

DIVISION 3. SANITARY SEWAGE CHARGES AND MANAGEMENT OF WASTEWATER

Sec. 56-91. Purpose.

This division is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city and prevent water and stream pollution by the control of sewage wastes and other wastewater; to provide funds necessary for the payment of the cost of the administration, management, operation and maintenance, planning and engineering of sanitary and storm sewerage facilities and for payment of the cost of construction, reconstruction, enlargement and replacement of sanitary and storm sewerage system facilities; for the payment of the principal and interest upon bonds issued and outstanding, and to be issued, for such sewerage facilities; for the acquisition of land for such purposes; for payment to the Metropolitan Denver Sewage Disposal District No. 1 for treatment of the sewage of the city and its connectors, and for other related expenditures. To achieve this purpose, it is necessary to fix and collect fees and charges for permission to connect to the sanitary sewerage system of the city, to fix and collect sewer service charges upon and against all lots, lands and premises connected to the sewerage system of the city, and the owners thereof, and to control the emission of sewage wastes and other wastes and wastewaters into storm and sanitary sewers and watercourses.

(Code 1950, § 167.1; Ord. No. 78-87, § 18, 2-9-87)

Sec. 56-92. Definitions.

As used in this article and the rules and regulations of the manager of public works, the following words, phrases and forms shall have the meanings given to them in this section except where the context clearly indicates and requires a different meaning. The words "shall" and "must" are to be construed as mandatory and not directory.

- (1) *Abnormal industrial wastes* shall mean industrial waste having a suspended solid or BOD content in excess of that found in normal sewage.
- (2) *Applicant* shall mean the owner of the premises for which any permit is applied for, or a person authorized in writing by such owner to act in the owner's behalf with regard to such permit.
- (3) *Beneficial uses* shall mean the uses of the waters of the state that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible and intangible as specified by the laws of the United States of America and the State of Colorado.
- (4) *Billing period* shall mean the term or length of time during which the sanitary sewage service charge accrues, and for which such charge is fixed and collected.
- (5) *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
- (6) *Building* shall mean any structure used for human habitation or a place of business, recreation or other purpose which contains sanitary disposal facilities.
- (7) *Building drain* shall mean that part of the lowest horizontal piping of a building sanitary drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(8) *Building sewer* shall mean a privately owned and maintained sanitary sewer line extending from a single building or structure to a street, alleyway, or other location, at which point it connects to a public sanitary sewer. The building sewer commences five (5) feet outside the exterior wall of the building or structure and extends to and includes the tap at the public sanitary sewer.

(9) *Carriage, treatment and disposal charge*. The charge payable to the city by users located beyond the political jurisdiction of the city for use of the city's sewerage system (including that portion of the facilities of the sewage disposal district no. 1 used by the city) to transport, treat and dispose of wastewater.

(10) *Combined sewer* shall mean a sewer constructed and maintained for the purpose of receiving both sanitary sewage and storm waters. Combined sewers are no longer permitted for construction.

(11) *Compatible pollution* shall mean BOD, SS, pH and fecal coliform bacteria, plus additional pollutants identified in the city's National Pollutant Discharge Elimination System (NPDES) permit if the city's treatment works or those to which the city transmits sewage, are designed to treat such pollutants, and in fact do remove such pollutants to a substantial degree.

(12) *Connection point or points* shall mean the point or points at which sewage from the system of a connector enters the city's sewerage system. It may, or may not, be the metering location used to gauge flow from the connector, depending on sewerage system configuration.

(13) *Connector (connector jurisdiction)* shall mean a person, municipal corporation, quasi-municipal corporation, political subdivision of the state, agencies of the state, the state, agencies of the United States of America, the United States of America; all or part of whose sewerage system is directly or indirectly connected to the sewerage system of the city.

(14) *Contamination* shall mean an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

(15) *Contract service area* shall mean the territory, having specific boundaries, in which the connector has statutory authority to own, construct, acquire and operate a sewerage system.

(16) *Contractor* shall mean any person duly licensed by the state or the city, to perform the type of work to be done under a permit, and shall include the owner or an agent.

(17) *Cooling water* shall mean the water discharged from any system of condensation, air conditioning, refrigeration or other such system.

(18) *Deleterious wastes* shall mean any wastes contained in sewage that would be harmful or damaging to the city's sewerage system or to the city or the Metropolitan Denver Sewage Disposal District No. 1.

(19) *Designated industrial user* shall mean an industrial user of the city sewerage system who discharges wastes of such quality, quantity or variability so as to permit assignment of typical strength of loading values, based upon an examination of the process involved and on-site monitoring (which shall be accomplished, as a minimum, on an annual basis).

(20) *Domestic sewage* shall mean the wastewater derived principally from dwellings, business buildings and institutions. It is equivalent to normal sewage.

(21) *Excluded industrial user* shall mean a user of the city sewerage system, identified as an industrial user, which discharges only nonprocessed, segregated domestic sewage.

(22) *Federal act* shall mean the Federal Water Pollution Control Act, and any amendments or successors thereto; as well as any guidelines, limitations and standards promulgated by the United States Environmental Protection Agency (USEPA) pursuant to the act.

(23) *Flat-rate customer* shall mean lots, land or premises within the city, and the owners thereof, in or on which the sewerage system of the city is used for the purpose of disposing of sewage and having a water supply from the board of water commissioners, the charge for which is based on the number of rooms and the number and type of water-using fixtures and devices.

(24) *Garbage* shall mean animal and vegetable waste resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

(25) *Holding tank wastes* shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

(26) *House connection*: See service connection and building sewer.

(27) *Industrial cost recovery* shall mean the system required of recipients of construction grants under U.S. Public Law 92-500, wherein industrial users are required to pay that portion of the federal grant amount of the cost of construction of facilities allocable to the treatment of wastes from such users.

(28) *Industrial user* shall mean any nondomestic source discharging pollutants into the municipal sanitary sewer system.

(29) *Industrial waste* shall mean the waste from industrial manufacturing processes, trades, or businesses, as distinct from, and in addition to, domestic sewage.

(30) *Industrial waste customer* shall mean lots, lands or premises, and the owners thereof, in or on which the city sewerage system is used for the purpose of disposing of industrial waste.

(31) *Industrial waste surcharge* shall mean the surcharge fixed and made against a person or connector discharging industrial waste, which is in addition to the charge made for services rendered in treatment of normal sewage; the amount of the surcharge being dependent on the amount by which the strength or constituents of the industrial waste exceed those of normal sewage.

(32) *Reserved*.

(33) *Main sewer* shall mean the public sewer to which the laterals and submains are connected.

(34) *Metered customer* shall mean lots, land or premises, and the owners thereof, within the city in or on which the sewerage system of the city is used for the purpose of disposing of sewage wastes and having a water supply from the board of water commissioners, the charge for which is based on a metered or measured quantity.

(35) *Metered sewage customer* shall mean lots, lands or premises, and the owners thereof, within the city in or on which the sewerage system of the city is used for the purpose of disposing of sewage wastes for which the sewage which enters the city's system is measured.

(36) *Metro* shall mean the Metropolitan Wastewater Reclamation District.

(37) *Monitored industrial user* shall mean an industrial user of the city sewerage system who discharges wastes of such a quality, quantity or variability so as to require periodic sampling in order to identify the amounts of discharges and loading characteristics.

