rules and Regulations at 40 CFR Part 403, the Colorado Discharge Permit System (CDPS) Permit issued by the Colorado Department of Public Health and Environment (CDPHE). These Rules and Regulations shall apply to all industrial users connected to the POTW.

Section 4.02 Discharge by Industrial Users:

If wastewaters containing any pollutant, including excess flow or as otherwise defined in these Rules and Regulations, are discharged; have the potential to discharge in the opinion of DWSD Manager; or proposed to be discharged to the POTW, DWSD Manager may take any action necessary to:

- 1) Prohibit the discharge of such wastewater.
- 2) Require an Industrial User to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with these Rules and Regulations.
- 3) Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the potential for a discharge to violate these Rules and Regulations.
- 4) Require the Industrial User making, causing, or allowing the discharge to pay any additional cost or expense incurred by SPR and/or DWSD for handling, treating, disposing or remediation costs because of wastes discharged to the wastewater treatment system.

- 5) Require the Industrial User to apply for and obtain a permit, registration, certification, authorization to discharge or other control mechanism.
- 6) Require timely and factual reports from the Industrial User.
- 7) Sample and analyze any proposed or currently discharged wastewater from the Industrial User; or
- 8) Take other such actions as may be necessary to meet the objectives of these Rules and Regulations.

Section 4.03 Wastewater Discharge Prohibitions and Limitations.

1) General Prohibitions.

No Industrial User shall introduce into the collection system and POTW any pollutant which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in 4.03.2 of this Section apply to all industrial users of the POTW whether they are subject to a Pretreatment Standard, or any other national, state, or local Pretreatment Requirement.

2) Specific Prohibitions.

No Industrial User shall introduce or cause to be introduced into the collection system and POTW the following pollutants:

- a) Any substance which, either alone or by interaction with other substances, creates a fire or explosive hazard in the POTW, including, but not limited to wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test method specified in 40 CFR Section 261.21. DWSD Manager may require Industrial Users with the potential to discharge flammable, combustible, or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two (2) successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any single reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter.
- b) Wastewaters having a pH of less than 5.0 or greater than pH 12.5, or any wastewater capable of causing corrosive structural damage to the POTW unless the POTW is specifically designed to accommodate such discharges.
- c) Solid or viscous pollutants in amounts which cause obstruction to the flow in the POTW resulting in Interference, including any solids greater than one-half inch (1/2") in any dimension.

- d) Any pollutant, including oxygen-demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- e) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless DWSD, upon request, approves alternate temperature limits.
- f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin that will cause or contribute to Pass Through or Interference.
- g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems or pollutants which singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent or interfere with entry into the sewers for their maintenance and repair.
- h) Trucked or hauled pollutants, except at discharge points designated by DWSD and as authorized in writing by DWSD.
- i) Wastewater which contains grease, oil, or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
- j) Wastewater from food service facilities containing free or floating oil and grease, or any discharge containing animal fat or grease by-product more than two hundred milligrams per liter (200 mg/L). This limit will not apply if the Industrial User has installed an appropriately sized Gravity Grease Interceptor (GGI), is properly operating and maintaining the GGI, and implementing all required BMPs.
- k) Wastewater generated because of waste pumped from GGIs, hydromechanical grease interceptors or grease traps, oil/water separators or other storage tanks or treatment units back into the POTW, either directly or indirectly, without written approval of DWSD Manager.
- l) Wastewater which imparts color to the POTW's effluent such as, but not limited to, dye wastes and vegetable tanning solutions.
- m) Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State and federal regulations.

- n) Medical waste that causes or contributes to Pass Through or Interference or violates applicable federal or State standards.
- o) Stormwater, surface water, groundwater, subsurface drainage, yard drainage, roof drain, condensate, deionized water, effluent from groundwater pump- and-treat systems and unpolluted water shall not be discharged through any direct or indirect connection to the municipal sanitary sewer system unless authorized in writing by DWSD.
- p) Any substance that causes DWSD and/or SPR to violate its CDPS Permit or applicable Water Quality Standards.
- q) Sludge, screenings, or other residues from the pretreatment of Industrial Wastes or industrial processes except as authorized by an Industrial Wastewater Discharge Permit, special approved discharge authorization or other control mechanism issued by DWSD.
- r) A Slug Discharge as defined in Section 1.02 (62).
- s) Any substance which may cause the POTW's effluent or treatment residues, sludge, or sludge products produced for public distribution or scums, to be unsuitable for reclamation or reuse or which otherwise interferes with the reclamation process.
- t) Any waste designated as hazardous under the provisions of 40 CFR Part 261 and 6 CCR 1007-3.
- u) Any pesticides, herbicides or fungicides that cause or contribute to Pass Through, Interference, or other problems at the treatment works or in the receiving waters. In no case, shall an Industrial User discharge wastewater that is generated from the rinsing of any container that contains or contained any concentrated or formulated pesticide, herbicide, or fungicide.
- v) No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings unless secondary containment is provided or there are physical barriers to entry to the wastewater collection system. The storage of any chemicals, materials, substances, or wastes that leak or have potential to leak or discharge into the POTW which may create an explosion hazard or in any way have a deleterious effect on the POTW or constitute a nuisance or a hazard to POTW personnel, the public, the environment, or the receiving stream shall be prohibited.
- w) Bulk, expired, outdated, or concentrated prescription or non-prescription drugs.

- x) Wastewater or pollutants discharged directly into a manhole or other opening to the POTW, unless specifically authorized in writing by DWSD or as otherwise specifically allowed under these Rules and Regulations. Opening of a manhole is otherwise prohibited.
 - y) Wastewater contaminated because of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining authorization prior to discharge.
 - z) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a Whole Effluent Toxicity (WET) test.
 - aa) Detergents, surfactants and other surface-active agents, or other substances which may cause excessive foaming in the POTW or cause or contribute to Pass Through or Interference.
 - bb) Discharge of Nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes, asphalt manufacturers, and other industrial users.
 - cc) Discharge of any wastewater containing perchloroethylene (PCE) (also known as Tetrachloroethene and Tetrachloroethylene) from any Industrial User involved in the dry-cleaning business.
 - dd) Discharge of any pollutant or pollutant property that interferes with UV transmittance or UV disinfection.
 - ee) Hazardous waste pharmaceuticals or DEA controlled substances to the POTW by a healthcare facility or reverse distributor pursuant to 40 CFR Section 266.505 shall be prohibited.
 - ff) Discharge from any Dental facility except in full compliance with these Rules and Regulations, 40 CFR Part 441, and have provided DWSD with a copy of all required reports submitted by the Dental facility to EPA or the CDPHE.
- 3) Dilution Prohibited.

Dilution is prohibited as a substitute for treatment and shall be a violation of these Rules and Regulations. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial, or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard

or Requirement. DWSD may impose mass limitations on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

4) Maximum Allowable Industrial Load (MAIL).

DWSD may implement local limits through allocation of the MAIL to Significant Industrial Users and specific permitted non- Significant Industrial Users.

5) Most Stringent Limits.

DWSD Manager may establish more stringent pollutant limits, additional site- specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of DWSD Manager, such limitations are necessary to implement the provisions of these Rules and Regulations.

Section 4.04 Categorical Pretreatment Standards.