(38) *Natural outlet* shall mean any point of discharge into a watercourse, pond, ditch, lake, stream or other body of surface or ground water.

(39) *Night soil* shall mean accumulation of human wastes.

(40) *Normal sewage* shall mean sewage which, when analyzed, shows not more than two hundred twenty (220) milligrams per liter of BOD, not more than two hundred fifty (250) milligrams per liter of suspended solids, and not more than fifty (50) milligrams per liter of freon soluble matter (grease and oil), based on average monthly flows.

(41) *Nuisance* shall mean anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(41.5) *Other sewer items (OSI)* means special sanitary sewer billing accounts, generally commercial in nature, which have extensive irrigation use of water during summer months such that the historical water consumption pattern is consistent with average residential usage.

(42) *Permit* shall mean any written authorization required pursuant to the provisions of this Code or by any other rule, regulation or ordinance of the city for the installation, operation, connection to or use of any wastewater facilities.

(43) *pH* shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

(44) *Polluted water* shall mean any water containing any of the following: biochemical oxygen demand greater than ten (10) milligrams per liter, suspended solids greater than twenty (20) milligrams per liter, oil and grease greater than ten (10) milligrams per liter, pH less than six and one-half (6.5) or greater than nine (9.0), fecal coliform bacteria greater than one thousand (1,000) per one hundred (100) milligrams or any toxic or hazardous substance in suspension, colloidal state or solution.

(45) *Premises* shall mean any parcel of real estate or portion thereof including any improvements thereon which is determined by the city to be a single user for the purposes of receiving, using and paying for sewerage service.

(45.5) *Private sewer* shall mean a privately constructed, owned, operated and maintained storm or sanitary sewer line which extends from one (1) or more building sewers to a street, alleyway, or other location, at which point it connects to a public storm or sanitary sewer.

(46) *Public sewer* shall mean a common sanitary or storm sewer owned and controlled by the city.

(47) *Receiving stream or waters* shall mean a natural watercourse into which treated or untreated wastewater is discharged.

(48) *Residential connection* shall mean a sanitary sewer connection to a building that is used for living quarters for one (1) family.

(49) *Residential equivalent* shall mean a determination by the manager of public works as to the number of residential connections that would equal the sewage discharge from a building or buildings used for purposes other than the living quarters of a single family.

(50) *Residential multiple-unit dwelling building* shall mean two (2) or more residential units, occupied or unoccupied, within a single structure.

(51) *Residential unit* shall mean a place of human habitation containing cooking and sanitary facilities, used for permanent, as opposed to transient, occupancy, connected directly or indirectly to the sanitary sewerage system of the city. This includes single-family residences and each separate habitation in a residential multi-unit dwelling building. This category includes apartment buildings, condominiums, artists lofts, retirement homes, and any other combination residence/work space building. This category does not include property which is specifically designed for transient occupancy, such as dormitories, motels, hotels and hospitals.

(52) *Sanitary sewage* shall mean sewage discharging from sanitary conveniences of dwellings, business buildings, public and private institutions, and industrial establishments.

(53) *Sanitary sewage service charge* shall mean a rate, toll or fee fixed and collected by the city with respect to, against and upon each lot, land and premises, and the owner thereof, for providing the collection, transportation, treatment and disposal of wastewater.

(54) *Sanitary sewer* shall mean the sewer or pipe or conveying network of the public sanitary sewerage system that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(54.1) *Sanitary sewer services availability fee*: A fee fixed and collected by the city with respect to, against and upon each lot, land, building and premises, and the owner thereof, for and upon connecting directly or indirectly into the sanitary sewerage system of the city.

(55) *Sanitary sewerage system* shall mean the land, lines and appurtenances, pumping stations, treatment plant, equipment and general property involved in collecting, transporting and treating domestic and industrial wastes, and the disposition of the sludge and effluent.

(56) *Septage* shall mean wastes removed from a septic tank.

(57) *Service or house connection* shall mean the point of entry of sewage into the publicly owned collection system.

(58) *Sewage* shall mean the combination of liquid or water-carried wastes conducted away from residences, business buildings and institutions, which is known as domestic sewage, together with the liquid or water-carried wastes resulting from manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process, which is known as industrial waste.

(59) *Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

(60) *Sewer* shall mean a pipe or conduit that carries sewage or drainage water.

(60.5) *Sewerage system* shall mean a system of piping, with appurtenances, for collecting and conveying wastewater from source to discharge.

(61) *Single-family* shall mean a determination made by the manager of public works, in conjunction with his determination of residential equivalents, of the average number of persons comprising a single family. The manager will use, but not be limited to, data obtained from the United States Census Bureau.

(62) *Slug* shall mean any discharge of water, sewage or industrial waste which in

concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours concentration of flows during normal operation.

(63) *Special permit* shall mean a permit approved by, and received from, the manager of public works allowing the requesting person to proceed with an operation otherwise prohibited by this division or by the rules and regulations.

(64) *SS strength index* shall mean the measure of the suspended solids content of sewage in milligrams per liter.

(65) *Standard methods* shall mean laboratory procedures in accordance with the manual on "Industrial Water and Industrial Waste Water" ASTM Committee D-19, or "Standard Methods for the Examination of Water and Waste Water," latest editions.

(66) *Storm sewer or storm drain* shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewerage and industrial wastes, other than unpolluted cooling water.

(67) *Street* shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

(68) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

(69) *Treatment works* shall mean any devices and systems used in storage, treatment, recycling, and reclamation of domestic or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including wastewater collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and any works, including acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff or industrial waste, including waste in combined storm water and sanitary sewer systems.

(70) *User* shall mean any person that discharges, causes or permits the discharge of sewage into a public sewer.

(71) *User charge* shall mean a charge made against users of the city sewerage system for the service of collecting, transporting, treating and disposing of sewage.

(72) *Waste* includes wastewater and any and all waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purpose of, disposal.

(73) *Wastewater* shall mean any waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

(74) *Wastewater discharge permit* shall mean the permit issued by the city to control the discharge of industrial wastewater to the treatment works.

(75) *Water closet* shall mean a plumbing fixture, usually a toilet bowl, seat and water tank, or valved pressure water connection for carrying of excreta and liquid wastes to a drain pipe connected below, by the agency of flushing water.

(76) *Watercourse* shall mean a stream of water, usually flowing in a particular direction, either continuously or intermittently, in a definite channel, having a bed and banks and usually discharging into some other stream or body of water.

(77) *Waters of the state* shall mean any water, surface or underground, within the boundaries of the state.

(78) *Winter billing period* shall mean a period established by the manager of public works during the winter months of November through April during which potable water use is determined for billing purposes.

(79) *Work permitted* under either a building permit or a permit issued by the manager of public works by virtue of authority of this division shall mean that work for which such a permit was required and obtained pursuant to the ordinances, rules and regulations of the city, and which work shall be readily apparent upon inspection of the premises.

(Code 1950, § 167.1; Ord. No. 49-80, §§ 1, 2, 1-28-80; Ord. No. 681-81, §§ 1, 6, 12-14-81; Ord. No. 73-83, § 9, 1-31-83; Ord. No. 78-87, §§ 19--29, 2-9-87; Ord. No. 560-88, § 1, 9-6-88; Ord. No. 82-89, § 1, 2-21-89; Ord. No. 11-93, § 1, 1-4-93; Ord. No. 834-95, § 1, 10-10-95)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 56-92.5. Sanitary sewer connection fees.