An Industrial User that is approved to discharge to the POTW and is a Categorical Industrial User as defined in Definitions, 1.4.7, shall notify SPR and CDPHE of their business activity pursuant to 40 CFR Section 403.12. The Industrial User shall copy DWSD on all communications from the EPA, SPR, and CDPHE regarding any information, self-monitoring, or compliance with 40 CFR Part 403 or a Notice of Discharge Requirements issued by the EPA or SPR.

Section 4.05 Pretreatment and Monitoring Facilities.

1) Treatment Required.

An Industrial User shall provide wastewater treatment required to comply with these Rules and Regulations and shall achieve compliance with all applicable federal, state, and local pretreatment standards and requirements within the time limitations specified by DWSD. Any pretreatment facilities necessary for compliance with these Rules and Regulations shall be provided, operated, and maintained at the Industrial User's expense and satisfy applicable requirements established by DWSD. Unless waived by DWSD, such reports shall be prepared under the supervision of, and bear the seal of, a professional licensed engineer and submitted to DWSD for review. The review and acceptance of the engineering report, plans, specifications and operation and maintenance manual, shall in no way relieve the Industrial User from its obligation to comply with the provisions of these Rules and Regulations, including modification of its pretreatment facility as necessary to produce a discharge that complies with these Rules and Regulations.

2) Proper Operation and Maintenance.

The Industrial User shall always properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) by qualified personnel which are installed or used by the Industrial User. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an Industrial User when the operation is necessary to achieve or assure compliance with an authorization to discharge and these Rules and Regulations. Calibration of meters and monitoring equipment shall be performed as required by manufacturers specification or DWSD.

3) Monitoring Facilities.

Industrial Users shall be required to monitor, analyze, and report as required by DWSD. The Industrial User shall install at its expense, a monitoring manhole or 4" cleanout on the discharge line to the municipal collection system. For some industrial users, DWSD may require suitable monitoring facilities or equipment that allows for the representative sampling and accurate observation of wastewater discharges. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with DWSD requirements and all applicable construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order, calibrated as required by manufacturer's recommendations, and always kept safe and accessible to District personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by DWSD.

When such a location would be impractical, DWSD may allow such facility to be constructed in the public street or easement area, with the approval of DWSD or other agency having jurisdiction over such street or easement and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles. No Industrial User shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth, paving, or otherwise render it inaccessible.

4) Wastewater Discharge Control.

DWSD may require an Industrial User to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate domestic wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and demonstrate the Industrial User's compliance with the requirements of these Rules and Regulations.

5) Flow Equalization.

DWSD may require any Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow- control facility to ensure equalization of flow. A Control Mechanism may be issued solely for flow equalization.

6) Multitenant Buildings.

When more than one Industrial User can discharge into a common service line, DWSD may require installation of separate monitoring equipment, treatment, or structures for each Industrial User.

7) Safety and Access.

There shall be unobstructed, safe, and easy access to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and associated equipment shall be always maintained in a safe and proper operating condition by the user.

8) Flow, pH, LEL and other meters and equipment.

If DWSD determines an Industrial User is required to measure and report (a) wastewater flow, (b) discharge process wastewaters necessitating continuous pH measurement, or (c) discharge wastewater that may contain flammable substances or other pollutants of concern, DWSD may require the Industrial User to install and maintain, at the Industrial User's expense, approved meters, and equipment.

9) Tampering with metering devices prohibited.

No person shall install, change, bypass, adjust, remove, alter, or otherwise tamper with any metering device or any piping arrangement connected to a metering device to show the quantity of water used at or discharged from the facility is different than the actual quantity used or discharged.

Section 4.06 Special Agreements and Contracts

No statement contained in these Rules and Regulations shall be construed as prohibiting special written agreements between DWSD and any Industrial User allowing industrial waste or wastewater of unusual strength or character to be discharged to the POTW, provided said Industrial User compensates DWSD for any additional costs of treatment or administration costs. Such agreement, however, shall not allow or cause:

- 1) Any adverse effect to the POTW.
- 2) A violation of the POTW CDPS permit.

- 3) A violation of a General or Specific Prohibition.
- 4) A Maximum Allowable Industrial Load (MAIL) to be exceeded; or
- 5) A violation of State or Federal law or regulation.

Application for a special approved discharge authorization shall be submitted at least ninety (90) days prior to the requested discharge date.

Section 4.07 Right of Entry.

- 1) Whenever it shall be necessary for the purposes of these Rules and Regulations, DWSD may enter upon any Industrial User's property that has a sewer connection that discharges wastewater that enters DWSD POTW and shall have ready access to all parts of the premises subject to these Rules and Regulations for the purposes of:
 - a) Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial User, compliance or noncompliance with applicable Pretreatment standards and requirements by an Industrial User. Compliance monitoring and inspection shall be conducted at a frequency as determined by DWSD and may be announced or unannounced.
 - b) Setting up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's discharge.
 - c) Examining and copying any records required to be kept under the provisions of these Rules and Regulations or of any other local, State, or federal regulation.
 - d) DWSD may document and photograph any areas of the facility deemed necessary for carrying out the duties of DWSD Industrial Pretreatment Program including, but not limited to, documentation of the Industrial User's compliance status and for reinforcement of required written reports. The Industrial User shall be allowed to review copies of photographs for trade secret claims upon request.
 - e) Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation.
 - f) Sampling any discharge of wastewater into POTW; and
 - g) Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Rules and Regulations, could originate, be stored, or be discharged to the POTW.
- 2) The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make

necessary arrangements with its security personnel so that authorized representatives of DWSD will be permitted to enter without delay to perform their specified functions.

- 3) DWSD Manager and other duly authorized agents and employees of DWSD are entitled to enter all Industrial User properties through which DWSD or any connecting jurisdiction holds an easement or similar access or occupancy right.
- 4) In the event DWSD or other duly authorized representative of DWSD is refused admission or unreasonably delayed, such refusal or delay is a violation of these Rules and Regulations and may result in enforcement action as allowed for under these Rules and Regulations including revocation of an authorization to discharge.
- 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of DWSD Manager and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.
- 6) Disconnection; Enforcement Referral.

If DWSD is refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, that there is a need to inspect and/or sample as part of a routine/nonroutine inspection and sampling program of DWSD designed to verify compliance with these Rules and Regulations or any permit, order or other control mechanism issued hereunder, or to protect the overall public health, safety and welfare of the community, DWSD Manager may shut off access to the collection system and/or refer the violation to appropriate enforcement jurisdictions.

Section 4.08 Recordkeeping.

- 1) In addition to any recordkeeping requirements set forth in a Control Mechanism issued by DWSD, all industrial users subject to the reporting requirements of these Rules and Regulations and any reports required by EPA, DWSD, SPR, or the CDPHE shall retain and make available for inspection and copying, all records, reports, monitoring, calibration logs or other data, applications, permits, control mechanisms and all other information and documentation required by these Rules and Regulations, including documentation associated with Best Management Practices.
- 2) Industrial users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of these Rules and Regulations, or when the Industrial User has been specifically and expressly notified of a longer records retention period by DWSD Manager.

- 3) Written reports will be deemed to have been submitted on the postmarked date. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report by DWSD shall govern.

Section 4.09 Confidentiality.