(a) *Sanitary sewer services availability fees.*

(1) The sanitary sewer services availability fee (SAFE) for making new or altered connections from lots, parcels of land, buildings or premises directly or indirectly into the sanitary sewerage system of the city shall be the responsibility of, and paid by or on behalf of, such lots, parcels of land, buildings or premises, and the owners thereof, prior to the manager issuing a sewer use and drainage permit for such lots, parcels of land, buildings or premises, computed at the rate of four hundred ten dollars (\$410.00) for each single-family residential equivalent.

(2) Sanitary sewer connection fees are required for all new or altered direct or indirect connections to the Denver or metro sanitary sewer systems as well as for all changes in the use of the sanitary sewer system or of an existing connected building or premises.

(3) Except to the extent otherwise provided by Subsection 56-108(d), receipts from the SAFE shall be recorded, accounted for in, and restricted to payments from the sanitary sewer capital improvements fund.

(b) *Metro Wastewater Reclamation District tap fee.*

(1) The service agreement between the city and the Metro Wastewater Reclamation District (metro), as amended, city clerk's filing no. 85852, requires that metro provide for the transportation, treatment and disposal of sewage generated within the city. The agreement further provides for the collection and payment of a tap fee by the city to metro prior to any new or altered connection being made to the sanitary sewerage system within the city, in such amount as may be fixed by the board of directors of metro.

(2) The metro tap fee for connecting lots, parcels of land, buildings, or premises directly or indirectly into the sanitary sewer system of the city (or metro) shall be the responsibility of, and paid by on or behalf of, such lots, parcels of land, buildings or premises, and the owner thereof, prior to the manager issuing any permit for such lots, parcels of land, buildings or premises, at the rate of one thousand seven hundred forty dollars (\$1,740.00) for each single-family residential equivalent.

(c) *For the purposes of this section.*

(1) *Asingle-family residential equivalent (SFRE)* is equal to one (1) single-family unit which means a building or structure used or designed to be used as only one (1) residential unit (including a detached dwelling (single-family house) and a mobile home); each residential unit in a duplex; and each residential unit having water service separately connected to the water main, in a building or structure with three (3) or more residential units.

(2) *Residential unit* means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one (1) or more persons could reasonably reside on a permanent and nontransient basis. (Kitchen facilities include any or all of the following: sink, range, stove, conventional oven, microwave oven. Bathroom facilities include any or all of the following: toilet, bath, shower.) Notwithstanding the above, a room or group of rooms containing wastewater fixtures in addition to those used or intended to be used in normal residential activities shall not be considered a residential unit.

(3) An altered connection is any direct or indirect sewer connection which serves a building or structure in which the number of single-family units is increased, single-family units are converted to other than single-family units, or where there is an increase in the size of the water service tap.

(d) *Determination of SFRE's.* All connections which are not single-family units as described in subsection (c) above shall have the number of SFRE's determined through the size of the water service tap or taps serving the building, structure, or premises, according to the following table:

TABLE INSET:

| Water Service Tap Size (inches) | Number of SFRE's |
|---------------------------------|------------------|
| 3/4 | 1.9 |
| 1 | 4.5 |
| 1 1/2 | 11 |
| 2 | 20 |
| 3 | 42 |
| 4 | 76 |

For water service tap sizes six (6) inches and larger, the SFRE's shall be determined by the flow, BOD, SS, and TKN in conformity with the Rules and Regulations of the Wastewater Management Division and/or the Rules and Regulations of Metro, as authorized by the service agreement. New connections served by multiple new water service taps with a combined number of SFRE's greater than two hundred five (205) shall have the number of SFRE's determined as for connections with service taps six (6) inches or larger.

(e) *Miscellaneous.* Multiple water and/or sewer taps, unusual water tap sizes, exemptions and reductions shall be determined, and any necessary adjustments made, by the manager of public works in conformity with the rules and regulations of the wastewater management division and/or the rules and regulations of metro, as authorized by the service agreement.

(f) *Reactivation of inactive connections.* When a sewer connection is inactive for a period of ten (10) years or more, a reactivation fee shall be due when the connection is reactivated. The reactivation fee shall be set by the Metro Board per SFRE, as authorized by the service agreement, and shall be due for each year, or part thereof, beyond ten (10) which a connection is inactive. The total reactivation fee shall not exceed the sewer connection charges in effect at the time the connection is reactivated.

A sewer connection shall be considered as inactive when records from the water supply agency serving the building or premises do not show that a measurable amount of water was supplied to the building or premises during the ten (10) or more consecutive years regardless of whether any payment for water was made during or after those years. The date of sanitary sewer service reactivation shall be the date that the water supply agency resumes water service.

(g) *Redevelopment credits.* Where redevelopment of a lot, parcel of land, building or premises occurs, all previously existing active connections serving that lot, parcel of land, building or premises may be credited for existing SFRE's at the current fee rate. There shall be no rebate or future credit where such redevelopment results in a reduction of SFRE's.

(Ord. No. 725-93, § 1, 9-20-93; Ord. No. 834-95, § 2, 10-10-95; Ord. No. 677-96, § 1, 8-5-96; Ord. No. 932-96, §§ 1, 2, 10-28-96; Ord. No. 691-97, § 1, 10-6-97; Ord. No. 900-98, § 1, 12-14-98; Ord. No. 25-00, § 1, 1-10-00; Ord. No. 905, § 1, 10-22-01; Ord. No. 200-02, § 1, 3-11-02; Ord. No. 930-02, § 1, 11-12-02; Ord. No. 915-03, § 1, 12-1-03; Ord. No. 959-04, § 1, 12-20-04)

Editor's note: Ord. No. 725-93, § 1, adopted Sept. 20, 1993, repealed § 56-92.5, relative to sanitary sewer services availability fee within the city, and enacted new provisions to read as herein set out. Formerly, such provisions derived from Ord. No. 681-81, § 7, adopted Dec. 14, 1981; Ord. No. 738-83, § 1, adopted Dec. 19, 1983; Ord. No. 696-84, § 1, adopted Dec. 17, 1984; Ord. No. 758-85, § 1, adopted Dec. 23, 1985; Ord. No. 928-86, § 1, adopted Dec. 29, 1986; Ord. No. 728-87, § 1, adopted Dec. 14, 1987; and Ord. No. 560-88, § 2, adopted Sept. 6, 1988.

Sec. 56-92.6. Reserved.

Editor's note: Ord. No. 725-93, § 2, adopted Sept. 20, 1993, repealed § 56-92.6, relative to Metro Wastewater Reclamation District tap fee, which derived from Ord. No. 738-83, § 4, adopted Dec. 19, 1983; Ord. No. 696-84, § 1, adopted Dec. 17, 1984; Ord. No. 758-85, § 2, adopted Dec. 23, 1985; Ord. No. 928-86, § 2, adopted Dec. 29, 1986; Ord. No. 728-87, § 2, adopted Dec. 14, 1987; and Ord. No. 688-92, § 1, adopted Sept. 28, 1992.

Sec. 56-93. Sanitary sewage service charges within the city.

The sanitary sewage service charge for each two-Gregorian-month period which shall be made to and against, and collected from each and every lot, parcel of land, building or premises within the legal boundaries and political jurisdiction of the city, and the owners thereof, which are connected to and discharging or to which, by virtue of such connection, there is available the opportunity to discharge sewage, industrial waste, water, liquid or wastewater into the sanitary sewerage system of the city shall be the greatest of the amounts computed as set forth and described in subsections (1) through (4) or in accordance with subsection (5) as follows:

- (1) For each residential unit . . . \$ 10.68
- (2) For other than residential units, the charge shall be computed in relation to the rated size of the water meter as follows:

TABLE INSET:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

| Size (inches) | Amount | Size (inches) | Amount |
|---------------|---------|---------------|-----------|
| 5/8 | \$10.68 | 3 | \$ 160.13 |
| 3/4 | 16.02 | 4 | 266.95 |
| 1 | 26.68 | 6 | 533.91 |
| 1 1/4 | 40.07 | 8 | 854.61 |
| 1 1/2 | 53.41 | 10 | 1,227.97 |
| 2 | 85.42 | 12 | 2,295.78 |

(3) For users whose potable water is metered or measured, whether by the board of water commissioners or by other methods approved by the manager of public works or both (metered customers), the charge shall be computed by multiplying the volume of potable water into the premises during the billing period by \$1.95/thousand gallons.

(4) For users whose potable water is not metered or measured (flat rate customers), the charge shall be one-sixth of the annual charge which shall be computed by multiplying the annual equivalent sewage contribution by \$1.95/thousand gallons. The annual equivalent sewage contribution shall be the total of the annual unit equivalent sewage contributions in relation to the number of rooms and water-using devices in the premises of the users as follows:

TABLE INSET:

| Equivalency Factors | Annual Unit Equivalent Sewage Contribution (in thousands of gallons) |
|------------------------------------|----------------------------------------------------------------------|
| Room (1--4, each)..... | 8.030 |
| Room (all rooms over 4, each)..... | 1.736 |
| First bath facility..... | 16.425 |
| Each additional bath facility..... | 10.950 |
| First water closet..... | 21.000 |
| Each additional water closet..... | 14.600 |
| Each water-using device..... | 5.475 |

(5) For users whose sewage is measured by a meter or method approved by the

manager of public works, the charge shall be computed by multiplying the volume of sewage during the billing period by \$1.95/thousand gallons.

(6) Whenever the manager of public works shall determine that it is necessary or appropriate, he may designate a sanitary sewer account to be billed on a single-Gregorian-month basis. Such a designation may be used for accounts such as those including an industrial waste surcharge, water gain factor (well), water loss factor (e.g., evaporation or product usage) or high-volume water usage. For users who are designated for monthly sanitary sewer billing, those who qualify for charges under subsection (1) or (2) of this section shall be charged at fifty (50) percent of the rates shown in those subsections for each billing period. Otherwise, the charges will be computed as shown in subsections (3), (4) or (5), as appropriate.

(7) From the receipts of revenue of the sanitary sewage service charges within the city, not more than eighty (80) percent shall be apportioned for the payment of the costs of the administration, management, operation and maintenance, planning and engineering of sanitary sewerage facilities and the payment to Metro Wastewater Reclamation District for the transportation, treatment and disposal of the sewage of the city; twenty (20) percent or a greater portion, if not otherwise allocated for the costs of administration, management, operation and maintenance, planning and engineering of sanitary sewerage facilities, shall be apportioned for the payment of the costs of construction, reconstruction, enlargement and replacement of sanitary sewage system facilities and the payment of the principal and interest upon bonds issued and outstanding, if any, and to be issued.

(Code 1950, § 167.2; Ord. No. 49-80, § 3, 1-28-80; Ord. No. 681-81, § 2, 12-14-81; Ord. No. 738-83, § 2, 12-19-83; Ord. No. 696-84, § 3, 12-17-84; Ord. No. 78-87, §§ 30, 31, 2-9-87; Ord. No. 728-87, § 3, 12-14-87; Ord. No. 560-88, §§ 3, 4, 9-6-88; Ord. No. 755-88, § 1, 12-5-88; Ord. No. 459-89, § 1, 8-21-89; Ord. No. 505-90, § 1, 8-27-90; Ord. No. 727-91, § 1, 10-15-91; Ord. No. 688-92, § 2, 9-28-92; Ord. No. 671-93, § 1, 8-30-93; Ord. No. 801-94, § 1, 10-11-94; Ord. No. 834-95, § 3, 10-10-95; Ord. No. 1057-00, § 1, 12-26-00; Ord. No. 200-02, § 2, 3-11-02)

Sec. 56-94. Industrial waste surcharge within the city.

(a) In addition to the sanitary sewage service charge set forth in section 56-93, a sewer service surcharge calculated in accordance with the following formula shall be billed to and paid by industrial waste customers in the same frequency as the service charge:

$$SC = (V_s \times 8.34) \times [(0.2035)$$

$$(BOD - 250) + (0.1694)(SS - 250) + (.1074)(TKN-40)]$$

Where:

TABLE INSET:

| | | |
|----------------|---|--------------------------------------------------------------------------------------------------------------------------|
| SC | = | Surcharge in dollars and cents. |
| V _s | = | Volume of sewage in millions of gallons contributed to the city's sewerage system by the user during the billing period. |
| | | |

| | | |
|------|---|-------------------------------------------------------|
| 8.34 | = | Conversion factor; one (1) gallon of water to pounds. |
|------|---|-------------------------------------------------------|

(b) The surcharges for BOD, SS and TKN are applied separately. If the strength of either BOD, SS or TKN is less than or equal to the upper limit of normal strength sewage, there shall be no surcharge for that particular category, nor shall there be any credit towards the total surcharge.

(Code 1950, § 167.3; Ord. No. 49-80, § 4, 1-28-80; Ord. No. 82-89, § 2, 2-21-89; Ord. No. 290-90, §§ 1, 2, 5-21-90; Ord. No. 160-94, § 1, 2-28-94; Ord. No. 834-95, § 4, 10-10-95; Ord. No. 932-96, § 3, 10-28-96)

Sec. 56-95. Reserved.

Editor's note: Ord. No. 560-88, § 5, adopted Sept. 6, 1988, repealed § 56-95, concerning industrial cost recovery charge within the city, as derived from Code 1950, § 167.4.

Sec. 56-96. Measuring, billing and collecting within the city.

(a) For customers whose sewage charges are computed on the basis of the metered volume of water into the premises, the manager of public works shall determine such volume during a winter billing period and apply the rate for sewage charges to that volume for all billing periods; provided, however, that for such customers whose premises are used for purposes other than residential, unless the premises are designated for an "other sewer items" (OSI) account, the manager shall apply the rate for sewage charges to that volume of water into the premises during the period for which the service is billed.

(b) If a lot, parcel of land, building or premises within the legal boundaries of the city connected to and discharging sewage, industrial wastes, water or liquid into the sanitary sewerage system of the city is not connected to the water distribution system of the board of water commissioners but receives either in whole or in part water from wells or any source of supply other than the board, then such wells or other sources of supply shall be registered with the manager of public works. If the water from such wells or other sources of supply is not measured by a water meter, or is measured by a water meter not acceptable to the manager, then in such case, the owner shall install and maintain at the owner's expense water meters satisfactory to the manager of the water supply connections, and the quantity of water which is measured by a single meter or the sum of the quantities measured by several meters and which subsequently is contributed to the sewer shall be used to determine the sewerage service charge.