- 1) All records, reports, data, or other information supplied by any person or Industrial User because of any disclosure required by these Rules and Regulations or information and data from inspections shall be available for public inspection, except as otherwise provided in this Section and the Colorado Open Records Act (C.R.S. 24-72-201, *et seq.*).
- 2) These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words "Confidential Business Information" stamped in a reasonably noticeable manner on each page containing such information. The Industrial User must demonstrate to the satisfaction of DWSD that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.
- 3) Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of DWSD charged with implementing and enforcing the provisions of these Rules and Regulations and properly identified representatives of the EPA, DWSD, SPR, and the CDPHE.
- 4) Effluent data from any Industrial User, whether obtained by self-monitoring, monitoring by DWSD, or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

Section 4.10 Sample Collection and Analytical Methods.

- 1) Sample Collection.

Compliance determinations with respect to prohibitions and limitations in these Rules and Regulations may be made based on either grab or composite samples of wastewater as specified by DWSD. Such samples shall be taken at a point or points which DWSD determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by DWSD to meet specific circumstances.

2) Sample Type.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report and based on data that is representative of conditions occurring during the reporting period.

- a) Except as indicated in b)b, below, the Industrial User must collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by DWSD. Where time-proportional composite sampling or grab sampling is authorized by DWSD, the samples must be representative of the facility operations and discharge.
- b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and applicable EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by DWSD, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits, including pH.

3) Analytical Requirements

All pollutant analysis required under these Rules and Regulations shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by DWSD or other parties approved by the EPA.

4) Records for all Samples.

The Industrial User shall include the following information in reports:

- a) The date, exact place, method, and time of sampling and the name of the person(s) taking the samples.

- b) The date(s) and time analyses were performed.
- c) The name of the person performing the analyses.
- d) The analytical techniques/methods used, including method detection limits and QA/QC sample results.
- e) All chain-of-custody records; and
- f) The results of such analyses.

Section 4.11 Reporting and Notification Requirements.

1) Periodic Compliance Reports (PCR).

- a) A PCR shall be submitted to DWSD as required by a Control Mechanism. All PCRs must be signed and certified in accordance with 6), herein. Sampling and analysis that is conducted by the Industrial User at the designated sampling location using the procedures specified in Section 4.10, herein, more frequently than is required by the Control Mechanism shall be included in the report.
- b) DWSD may agree to perform sampling and analysis in lieu of the Industrial User for certain pollutant parameters. If DWSD agrees to perform such sampling and analysis, DWSD may charge the Industrial User for such activities based upon the costs incurred by DWSD for the sampling and analyses, including personnel time. Any such charges shall be invoiced to the Industrial User.

2) 24 Hour Notice and 30-Day Re-sampling.

If sampling performed by an Industrial User indicates a violation of these Rules and Regulations or Control Mechanism, the Industrial User shall notify the POTW within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to DWSD within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if DWSD performs sampling at the Industrial User's facility between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling. It is the sole responsibility of the Industrial User to verify if DWSD has performed this sampling.

3) Slug and Spill Discharges- Notification and Plan Development.

- a) Each Industrial User shall provide protection from spills and slug discharges of pollutants regulated under these Rules and Regulations. Facilities and equipment to prevent the discharge of spills or slug discharges shall be provided and maintained at the Industrial User's expense.

- b) DWSD may require any Industrial User to develop, submit for approval, and implement a Slug/Spill Control Plan or take such other action that may be necessary to control spills and slug discharges.
 - c) A Slug/Spill Control Plan shall address, at a minimum, the following:
 - i. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures.
 - ii. Description of contents and volumes of any process tanks.
 - iii. Description of discharge practices, including non-routine batch discharges.
 - iv. Listing of stored chemicals, including location and volumes.
 - v. Procedures for immediately notifying DWSD of any spill or Slug Discharge.
 - vi. Procedures to prevent adverse impact from any accidental spill or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
 - vii. Any other information as required by DWSD.
 - d) The Industrial User shall immediately contact DWSD when a change occurs at its facility affecting the potential for a Slug Discharge. The Industrial User shall follow-up on this immediate notification with a written, detailed report outlining the changes that were identified and how the Industrial User will prevent Slug Discharges to the POTW.
 - e) Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a spill or slug discharge. Employers shall ensure that all employees who work in any area where a spill or slug discharge may occur or originate are advised of the emergency notification procedures.
- 4) Reports of Spill or Slug Discharges.
- a) In the case of any spill or Slug Load, the Industrial User shall immediately telephone and notify DWSD of the incident. The Industrial User shall be deemed to have notified DWSD "immediately" if such notice is received by DWSD within thirty

(30) minutes after the accidental discharge was first discovered. This notification shall include:

- i. Name of the facility.
- ii. Location of the facility.
- iii. Name of the caller.
- iv. Date and time of discharge.
- v. Date and time discharge was halted.
- vi. Location of the discharge.
- vii. Estimated volume of discharge.
- viii. Estimated concentration of pollutants in discharge.
- ix. Corrective actions taken to halt the discharge; and
- x. Method of disposal if applicable.

- b) Within five (5) working days following such discharge, the Industrial User shall, unless expressly waived by DWSD, submit a detailed written report that includes all the information contained in a)a, above, and any other information describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred because of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.

5) Reports for Other Industrial Users.

If DWSD deems it necessary to assure compliance with provisions of these Rules and Regulations, any Industrial User of the POTW may be required to submit an application, survey, questionnaire, report, BMP implementation activities, or other reports and notifications in a format and timeframe as specified by DWSD.

6) Signatory Certification.

All reports and other submittals required to be submitted to DWSD shall include the following statement and signatory requirements.

- a) The Authorized Representative of the Industrial User signing any application, survey, questionnaire, any report, or other information required to be submitted to

DWSD must sign and attach the following certification statement with each such report or information submitted to DWSD.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for willful or knowing violations."

- b) If the Authorized Representative is no longer accurate, a new authorization satisfying the requirements of this Section and meeting the definition in Section 5) (3) must be submitted to DWSD prior to or together with any reports to be signed by an Authorized Representative.
- 7) Notification of Change in Discharge or Operations.
- a) Every Industrial User that is regulated by a Control Mechanism issued by DWSD shall file a written notification with DWSD a minimum of thirty (30) days prior to any significant change either in the volume or character of pollutants in its discharge, or a change in any manufacturing process or pretreatment modifications that may alter the volume or character of pollutants in its wastewater discharge. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. For purposes of this subsection, an Industrial User becomes aware when it knows, or reasonably should have known, of the facts giving rise to a reporting obligation.
 - b) DWSD may require an Industrial User to submit information needed to evaluate the changed discharge. DWSD may issue, reissue, or modify a Control Mechanism in response to the required notice pursuant to this Section.
 - c) Known or anticipated facility closure. An Industrial User shall notify DWSD at least thirty (30) days prior to facility shutdown or closure which might alter the character, nature, quality, or volume of its wastewater.
- 8) Notification of the Discharge of Hazardous Waste.
- a) The discharge of hazardous waste to DWSD sewer system or DWSD POTW is prohibited. An Industrial User shall notify DWSD, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261 or CDPHE Rules and Standards for Hazardous Wastes. Such

notification to DWSD shall be made immediately of becoming aware of the discharge.