(c) Where it can be shown to the satisfaction of the manager of public works that a portion of the water volume as measured by the aforesaid meters does not enter the sanitary sewerage system of the city, then the manager will require or permit the installation of additional approved meters at the owner's expense in such manner as to measure the sanitary sewerage discharge from the lot, parcel of land, building or premises of such owner, and the quantity of sewage actually entering the sewerage system as so determined.

(d) Charges for sanitary sewerage service within the city shall be computed by the manager of public works, transmitted to the board of water commissioners, and shall be billed, paid and collected in the same manner as board charges for water service furnished by the board. In this connection, the provisions of section C4.33 of the Charter of the city, "continuity of control of water," are invoked, and this division declared to be the ordinance terms referred to therein. Details of the conjunctive billing and collecting shall be the subject of a contractual relationship between the manager and the board.

(e) If the owner of any lot, parcel of land, building or premises within the legal boundaries of the city connected to and discharging sewage, industrial wastes, water or liquid into the sanitary sewerage system of the city shall neglect, fail or refuse to pay the rates, charges or fees fixed

by this division for the connection with and use of the sanitary sewerage system of the city, the rates, charges or fees due therefor may, by the manager of public works, be periodically certified to the manager of revenue who shall record a notice of such lien with the clerk and recorder. Such rates, charges or fees due therefor shall become, from and after the date of such recording of the notice in the office of the clerk and recorder, a continuing lien upon the real property so served by the sewer connection. The manager of revenue shall assess and charge the amounts of rates, charges or fees due against the property involved, and collect the same, plus interest thereon, in the manner as are delinquent real property taxes. The lien created hereby shall be superior and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and special assessments. In addition to the remedies set forth herein, an action or other process provided by law may be maintained by the city to recover or collect any amounts, including interest, owing under this provision. Provided, however, that when the failure to pay such rates, charges or fees due is the result of incorrect billing by the manager of public works, the owner shall only be billed, with the related certification and notice, if any, for not more than two (2) years prior to the mailing of a corrected billing.

(Code 1950, § 167.5; Ord. No. 49-80, § 5, 1-28-80; Ord. No. 187-80, § 1, 4-21-80; Ord. No. 73-83, § 1, 1-31-83; Ord. No. 78-87, §§ 32, 33, 2-9-87; Ord. No. 11-93, § 2, 1-4-93; Ord. No. 464-98, § 9, 7-6-98)

Sec. 56-97. Agreements with connectors outside the city.

(a) The mayor, upon recommendation of the manager of public works, is hereby authorized and empowered on behalf and in the name of the city, to make and enter into contracts for the carriage and treatment of sewage with persons, cities, towns and incorporated sewer districts and sanitation districts outside the geographical limits of the city, the United States of America and the state and agencies thereof having contractual arrangements with the city and from time to time to renegotiate existing and future contracts with respect thereto and enter into agreements supplementing or amending any such existing or future contract with any such person, city, town or agency, and the manager of public works may allow a connector, by written permit, to use the sanitary sewerage system of the city; provided, however, that:

- (1) No such contract or agreement shall impair the ability of the city properly to carry and treat the sanitary sewage furnished within the city;
- (2) Such contracts and agreements shall be subject to the rules and regulations heretofore or hereafter promulgated by the manager of public works with respect to the carriage and treatment of sewage from beyond the limits of the city;
- (3) The rates to be specified in all future contracts for such carriage and treatment of sewage shall be as specified and set forth in this division; and
- (4) All new contracts or changes to existing contracts shall require approval of the council by ordinance.

(b) All contracts between the city for the carriage and treatment of sewage for persons, cities, towns and incorporated sewer districts and sanitation districts outside the limits of the city and for agencies of the United States of America which are in effect on the effective date of this section are hereby ratified and confirmed. Nothing in this section contained shall be construed to limit the authority of the officers of the city conferred and enjoined by the terms of this division.

(c) Each connector shall promulgate, implement and operate under:

- (1) A sewer use ordinance or other legally binding requirement;
- (2) A user charge system which is based on either actual use or ad valorem taxes; and
- (3) An industrial cost recovery system;

All of which shall be in conformance with, and shall have been approved and certified in writing by the U.S. Environmental Protection Agency (EPA) as being in conformance with the Federal Water Pollution Control Act (Pub. L. 92-500) and the Clean Water Act of 1977 (Pub. L. 95-217) of the United States of America and the implementing Rules and Regulations of EPA as may be promulgated from time to time.

(Code 1950, § 167.6; Ord. No. 49-80, § 6, 1-28-80)

Sec. 56-97.5. Reserved.

Editor's note: Section 5 of Ord. No. 738-83, adopted Dec. 19, 1983, effective Jan. 1, 1984, repealed § 56-97.5, "sanitary sewer services availability fee for outside the city." Said Code section derived from § 8 of Ord. No. 681-81, adopted Dec. 14, 1981.

Sec. 56-98. Carriage, treatment and disposal charge for outside the city.

The carriage, treatment and disposal (CTD) charges for each three-Gregorian-month period which shall, in advance of such period, be made and billed to and against and collected from each and every lot, parcel of land, building or premises, located outside the political jurisdiction of the city and the owners thereof, which is connected to and discharging, or to which, by virtue of such connection, there is available the opportunity to discharge sewage, industrial waste, water, liquid or wastewater into the sanitary sewerage system of the city, shall be \$72.97 per residential connection or residential equivalent. For the purposes of this section, it shall be deemed that one (1) residential equivalent contributes one hundred thousand (100,000) gallons of sewage per year at its source.

(Code 1950, § 167.7; Ord. No. 49-80, § 7, 1-28-80; Ord. No. 681-81, § 3, 12-14-81; Ord. No. 73-83, §§ 2--5, 1-31-83; Ord. No. 738-83, § 3, 12-19-83; Ord. No. 755-88, § 2, 12-5-88; Ord. No. 459-89, § 2, 8-21-89; Ord. No. 505-90, § 2, 8-27-90; Ord. No. 727-91, § 2, 10-15-91; Ord. No. 11-93, § 3, 1-4-93; Ord. No. 671-93, § 2, 8-30-93; Ord. No. 801-94, § 2, 10-11-94)

Sec. 56-99. Industrial waste surcharge outside the city.

In addition to the carriage, treatment and disposal charge set forth in section 56-98, a sewer surcharge calculated in accordance with the formula set forth in section 56-94, shall be billed to customers outside the city in the same frequency as the carriage, treatment and disposal charge.

(Code 1950, § 167.8)

Sec. 56-100. Reserved.

Editor's note: Section 6 of Ord. No. 738-83, adopted Dec. 19, 1983, effective Jan. 1, 1984, repealed § 56-100, "Industrial cost recovery charge outside the city," deriving from Code 1950, § 167.9.

Sec. 56-101. Measuring, billing and collecting outside the city.

(a) The manager of public works shall determine the delivery flow rate characteristics of sanitary sewage flowing into the city sewerage system from the connector jurisdiction and from all outside connectors including such metering as is necessary, using acceptable engineering principles and techniques, to determine the actual volume for billing purposes. Any connector who disputes the volume so measured may have an administrative hearing before the manager of public works (who may designate an official of the department of public works to act in the manager's stead) by request, in writing. The connector shall be notified in writing, at least seven

(7) days in advance, of the time and place of the hearing. While the hearing shall be administrative, not judicial, in nature, the procedure used during the hearing shall be such as to provide the connector with due process of law.

(b) The rates or charges set forth in this division shall apply to all billings made under all existing contracts for carriage and treatment of sewage from beyond the limits of the city wherein, under the terms thereof, such rates or charges are applicable without further action on behalf or on the part of the city; where any such contract requires any notice or other action on behalf or on the part of the city as a condition precedent to a change of the rates or charges therein specified, the appropriate notice or action shall be given or taken by the appropriate officials of the city to the end that the rates and charges set forth in this division may be effective as to the carriage and treatment of sewage covered by such contract at the earliest possible date.

(c) The charges or rates under existing and future contracts for the carriage and treatment of sewage from outside the limits of the city, together with other related charges based on such contracts and imposed by the manager of public works, are hereby fixed and are hereby assessed against each parcel of property lying outside of the municipal and territorial limits of the city which is served by the city by the carriage and treatment of sanitary sewage, whether by direct connection with the sanitary sewer system of the city or by means of intervening sanitary sewerage systems which connect therewith, for each year or portion thereof in which such parcel is so served by such carriage and treatment or by the right to have sanitary sewage so carried and treated. Descriptions of such properties and the names of the owners thereof, as near as may be, are set forth in the office of the city clerk and are filed and identified as city clerk's Filing No. 94881.

(1) Charges and rates for each billing period shall be due and payable as billed unless the time of payment shall have been modified by the contract pursuant to which such sewage is carried and treated.

(2) When such rates and charges are not paid in full with respect to any parcel of property at the offices of the treasury of the city thirty (30) days after having been billed, such parcels shall be considered delinquent with respect thereto, and the manager of public works shall prepare a list of said delinquent parcels showing the description there, the amount due, and the year or years for which the delinquent amounts were levied.

(3) Such list shall then be certified by the city clerk as provided by law to the county in which the property is located, and the manager of public works shall thereafter refuse to accept payment on account of any delinquency so certified.

(4) Such certification shall forthwith, when received by the county commissioners of the proper county, be delivered to the county treasurer thereof, who shall thenceforth collect such rates and charges together with interest thereon at the rate established for delinquent property taxes, from the first date thereafter as may be allowed by law until the same are paid or the property sold therefor, whichever sooner occurs, and together with the statutory charge for advertisement, where applicable.

(5) Such rates and charges shall be a continuing lien from the time the certification is lodged with the county treasurer.

(6) The treasurer shall issue receipts for such payments, as in the case of payment of taxes, and shall remit monthly the money received to the city after deducting therefrom a commission of two (2) percent for collecting same.

(7) Upon receiving the certification aforesaid, the county treasurer shall proceed to advertise and sell any and all real estate as to which such rates and charges are delinquent, as aforesaid, and such sales and advertisement shall be made at the same time or times, in the same manner and under the same conditions and penalties, with like fees and with the same effect as are provided by general law for sales of real estate

in default of payment of general taxes.

(8) The cost of such advertisement shall not exceed the statutory rates for advertisement of notices of tax sales, and shall be paid by the city upon receipt of a proper statement for such cost.

(9) If, at the time of sale of the said properties as aforesaid, there shall be no bids for any tract offered, the treasurer shall pass it over for the time, and shall reoffer it at the beginning of the sale the next day, until all the tracts are sold, or until the treasurer shall become satisfied that no more sales can be effected, when it shall become his duty to strike off to the city the parcels remaining unsold for the amount of such taxes, interest and costs thereon, in the same manner and with the same effect as in the case of sales for general taxes.

(10) Redemptions from such sales shall be effected in the same manner and upon the same terms, conditions and limitations as in the case of sales for general taxes, and tax deeds for such sales shall be issued in the same manner, upon the same conditions and with the same effect as in the case of sales for general taxes.

(Code 1950, § 167.10; Ord. No. 78-87, § 34, 2-9-87; Ord. No. 755-88, § 3, 12-5-88)

Sec. 56-102. Disposal of wastes and use of public sewers.

(a) *Polluted water prohibited in storm sewers and watercourses.* It shall be unlawful for any person to discharge or cause to be discharged any polluted water into any storm sewer or watercourse within the city.

(b) *Deposit of wastes in city.* It shall be unlawful for any person to place, deposit or permit to be placed or deposited upon public property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other waste.

(c) *Discharge of wastewater in watercourses.* It shall be unlawful for any person to discharge to any stream or watercourse any domestic or industrial wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this division or the rules and regulations of the manager of public works.

(d) *Construction of privies and other facilities.* It shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of wastewater, except as provided in this Code.

(e) *Compliance with Code prior to occupation of structures.* It shall be unlawful to occupy any building, industrial facility or other structure until the owner of the premise has complied with all the ordinances, rules and regulations of the city.

(f) *Mandatory connection to public sewer.* The owner of any building situated within the city and abutting on any street or alley in which there is now located or may in the future be located a public sewer of the city, is hereby required, at his expense, to connect the building directly with the public sewer designated by the manager of public works, within ninety (90) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer.

(g) *Prohibited discharges in sanitary sewer.* It shall be unlawful for any person to discharge or cause to be discharged into the sanitary sewerage system any of the following:

(1) Sewage of such nature and at such rate as to impair the hydraulic capacity of any part of the sanitary sewerage system of the city or metro;

(2) Sewage of such quantity, quality or other nature as to create flammable, explosive

or corrosive conditions in any part of the sanitary sewerage systems of the city or metro;

(3) Sewage containing any radioactive substance, garbage, night soil, or septic tank pumpage, except pursuant to rules and regulations established by the manager of public works;

(4) Any solid or viscous material which could cause an obstruction to the flow or interfere with the normal treatment process in any part of the sanitary sewerage systems of the city or metro;

(5) Sludge or other material from sewage or industrial waste treatment plants, or from water treatment plants;

(6) Water which is the discharge from sump pumps, or which has been used for cooling, heat transfer purposes, condensation, air conditioning, refrigeration or similar use;

(7) Any liquid or vapor having a temperature that may cause an odor nuisance;

(8) Water or wastes containing grease, oil or other substance that may solidify and clog or interfere with the treatment process of any part of the sanitary sewerage system of the city or metro;

(9) Wastes with phenolic compounds, sulfides, cyanides or compounds capable of liberating hydrocyanic acid gas in excess of limits established by the manager of public works;

(10) Wastes that contain a corrosive, noxious, malodorous material, concentrated dye or substance capable of causing damage;

(11) Water or wastes containing the discharge of acid iron pickling wastes or plating solutions unless pretreated to standards established by the manager of public works;

(12) Wastes which are unusual in composition and conducive to creating tastes or odors in drinking water supplies or otherwise making such waters unpalatable even after conventional sewage and water purification treatment;

(13) Any other material or substance not specifically named in this subsection which in itself is corrosive, irritating to humans and animals, toxic, noxious, prohibited by federal law, rules or regulations, or which by interaction with other wastes can produce undesirable effects, including deleterious action or effect on the sanitary sewerage system of the city or metro or the receiving stream, or could constitute a hazard to humans or animals.