Such notification must include:

- i. The name of the hazardous waste as set forth at 40 CFR Part 261 and 6 CCR 1007-3.
 - ii. The EPA hazardous waste number.
 - iii. The type of discharge (continuous, batch, or other).
 - iv. An identification of the hazardous constituents contained in the wastes.
 - v. An estimation of the mass and concentration of such constituents in the discharged.
 - vi. Certification that the Industrial User halted all discharge and instituted measures to prevent any future discharge; and
 - vii. Signatory certification as required by 6) herein.
- b) The Industrial User shall provide notifications to EPA and the CDPHE as required in 40 CFR Section 403.12(p).
- c) This provision does not create a right to discharge any pollutant or pollutant property not otherwise allowed to be discharged pursuant to these Rules and Regulations.
- 9) Requests for Information.

An Industrial User shall furnish DWSD, within the timeframe set by DWSD Manager, any information which DWSD may request to determine whether cause exists for issuing, modifying, revoking, and reissuing, or terminating a Control Mechanism; or to determine compliance with these Rules and Regulations.

Section 4.12 Significant Industrial User (SIU) Permitting Requirements

- 1) DWSD will issue a permit to an Industrial User that meets the definition of a Significant Industrial User (SIU). A new SIU shall apply for a permit at least ninety (90) days prior to discharge and existing SIUs shall reapply for a permit at least ninety (90) days prior to expiration of the current Industrial Wastewater Discharge Permit. An existing SIU that has filed a timely and complete Industrial Wastewater Discharge Permit application in accordance with these Rules and Regulations may continue to discharge if authorized by DWSD. An Industrial Wastewater Discharge Permit shall be issued for a specified time not to exceed five (5) years.

- 2) Industrial Wastewater Discharge Permit application forms are provided by DWSD and contain the information specified in 3) below. An Industrial Wastewater Discharge Permit application containing incomplete or inaccurate information will not be processed and will be returned to the Industrial User. DWSD may issue an Industrial Wastewater Discharge Permit at any time after receiving the completed Industrial Wastewater Discharge Permit application.
- 3) Industrial Wastewater Discharge Permit Application Contents:
 - a) Name of business, address of the facility, location of the discharge if different from the facility address, and contact information for the owner, operator, and the Authorized Representative of the Industrial User.
 - b) Description of Operations.
 - c) The Standard Industrial Classification(s) (SIC Rules and Regulations) and/or NAICS Rules and Regulations of the operation(s) carried out by such Industrial User.
 - d) A schematic process diagram showing each process step, wastestream, treatment step, internal recycling process, facility drains and points of discharge to the POTW. A listing of all non-domestic process streams and the type(s) of wastes generated from each process.
 - e) A list of all raw materials and chemicals used or stored at the facility.
 - f) Number of employees and hours of operation.
 - g) Information showing the total average daily and maximum daily flow, in gallons per day, to the POTW from all wastestreams.
 - h) SIUs shall measure the effluent for all pollutants specified by DWSD. The sample shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set forth in 40 CFR 136.
 - i) A list of hazardous waste(s) generated.
 - j) Slug Discharge Control Plan where required by DWSD.
 - k) Signatory Certification. All Industrial Wastewater Discharge Permit applications, certification statements, and other reports submitted to DWSD must be signed by the Authorized Representative of the Industrial User and contain the applicable certification statement in 6) herein.

- 1) Any other information as may be deemed by DWSD Manager to be necessary to evaluate the permit application.
- 4) Administrative Industrial Wastewater Discharge Permit Appeals.
- a) Any Industrial User may file an appeal to reconsider the terms of an Industrial Wastewater Discharge Permit or appeal an Industrial Wastewater Discharge Permit denial by DWSD. An administrative appeal not submitted within the time period discussed in b)b shall not be considered and will be denied for lack of timeliness. The effectiveness of the wastewater discharge permit shall not be stayed pending an appeal.
 - b) An Industrial User must file a written appeal request to DWSD Manager to reconsider a permitting action or decision by DWSD within ten (10) days of such action by DWSD. The Industrial User shall set forth in detail the facts that support the Industrial User's request for reconsideration. Such facts must include a statement that sets forth any newly discovered relevant fact that was not known or was unavailable to the Industrial User at the time of DWSD action. Further information on the appeal procedure laid out in Chapter 10, Section 1.68 of these Rules and Regulations.

5) Transferability.

An Industrial Wastewater Discharge Permit is issued to a specific Industrial User for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation.

6) Industrial Wastewater Discharge Permits may contain the following:

- a) A statement that indicates the Industrial Wastewater Discharge Permit's issuance date, expiration date and effective date and permit reapplication requirements.
- b) The legal name and trade name, if any, of the user and the address of its corporate offices and a requirement to notify DWSD at least 30 days prior to a change of the legal name of the permittee.
- c) The name and contact information of the Duly Authorized Representative of the Industrial User, the mailing address at which such representative may receive notice(s) from DWSD, and the name and contact information for the facility manager, if different than the Duly Authorized Representative.
- d) A statement on Industrial Wastewater Discharge Permit transferability.

- e) Effluent limits and Best Management Practices as necessary to implement these Rules and Regulations.
 - f) Self-monitoring, sampling, reporting, notification, and record-keeping requirements including, but not limited to, identification of the pollutants or BMPs to be monitored, sampling location, sampling frequency and sample type, 24-hour notice of non-compliance and other applicable Pretreatment requirements based on federal, state, and local law. Statements of applicable enforcement remedies and administrative, civil, and criminal penalties for the violation of a permit or authorization, these Rules and Regulations, and any applicable compliance schedule.
 - g) Requirements to immediately notify DWSD of any changes at its facility affecting potential for a Slug Discharge and for the Industrial User to immediately report any slug discharges, spills, or accidental discharges, including any discharges that may cause problems at the POTW.
 - h) Applicable schedule of user charges and fees for the wastewater to be discharged into a public sewer.
 - i) Limits on average and maximum rate and time of discharge or requirements for flow equalization.
 - j) Requirements for installation of and maintenance of inspection and sampling facilities and equipment.
 - k) Compliance Schedules.
 - l) Requirements to develop and implement waste minimization plans to reduce the mass of pollutants discharged to the POTW.
 - m) Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure closure activities are completed and wastes have been properly disposed of and remaining access to sanitary and storm sewers are protected.
 - n) Other conditions as deemed appropriate by DWSD Manager to ensure compliance with all applicable local, state, and federal rules and regulations.
- 7) DWSD may modify an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- a) To incorporate any new or revised federal, state, or local Pretreatment standards or requirements or to reflect changes in applicable State or federal Standards.

- b) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the Industrial Wastewater Discharge Permit issuance.
 - c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - d) Information indicating that the permitted discharge poses a threat to the POTW, District personnel, or the receiving waters.
 - e) Violation of any terms or conditions of the Industrial Wastewater Discharge Permit.
 - f) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application or in any required reporting.
 - g) To correct typographical or other errors in the Industrial Wastewater Discharge Permit; or
 - h) Upon request of the Permittee, provided such request does not result in a violation of any applicable Pretreatment standards or requirements, or these Rules and Regulations.
- 8) DWSD may revoke an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- a) Failure of an Industrial User to accurately disclose or report the wastewater constituents and characteristics of any discharge.
 - b) Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics as required.
 - c) Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring.
 - d) Falsification of records, reports or monitoring results.
 - e) Tampering with monitoring methods or equipment.
 - f) Failure to submit, misrepresentation, or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application.
 - g) Failure to pay fines or penalties.
 - h) Failure to pay sewer charges, surcharges, or pretreatment programs fees.

- i) Failure to meet compliance schedules.
- j) Failure to provide required reports, including but not limited to a questionnaire, survey, information request, permit application, self-monitoring report or other required reports or notifications within the timeframe required by DWSD.
- k) Invoking of DWSD emergency authority as cited in i)i, herein.
- l) Closure of the facility or failure of the Industrial User to commence discharge within one hundred and eighty (180) days after the effective date of the Industrial Wastewater Discharge Permit; or
- m) Violation of any terms of the Industrial Wastewater Discharge Permit or these Rules and Regulations.

Section 4.13 Other Industrial Users.

DWSD may require other Industrial Users to apply for and obtain an Industrial Wastewater Discharge Permit or other Control Mechanism to carry out the purposes of these Rules and Regulations, at DWSD's sole discretion.

Section 4.14 Enforceability.

Failure to apply for or obtain a Control Mechanism prior to discharge is a violation of these Rules and Regulations and subject the Industrial User to enforcement by DWSD. Obtaining a Control Mechanism from DWSD does not relieve a discharger of its obligation to comply with all local, State, and federal pretreatment standards or requirements.

Section 4.15 Compliance and Enforcement.

CONCURRENT JURISDICTION OF Littleton:

Pursuant to Section 1.03 above, all provisions of the Littleton Wastewater Utility Ordinance are fully effective within the area of DWSD, until such time the CBWRF is in full operation and wastestream is no longer being conveyed to SPR. Every person who undertakes any work on District facilities or who uses or seeks to use such facilities shall comply with the same. District personnel are hereby authorized and empowered to enforce any and all such provisions, and any lawful order or direction of DWSD or Littleton, within the area of DWSD with the same force and effect as if such provision or order were set forth verbatim in these Rules and Regulations or issued by DWSD. Likewise, duly accredited personnel of South Platte Renew (SPR) are hereby authorized and empowered to enforce such provisions or orders within the area of DWSD with the same force and effect as within the City of

Littleton. Nothing in this section shall be construed as to waive or release DWSD and Connector Districts from any obligation or duty it may have to, or in favor of, DWSD.

1) Pretreatment Program Enforcement Response Plan.

DWSD may adopt its own enforcement policies and procedures or adopt those set forth in SPR's Pretreatment Program Enforcement Response Plan for carrying out the provisions of these Regulations.

2) Publication by EPA or State of Industrial Users in Significant Noncompliance.

If EPA, the State, or SPR publishes any Industrial User as meeting the definition of Significant Noncompliance (SNC), the Industrial User shall provide a copy of the determination or publication to DWSD within thirty (30) days of such publication or determination.

3) SPR and/or DWSD may deem an industry to be in Significant Noncompliance under one or more of the following conditions:

- a) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass-Through (including endangering the health of POTW personnel or the general public);
- d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - g) Failure to accurately report noncompliance;
 - h) Any other violation or group of violations, which may include a violation of Best Management Practices, which DWSD and/or SPR determines will adversely affect the operation or implementation of the local Pretreatment program.
- 4) In accordance with 40 CFR 403.8 (f)(2)(viii) and to comply with an Administrative Enforcement, SPR and/or DWSD may take one or more of the following actions. Nothing herein shall be construed to limit the ability of DWSD to exercise its emergency authority to halt or prevent discharge as to protect the public health and welfare. Furthermore, nothing herein shall be construed to require DWSD to proceed with any of the following administrative enforcement actions in any certain order. DWSD may take any, all, or a combination of the enforcement actions. The enforcement actions and responses are typically implemented according to an escalating enforcement approach. However, a higher level of response may be the first response if warranted by the violation. Assessing the response level and associated penalties, if applicable, will be based on the guidance provided in the Pretreatment Program Enforcement Response Plan and the best professional judgment of the Pretreatment Program.
- a) Verbal Notification (VN).

When DWSD finds a User has committed a minor isolated violation, DWSD may notify the User informally through a phone call, in person or by email. Verbal notifications related to enforcement, or the investigation of suspected violations are documented in writing and placed in the respective Industrial User file.
 - b) Warning Letter (WL).

When DWSD finds a User has committed a minor isolated violation of any provision of this Chapter or an Industrial Wastewater Permit, DWSD may serve upon the User a written warning letter. Warning letters may be issued as follow-up correspondence to verbal notifications or in lieu of verbal notifications.
 - c) Notice of Non-Compliance (NON).

When DWSD finds a User has violated requirements of a Sector Control Program, DWSD may serve upon the User a written notice of non-compliance containing corrective actions and a schedule for completing the corrective action in accordance with the Sector Control Program Policy.
 - d) Notice of Violation (NOV).

Whenever DWSD Manager finds that an Industrial User has violated or continues to violate, any provision of these Rules and Regulations, a Control Mechanism, or any other Pretreatment Standard or Requirement, DWSD Manager may serve upon such Industrial User a written Notice of Violation. Any notification required herein shall be served either personally, by email or certified mail. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for satisfactory correction and prevention of further violations shall be submitted to DWSD Manager. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of DWSD Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

e) Administrative Order.

When DWSD finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, a Control Mechanism or any other Pretreatment Standard or Requirement, DWSD may issue an Administrative Order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specific time. If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the mass of pollutants discharged to the POTW. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation.

Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

f) Consent Order.

DWSD may enter into a Consent Order, assurances of voluntary compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific actions to be taken by the Industrial user to correct the noncompliance within a time period specified by the document. A Consent Order may include penalties, supplemental environmental projects, or other conditions and requirements as agreed to by DWSD and the

Industrial User. A Consent Order shall have the same force and effect as an Administrative Order and shall be judicially enforceable.

g) Appeal process

An Industrial User must file a written appeal request to DWSD Manager to reconsider a permitting action or decision by DWSD within ten (10) days of such action by DWSD. The Industrial User shall set forth in detail the facts that support the Industrial User's request for reconsideration. Such facts must include a statement that sets forth any newly discovered relevant fact that was not known or was unavailable to the Industrial User at the time of DWSD action. Further information on the appeal procedure laid out in Chapter 10, Section 1.68 of these Rules and Regulations.

h) Administrative Fines.

- i. When DWSD Manager finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, a Control Mechanism, order issued hereunder, or any other Pretreatment Standard or Requirement, DWSD Manager may fine such Industrial User in the amount set forth in DWSD Rates and Fees Schedule as the base,, and may assess additional fines using the formula found in the Enforcement Response Plan. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. DWSD may add the actual costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- ii. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of twenty-five percent (25%) of the unpaid balance. Interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the Industrial User's property will be sought for unpaid charges, fines, and penalties. The failure to pay a penalty may be the basis for revocation of a Control Mechanism issued by DWSD.
- iii. Industrial Users that dispute such fines must file a written request for DWSD to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine, as required by the procedure laid out in Chapter 10, Section 1.68 of these Rules and Regulations. Where a request has merit, DWSD may convene a hearing on the matter. In the event the Industrial User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the Industrial User.