(h) *Storm water prohibited in sanitary sewer.* It shall be unlawful for any person to discharge or cause to be discharged into the sanitary sewerage system, except in areas of existing combined sewers, any storm water drainage from the ground surface, roof leaders, catch basins, or any other source, or subsurface drainage or groundwater.

(i) *Unpolluted water prohibited in sanitary sewer.* It shall be unlawful to discharge through a direct or indirect connection to a public sanitary sewer, without a permit issued by the city, unpolluted water, including, but not limited to, cooling water, process water or blow down from cooling towers or evaporative coolers.

(j) *Discharge through building sewer only.* It shall be unlawful to discharge any substance directly into a manhole or other opening in a public sewer other than through an approved building sewer.

(k) *Permit for discharge of holding tank waste.* It shall be unlawful to discharge any holding tank waste into the public sewer system without a permit issued by the city. Unless otherwise allowed by the city under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge,

the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into the public sewer system, the permittee shall pay the applicable charges and fees and shall meet such other conditions as required and set forth by the city.

(l) *Obstruction of operation.* It shall be unlawful for any person to obstruct, hinder, deny access to, or in any way prevent, the manager of public works, or any agent or employee acting under the authority of the manager, from operating, maintaining, supervising or controlling public sewers wherever situate or located.

(m) *Accessory to offenses.* It shall be unlawful for any person to permit, direct or cause any other person to do any of the acts prohibited by this division.

(n) *Exception by special permit.* Whenever the manager of public works shall determine that any of the provisions of this section shall be impractical, unreasonable or unjust in a particular instance, and shall further determine that an exception to such provision would not be detrimental to the sanitary sewerage system of the city or metro, the manager of public works may grant a special permit, excepting the individual user from the application of the pertinent provision.

(Code 1950, § 167.11; Ord. No. 73-83, § 10, 1-31-83)

Sec. 56-102.5. Industrial pretreatment.

(a) *Purpose.* This section sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with its service agreement with the Metropolitan Denver Sewage Disposal District No. 1, city clerk's Filing No. 85852, as well as state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403). The objectives of this section are:

- (1) To prevent the introduction of pollutants into the municipal sanitary sewer system and POTW which will interfere with the operation of the system or contaminate resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal sanitary sewer system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for the equitable distribution of the costs of this program.

This section provides for the regulation of direct and indirect contributors to the municipal sanitary sewer system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This section shall apply to the city and to persons outside the city who are, by contract or agreement, users of the municipal sanitary sewer system.

(b) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this section only, shall have the meanings hereinafter designated. Definitions found in other sections of this Revised Municipal Code may be applicable to this section; however, whenever there shall be any inconsistency or variance between such definitions and the definitions contained herein, the following definitions shall take control and precedence over any such conflicting definition for the purposes of this section only:

- (1) *Act* or "*the Act*": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) *Approval authority*: The director of the state department of health, water quality control division and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.
- (3) *Authorized representative of industrial user*: An authorized representative of an industrial user may be: (i) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (ii) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (iii) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) *Baseline monitoring report*: The EPA report required of industrial users subject to categorical standards.
- (5) *Biochemical oxygen demand (BOD)*: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) [degrees] centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (6) *Categorical standards*: National categorical pretreatment standards or pretreatment standard.
- (7) *City*: The city and County of Denver.
- (8) *Cooling water*: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (9) *Control authority*: The term "control authority" shall refer to the "approval authority" defined hereinabove; or to Metro, defined herein, if Metro has an approved pretreatment program under the provisions of 40 CFR 403.11.
- (10) *Direct discharge*: The discharge of treated or untreated wastewater directly into the waters of the state.
- (11) *Environmental Protection Agency* or *EPA*: The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.
- (12) *Federal categorical pretreatment standard* or *pretreatment standard*: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of industrial users.
- (13) *Grab sample*: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (14) *Indirect discharge*: The discharge or the introduction of nondomestic pollutants from any source regulated under Sections 307(b) or (c) of the Act (33 U.S.C. 1317), into the municipal sanitary sewer system as a component of the POTW (including holding tank waste discharged into the system).
- (15) *Industrial user*: Any nondomestic source discharging pollutants into the municipal sanitary sewer system.
- (16) *Interference*: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the city's service agreement with Metro, or

Metro's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act (33 U.S.C. 1345), the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(17) *Manager, department of public works*: The person designated by the city to supervise the operation of the municipal sanitary sewer system and administer the service agreement with metro as operator of the POTW and the person charged with the implementation of this section, or his duly authorized representative.

(18) *Metro*: Metropolitan Wastewater Reclamation District, operator of the POTW serving the municipal sanitary sewer system under a service agreement, and the permittee under the NPDES permit pertaining thereto.

(19) *Municipal sanitary sewer system*: The system of pipes and conductors which collect the flows of users and convey the same to the POTW. For the purposes of this section, a part of the POTW and included within that term as it appears herein.

(20) *National prohibitive discharge standard or prohibitive discharge standard*: Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

(21) *New source*: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(22) *National pollution discharge elimination system or NPDES permit*: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(22.5) *Pass through*: A discharge which exits the POTW into waters of the United States 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 the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(23) *Person*: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(24) *pH*: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

(25) *Pollutant*: Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(26) *Pollution*: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(27) *Pretreatment or treatment*: The reduction of the amount 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

(28) *Pretreatment requirement*: Any substantive or procedural requirement related to pretreatment, other than a federal pretreatment standard imposed on an industrial user.

(29) *Publicly owned treatment works (POTW)*: A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city or metro and under contractual agreement used to serve the flows of the city's municipal sanitary sewer system. This definition includes the city's municipal sanitary sewer system that conveys wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this section, "POTW" shall also include any sewers outside the boundaries of the city that convey wastewaters to the municipal sanitary sewer system for POTW treatment by contract or agreement with the city.

(30) *POTW treatment plant*: That portion of the POTW designed to provide treatment to wastewater.

(31) *Shall* is mandatory; *may* is permissive.

(32) *Significant industrial user*: Any industrial user of the city's wastewater disposal system who (i) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or (ii) has a flow greater than five (5) percent of the flow in the city's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act, or metro rules, or Colorado Statutes and Rules, or (iv) is found by the city, metro, the state department of health, water quality control division, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(33) *Slug*: An homogenous discharge in a pipe or conduit system.

(34) *State*: State of Colorado.

(35) *Standard industrial classification (SIC)*: A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, (1972).

(36) *Suspended solids*: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(37) *Toxic pollutant*: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

(38) *User*: Any person who contributes, causes or permits the discharge of wastewater into the city's municipal sanitary sewer system and the POTW operated by metro.