- iv. Issuance of an administrative fine shall not be a bar against, limitation, or a prerequisite for taking any other action against the Industrial User.
- i) Emergency Suspension of Service.
- i. Endangerment to POTW, Environment, Health or Welfare of the Community: In accordance with the individual agreements between the connecting municipalities water service and/or wastewater service may be suspended when such suspension is necessary, in the opinion of DWSD Manager or the Connecting Municipality in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes the POTW to violate any condition of its CDPS permit.
 - ii. Any person notified of a suspension of the water and/or wastewater treatment service or a Control Mechanism issued by DWSD shall immediately stop or eliminate the discharge of wastewater to the Collection System and POTW. In the event of a failure of the person to comply voluntarily with the suspension order, DWSD and/or Connector shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The Connector in which the non-complying user is located shall give full support and as requested by DWSD. DWSD may reinstate a Control Mechanism, water service and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.
 - iii. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be provided to DWSD and The Special Connector, if applicable, within five (5) days of the date of occurrence.
 - iv. The Industrial User shall pay all POTW costs and expenses for any such suspension and restoration of service and other costs associated with DWSD or DWSD's actions.
 - v. Suspension of Service shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.
- j) Revocation of a Control Mechanism Authorizing Discharge.

- i. A violation of the conditions of these Rules and Regulations, a Control Mechanism, or order shall be reason for revocation of a Control Mechanism authorizing discharge. Upon revocation of the Control Mechanism, any wastewater discharge from the affected Industrial User shall be considered prohibited and discharge of such wastewater in violation of these Rules and Regulations.
 - ii. Any Industrial User whose Control Mechanism to discharge is revoked or who is served with a notice of an intended order for the revocation of the Industrial User's authorization to discharge may file with DWSD Manager a request for a hearing with respect thereto. The filing of a request for a hearing shall not stay the existing or proposed suspension.
 - iii. If a hearing is requested with respect to an existing or proposed suspension or revocation, other than the suspension of service because of an action taken by DWSD under i)j). herein, DWSD Manager shall hold a hearing following the process in g)g., herein.
- k) Judicial Enforcement Remedies.
- i. Injunctive Relief.
 - 1) When DWSD finds that an Industrial User has violated, or continues to violate, any provision of these Rules and Regulations, a Control Mechanism, or any other Pretreatment Standard or Requirement, DWSD may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate.
 - 2) DWSD may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.
 - ii. Civil Penalties.
 - 1) An Industrial User who has violated, or continues to violate, any provision of these Rules and Regulations, a Control Mechanism, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to DWSD for a minimum civil penalty of one thousand dollars (\$1,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation(s).

- 2) DWSD may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling, and monitoring expenses, and the cost of any actual damages incurred by DWSD.
- 3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

iii. Civil/Administrative Fine Pass Through.

If an Industrial User discharges such pollutants which causes DWSD to violate any condition of its CDPS Permit and DWSD is fined by the EPA or the State for such violation, then such Industrial User shall be fully liable for the total amount of the fine assessed against DWSD by the EPA and/or the State including, but not limited to, cost of injunctive relief, enforcement and administrative costs.

iv. Civil Liability for Expenses.

Any Industrial User violating the provisions herein shall be liable for any expense, loss or damage caused to DWSD by reason of such violation, including the increased costs, if any, for managing effluent and/or sludge, when such increases are the result of the user's discharge of toxic pollutants. DWSD shall add such charge to the discharger's treatment charge. DWSD shall have all statutory lien and assessment rights as conferred by law.

v. Criminal Penalties.

DWSD may refer violations that may warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General, EPA Criminal Investigation Division, or other appropriate agency. This referral shall not preclude DWSD from taking a parallel administrative or civil enforcement action.

1) Affirmative Defenses to Discharge Violations.

i. Prohibited Discharge Standards.

A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general and specific prohibitions in Section 4.03 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause interference or pass-through and that either:

- 1) A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the interference or pass-through; or
- 2) No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when DWSD was regularly in compliance with its CDPS permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements; or
- 3) The User disclosed the pollutants causing the violation in the wastewater permit application.

ii. Bypass.

- 1) For the purposes of this Section, Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- 2) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4).
- 3) Bypass Notifications.
 - a) If a User knows in advance of the need for a bypass, it shall submit prior notice to DWSD, at least ten (10) days before the date of the bypass, if possible.
 - b) A User shall submit oral notice to DWSD of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the

bypass. DWSD may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- 4) Bypass is prohibited, and DWSD may take an enforcement action against a User for a bypass, unless:
 - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c) The User submitted notices as required under paragraph (3).
- 5) DWSD may approve an anticipated bypass, after considering its adverse effects, if DWSD determines that it will meet the three conditions listed in paragraph (4).

Section 4.16 Severability.

In the case that any part, provision, or representation of these Rules and Regulations is held invalid, illegal, unconstitutional, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be in any way affected or impaired thereby and such part, provision, or representation shall be ineffective only to the extent of such invalidity, illegality, or unenforceability.

Section 4.17 Non-Exclusive Remedies.

The remedies provided for in these Rules and Regulations are not exclusive of any other remedies that DWSD may have under Federal, State, or local law. DWSD may take any, all, or any combination of actions described in these Rules and Regulations against an Industrial User who violates these Rules and Regulations. DWSD may seek damages from any Industrial User who discharges or causes to be discharged to the POTW, any pollutant that causes damage or detrimental effects on the POTW or otherwise causes DWSD to expend resources to respond to such discharge. Furthermore, DWSD may pursue any other available remedies that exist in law or equity against an Industrial User that violates these Rules and Regulations.

Industrial User, Retail District, Connector, Special Connector, or any other person or entity subject to these Rules and Regulations will defend, indemnify, and hold harmless DWSD for all damages, fines, costs, and expenses incurred by DWSD to perform a repair or assume or complete any required work, including but not limited to all damages, fines, costs, and expenses arising out of the negligent or wrongful actions or omissions of such person or entity (including environmental liabilities).

Section 4.18 No Damages for Failure to Enforce:

The purposes and provisions of these Rules and Regulations are for the exclusive benefit of DWSD. Nothing herein shall create any right to damages against DWSD, its directors, officers, agents, or employees for DWSD's failure to enforce these Rules and Regulations.

Chapter 5. Sector Control Programs

Section 5.01 General Requirements.

1) Authority.

- a) DWSD may establish specific Sector Control programs for industrial users to control pollutants as necessary to meet the objectives of these Rules and Regulations. Pollutants subject to these Sector Control programs shall generally be controlled using (BMPs) and specific pollutant limits where appropriate.
- b) DWSD may implement these Sector Control programs through a Control Mechanism or by directly enforcing these Rules and Regulations. The Industrial User shall apply for and obtain all required service authorizations and control mechanisms as required. All industrial users that are covered by these Sector Control programs shall comply with this Part and the Rules and Regulations, whether individually notified by DWSD to do so.
- c) No Industrial User shall discharge or cause to be discharged any wastewater that violates any General or Specific Prohibitions listed in Section 4.03

2) Notification to DWSD by the Industrial User and Management Review.

DWSD shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other changes that could change the nature, properties, or volume of wastewater discharge, to ensure that current Sector Control Program requirements are incorporated and implemented.

The Industrial User shall inform DWSD prior to:

- a) Sale or transfer of ownership of the business.

- b) Change in the trade name under which the business is operated.
 - c) Change in the nature of the services provided that affect the potential to discharge Sector Control Program pollutants.
 - d) Construction of a new building; or
 - e) Remodeling of the facility that may result in an increase in flow, pollutant loading, requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.
- 3) Inspections.
- a) DWSD may conduct inspections of any Industrial User with or without notice for determining applicability and/or compliance with Sector Control programs and these Rules and Regulations. Inspection results will be provided in writing to the facility.
 - b) If any inspection reveals non-compliance with any provision of a Sector Control Program requirement, corrective action shall be required.
- 4) Closure.
- DWSD may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.
- 5) Enforcement and Compliance.
- a) These Sector Control Program requirements form a part of these Rules and Regulations and enforcement for violations are outlined in Section 4.15.
 - b) Any costs incurred by DWSD due to Interference, damage, Pass Through, or additional maintenance necessary to treat regulated wastes shall be paid by the Industrial User to DWSD. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by DWSD, and such costs shall become part of the total charges due and owing to DWSD and shall constitute a lien on the Industrial User until paid in full.
- 6) Biological or enzyme treatment.
- Biological treatment or enzyme treatment shall not be a substitute for the servicing of a lift station and/or GGI. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.

Section 5.02 Best Management Practices (BMPs) for Food Service Establishment (FSEs).

1) Applicability.

These BMPs apply to FSEs that have a sewer connection to the DWSD System.

2) Responsibility of the User.

It shall be the responsibility of the FSE and/or owner of the property to contact DWSD for obtaining necessary permits for the installation of a grease removal device or any modifications to the facility's plumbing. Written approval from DWSD must be obtained prior to installation of the GGI as required. The time of review and approval of such permits shall in no way relieve the FSE from the responsibility of producing a discharge acceptable to DWSD under the provisions of these Rules and Regulations.

3) Registration Permit:

As a part of the Service Authorization process, a Food Service Establishment shall be required to adhere to a Best Management Practices (BMPs) from DWSD. These BMPs establish requirements for all Food Service Establishments (FSEs) DWSD determines that has the potential to discharge floatable or settleable material.

4) When to Reapply for a Registration Permit:

A FSE shall submit a Service Authorization as required in Section 1.09.

5) Changes to be reported:

The FSE shall notify DWSD and the Special Connector, if applicable, to reflect changes at the facility as required in 2).

6) Plan Reviews:

DWSD will process all plan reviews in the order received and will issue findings as soon as practicable, based on time and staff available. Submittals with omissions and deficiencies will be returned for correction, and resubmittals will be processed the same as new submittals. Staff can usually provide an approximate review time expectation at the time of submittal.

7) Installation Inspections:

It is the FSE's responsibility to schedule inspections with DWSD. The inspections are separate from any plumbing inspections required by DWSD or the County. All GGIs will be inspected by DWSD as follows:

- a) Upon delivery to the FSE address prior to burial and installation; and

- b) After all plumbing hookups completed prior to burial.
- 8) Trucks containing mobile kitchens shall discharge their grease containing wastewater to a discharge point that is upstream of a properly sized Gravity Grease Interceptor (GGI) installed such as a commissary or as otherwise required by DWSD. If a GGI is not installed, these facilities shall install and maintain a Gravity Grease Interceptor (GGI) within ninety (90) days of being notified of such requirement.
- 9) Installation Required.

Unless otherwise approved in writing by DWSD, the FSE shall install and properly operate and maintain an external Gravity Grease Interceptor (GGI) of at least 750 gallons and meet the requirements outlined in **Error! Reference source not found.** of this Part and implement all required BMPs.

Section 5.03 Variance for Existing Buildings.

- 1) A variance from these FSE requirements may be granted by DWSD using a cost/benefit analysis. New buildings are not eligible for a variance.
- 2) A cost-benefit analysis will be conducted for every variance request and will be reviewed by DWSD Manager prior to the decision whether to issue a variance. The requesting party will bear the cost of preparing the data and information for the cost-benefit analysis.
- 3) Variances shall be renewed annually in the form of an annual BMP Inspection. An additional cost-benefit analysis will not be required prior to the annual renewal unless a change has occurred that may increase the organic strength or loading of the effluent discharged to the POTW. The variance is not transferrable. The variance will be terminated if the business violates these Rules and Regulations or causes Interference with the collection system or treatment plant.
- 4) The FSE has the burden of proof of demonstrating, through data and other information, why a variance should be granted after submittal of the Service Authorization Application. The FSE shall submit a complete Variance Application to DWSD in support of its request for a variance.
- 5) The request shall include the following:
 - a) Written letter of request on company letterhead describing why a GGI installation is not feasible and signed by the Authorized Representative of the FSE. This must include a description of kitchen preparation and clean up processes in place and a revenue/expense report that justifies the number of drinks/meals expected to be served.
 - b) Dated copy of the menu or new menu.

- c) Stamped plumbing plans, specifications, and drawings from a licensed engineer unless Cost-Benefit Analysis is approved regardless of costs. Plans and specifications shall meet applicable plumbing codes and DWSD Rules and Regulations. If applicable, the engineer shall provide a statement as to why the installation of a GGI is not feasible.
- 6) If a variance is granted, the facility shall institute Best Management Practices (BMPs) and other mitigation measures as specified by DWSD. If an FSE is granted a variance, the variance may be revoked for non-compliance with these Rules and Regulations. These BMPs may include, but not be limited to:
- a) Installation of a Hydromechanical Grease Interceptor (HMGI) or continue to allow the use of an HMGI in lieu of installing a GGI. The HMGI shall be cleaned once per week or as otherwise specified by the manufacturer or as needed, whichever is more stringent.
 - b) All kitchen and food or drink preparation sinks and drains which are connected to the sanitary sewer shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the sewer system.
 - c) Food grinders are prohibited.
 - d) Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.
 - e) An employee training program shall be instituted on a periodic basis and for all new employees on FOG waste management. Such training shall be documented in writing.
 - f) Pay the costs incurred by DWSD for accelerated sewer line cleaning as required by DWSD.

Section 5.04 General Control Requirements.

- 1) A Gravity Grease Interceptor (GGI) shall be required for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Pass Through or Interference or otherwise violate a General or Specific Prohibition.
- 2) GGIs shall be located outside the building served on private property and shall be installed and connected as to be always easily accessible for inspection and cleaning. All new commercial buildings including multi-tenant building are required to provide stub-outs for separate waste lines for future GGI installation with 4" sample port riser.
- 3) The design and sizing of GGIs shall be in accordance with applicable District building codes and as specified in **Error! Reference source not found.** of this Part and shall not include any restroom fixture discharges. By default, all non-restroom related Drainage Fixture Units (DFUs) should be tied to the GGI. Plans must show all plumbing and GGI

specifications. The GGI shall be designed, sized, installed, maintained, and operated to accomplish the intended purpose of intercepting pollutants from the FSE's wastewater and preventing the discharge of such pollutants to the POTW, including pollutants that result in toxic, noxious, or malodorous conditions that create a public nuisance or unsafe working conditions, which endanger life or the environment.

- 4) Upon change of ownership of any existing facility which would be required to have an interceptor under these Rules and Regulations, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning GGI is installed.
- 5) All sinks which are connected to a GGI shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the GGI. Food grinders are prohibited unless the FSE installs and properly operates a solids separator prior to the GGI. Signs shall be posted above all sinks prohibiting the discharge of oil, grease, and food waste down the drains.
- 6) The FSE must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG and the FSE shall maintain interceptors at their expense and always keep in efficient operating condition by the regular removal of accumulated FOG.

Section 5.05 Required Maintenance.

- 1) GGIs shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oils, and grease from the FSE's wastewater and minimize the discharge of said materials into a sanitary sewer owned by DWSD. A GGI shall be serviced every ninety (90) days or whenever the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the GGI, or if toxic, noxious, malodorous conditions create a public nuisance or unsafe working conditions which endanger health whichever is more frequent.
- 2) DWSD may require more frequent or less frequent cleaning based upon data provided by the FSE.
- 3) Maintenance of grease interceptors shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.
- 4) All waste cooking oil and grease from deep fryers shall be collected, segregated, and stored properly in waste grease bins or similar devices. Waste grease bins shall have a cover or lid and shall be weather tight and not leak. Waste grease bins shall be pumped before they are 90% full by a licensed waste hauler or an approved recycler to dispose of waste cooking oil. Records of pumping shall be maintained for at least three (3) years.
 - a) The FSE must document each pump-out with a waste manifest or trip ticket and be kept by the FSE on site for at least three (3) years. This record shall include the date, the

name of the company that pumped or cleaned the GGI and the amount of waste that was removed. Such records shall be made available to DWSD upon request. The removed contents from any GGI shall be handled by a person licensed to haul such waste and shall be disposed of in accordance with federal, State, and local regulations. If any repairs are made to the GGI, the FSE must document repairs and maintain those records.

- b) The FSE must take reasonable steps to assure that all waste is properly disposed of in accordance with federal, state, and local regulations (i.e., through a statement certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).

Section 5.06 Best Management Practices (BMPs) for Petroleum, Oil, Grease, and Sand Facilities (POGS).

1) Applicability.

These BMPs establish requirements for any facility that has the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease, sand, and solids. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of a separator and other reporting requirements.

2) Prohibited Discharge.

No POGS facility shall discharge petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin that will cause or contribute to Pass Through or Interference.

3) Responsibility of the User.

It shall be the responsibility of the POGS facility and/or owner of the property to contact DWSD for obtaining necessary permits for the installation of a POGS separator or any modifications to the facility's plumbing. Written approval from DWSD must be obtained prior to installation of the POGS separator as required. The time of review and approval of such permits shall in no way relieve the POGS facility from the responsibility of producing a discharge acceptable to DWSD under the provisions of these Rules and Regulations.

4) Changes to be reported:

The POGS facility shall notify DWSD and DWSD to reflect changes at the facility as required in Section 2).

5) Plan Reviews:

DWSD will process all plan reviews in the order received and will issue findings as soon as practicable, based on time and staff available. Submittals with omissions and deficiencies will be returned for correction, and resubmittals will be processed the same as new submittals. Staff can usually provide an approximate review time expectation at the time of submittal.

6) Installation Inspections:

It is the POGS facility's responsibility to schedule inspections with DWSD. The inspections are separate from any plumbing inspections required by DWSD or the County. All POGS separators will be inspected by DWSD as follows:

- a) Upon delivery to the POGS facility address prior to plumbing connections; and
- b) After all plumbing hookups are completed and before the separator is buried.

7) Installation Required.

Unless otherwise approved in writing by DWSD, a POGS facility shall install and properly operate and maintain a POGS separator and implement all required BMPs. A POGS separator that was legally and properly installed at an Industrial User's facility prior to the effective date of these Rules and Regulations shall be acceptable as an alternative if such device is effective in removing floatable and settleable material and is designed and installed in such a manner that it can be inspected and properly maintained. If DWSD determines at any time that such POGS separator is incapable of adequately retaining the floatable and settleable material or if it was installed in such a manner that it cannot be inspected and properly maintained, the Industrial User shall install a separator that complies with all DWSD requirements within ninety (90) days after being notified of such requirement.

8) Variance:

DWSD does not allow variances to these requirements for Petroleum, Oil, Grease, and Sand separator installations.

9) General Control Requirements.

- a) A separator shall be required for the proper handling of liquid wastewater that may contain petroleum, oil, grease, and sand.
- b) Upon change of ownership of any existing facility which would be required to have a separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning separator is installed.

- c) Toilets, urinals, and similar restroom fixtures shall not waste through a separator. Such fixtures shall be plumbed directly into the building sewer and waste system. By default, all non-restroom related DFUs should be tied to the POGS interceptor. Plans must show all DFU routes and Interceptor specs as applicable.
- d) The Industrial User shall ensure the separator are easily accessible for inspection, cleaning, and removal of accumulated wastes.
- e) The Industrial User shall always maintain separators at their expense and keep in efficient operating condition by the regular removal of waste materials.
- f) Mesh screens or a similar device shall be installed for facilities with the potential to discharge debris greater than ½” in any dimension.
- g) POGS separators shall not be used as a means for disposal of unused, spent, or spilled chemicals, automotive waste fluids, hazardous wastes or sludges. Such wastes shall be stored in appropriate containers in volumes consistent with local and state environmental regulations until collected for recycling and/or disposal.
- h) Employee training on proper handling of material and implementation of procedures to prevent and minimize unnecessary discharges to the sewer.
- i) Signs shall be posted above all sinks, drains and similar devices located in process areas prohibiting the discharge of oil and other chemical waste down the drains and who to contact at DWSD in the event of a spill to the POGS separator.

Section 5.07 Required Maintenance.

- 1) Petroleum, Oil, Grease, and Sand separators shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the sand and oil from the industrial user’s wastewater and prevent the discharge of said materials into DWSD POTW through DWSD sanitary sewer system. A separator shall be serviced once per six (6) months unless sand and oil accumulation (25% of depth) requires more frequent evacuation or, subject to approval by DWSD, it is determined that less frequent pumping is sufficient. The Industrial User should periodically check the separator for the accumulation of pollutants or solids to avoid exceeding the capacity of the separator.
- 2) Maintenance of separators shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures. Contents shall be hauled and disposed of properly, and legally, off-site and in accordance with all Federal and Local laws and ordinances.
- 3) Each Industrial User that is required to use and maintain a separator shall keep a record of every time the separator is pumped or cleaned or repaired. This record shall include the date, the name of the company that pumped or cleaned the separator and the amount of

waste that was removed. Such records shall be made available to the District Manager upon request. The removed contents from any separator shall be handled by a person licensed to haul such waste and shall be disposed of in accordance with federal, state, and local regulations. These records must be made available to DWSD upon request. Records shall contain the following information:

- a) Date of maintenance.
 - b) Person performing maintenance.
 - c) Size of Tanks and estimated volume removed.
 - d) Final destination/disposal location; and
 - e) Signature of person performing maintenance.
- 4) The Industrial User must document all service receipts, cleaning logs, and maintenance records with a waste manifest or trip ticket and keep on site for at least three (3) years.
 - 5) The Industrial User must take reasonable steps to assure that all waste is properly disposed of in accordance with federal, State, and local regulations (i.e., through a statement certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).