(39) *Waters of the state*: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(c) *Abbreviations*. The following abbreviations shall have the designated meanings:

TABLE INSET:

| | |
|---------------|--------------------------------------------------|
| <i>BOD</i> | biochemical oxygen demand |
| <i>CFR</i> | Code of Federal Regulations |
| <i>COD</i> | chemical oxygen demand |
| <i>CWA</i> | Clean Water Act (Public Law 92-100) |
| <i>EPA</i> | Environmental Protection Agency |
| <i>l</i> | liter |
| <i>mg</i> | milligrams |
| <i>mg/l</i> | milligrams per liter |
| <i>NPDES</i> | national pollution discharge elimination system |
| <i>POTW</i> | publicly owned treatment works |
| <i>SIC</i> | standard industrial classification |
| <i>SWDA</i> | Solid Waste Disposal Act, 42 U.S.C. 6901 et seq. |
| <i>U.S.C.</i> | United States Code |
| <i>TSS</i> | total suspended solids |

(d) *General discharge prohibitions.* No user shall contribute or cause to be contributed directly into the city's municipal sanitary sewer system or indirectly any pollutant or wastewater which alone, or in conjunction with other discharges, will cause interference or result in a pass through. These general prohibitions apply to all such users, whether or not the user is subject to national categorical pretreatment standards or requirements. No user may discharge any substance not in compliance with the rules and regulations of the department of public works.

When the manager determines that a user is contributing to the POTW any of the substances set forth in the rules and regulations in such amounts as to, in his opinion, interfere with the operation of the POTW, the manager shall: (1) advise the user in writing of the impact of the discharge on the POTW; and (2) develop effluent limitations for such user to correct the interference with the POTW.

(e) *Federal categorical pretreatment standard; when effective.* Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this section for sources in that subcategory, shall immediately supersede the limitations imposed under this section. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(f) *Modification of federal categorical pretreatment standards.* Where the metro wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment

standards, the city may request that metro as the control authority grant modification of specific limits in the federal pretreatment standards. The city, upon receipt of the prior written consent of metro, may then modify pollutant discharge limits in the federal pretreatment standards, provided that the requirements contained in the metro service agreement are fulfilled.

(g) *Specific pollutant limitations.* No person shall discharge wastewater having characteristics not in full compliance with the rules and regulations of the wastewater management division of the department of public works of the city.

(h) *Metro and state requirements.* Metro and state requirements and limitations on discharges, both direct and indirect, shall apply in any case where they have been established and published or otherwise made known to the affected user and are more stringent than federal requirements and limitations or those established under this section.

(i) *Revision of standards.* The city reserves the right to establish by ordinance or rules and regulations more stringent limitations or requirements on discharges to the municipal sanitary sewer system where deemed necessary to comply with the objectives presented in subsection (a) of this section.

(j) *Excessive discharge.* No user shall increase the use of processed water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by competent authority as herein described.

(k) *Accidental discharges.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this section. All facilities, regardless of use, containing prohibited materials or regulated substances shall comply fully with the accidental discharge provisions of this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by July 1, 1986. No user who commences discharging to the POTW after the effective date of this section shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this section. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify first, the POTW operator (metro), and secondly, the manager of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken.

(l) *Written notice of accidental discharge.* Within five (5) days following an accidental discharge, the authorized representative of the industrial user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Reports made to other municipal departments covering the events may be offered in lieu of the above report provided the required information is contained therein, or appended thereto, and accepted by the manager as a substitute report.

(m) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

(n) *Fees and charges.* In order to provide for the fair and equitable recovery of costs from users of the city wastewater disposal system resulting from the implementation of the program established herein, in addition to any other service charges, tap fees, fees for the availability of service, surcharges, or other fees and charges established or imposed by this section or any other section or provision of this Revised Municipal Code, the following fees and charges are

hereby imposed.

(1) An annual charge for all significant industrial users of category III, i.e., users having in their wastes toxic pollutants as defined pursuant to Section 307 of the Act, or metro rules, or Colorado Statutes and Rules, of four hundred fifty dollars (\$450.00) per million gallons of sewage contributed to the municipal sanitary sewer system by the user during the billing period.

(2) An annual charge for all significant industrial users of categories I, II and IV, i.e., users having a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or having a flow greater than five (5) percent of the flow in the city's wastewater treatment system, or having been found by the city, metro, the state department of health, water quality control division, or the U.S. Environment Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emission generated by the system, of two hundred forty dollars (\$240.00) per million gallons of sewage contributed to the municipal sanitary sewer system by the user during the billing period.

(3) Charges for inspection and laboratory service fees in processing an application for a conditional discharge permit of six hundred eighty-six dollars (\$686.00), unless the application shall be accompanied by a baseline monitoring report.

(4) Charges for review and approval of plans and procedures to correct and prevent further harmful discharges of six hundred eighty-six dollars (\$686.00) per event.

(5) Charges for sample collection and laboratory analysis performed by the city which is in addition to periodic, scheduled sampling when necessitated, in the opinion of the manager, by prior permit or other violations of the industrial user sampled. Charges shall be in accordance with a schedule of actual, direct and indirect costs of the city as approved by the manager.

All fees and charges paid and collected pursuant to this section shall be segregated, credited and deposited in a special fund or funds, and shall not be transferred therefrom to any account of the city, except to pay for expenses directly attributable to industrial pretreatment activities. The fees and charges paid by virtue of this section shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the costs of accounting, management and government thereof. Instead, the fees and charges shall be used, other than as described above, solely to pay for the costs of the inspection, monitoring, laboratory services, and other costs directly attributable to the operation of the industrial pretreatment program. The annual charges provided for herein may be added to the user's periodic sanitary sewage service charges or otherwise collected in the same manner as such charges.

(o) *Wastewater discharges; permit required.* No person shall discharge without a valid city permit to any natural outlet within the city, or in any area under the jurisdiction of the city, and/or to the POTW any wastewater except as authorized by the manager in accordance with the provisions of this section.

(p) *Conditional wastewater discharge permits.*

(1) *General permits.* Any industrial user proposing to connect to or contribute to the POTW shall submit an industrial waste declaration, describing the constituents and characteristics of the wastewater that will be discharged to the POTW. This declaration must be submitted to the manager at least ninety (90) days prior to connecting to or contributing to the POTW. When the manager determines the industrial user to be a significant industrial user, the user shall obtain a conditional wastewater discharge permit before connecting to or contributing to the POTW.

Existing significant industrial users connected to or contributing to the POTW who are subject to federal categorical pretreatment standards shall obtain a conditional

wastewater discharge permit by no later than January 1, 1986. All other industrial users connected to or contributing to the POTW at the time of enactment of this section shall submit an industrial waste declaration to the manager by January 1, 1987, unless required to do so earlier by the manager. The manager shall make a determination whether a permit is required within a reasonable time thereafter.

(2) *Permit application.* Users required to obtain a conditional wastewater discharge permit shall complete and file with the manager an application in the form prescribed accompanied by a fee of two hundred fifty dollars (\$250.00). In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location (if different from the address);
- b. SIC numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics including but not limited to those mentioned in subsections (d) through (k) of this section as certified in writing by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended. For initial permitting, a copy of the baseline monitoring report submitted to the EPA may be submitted in support of the application;
- d. Time and duration of discharge(s);
- e. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged into the sanitary sewer;
- h. A report setting forth the nature and concentration of any pollutants, the discharge of which are limited by any city, metro, state, or federal discharge standards, and a statement regarding whether or not the discharge standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable discharge standards;
- i. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment or discharge standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard, unless approved by the manager.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard or discharge standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
2. No increment referred to in paragraph 1., above, shall exceed a

reasonable period of time, as determined by the manager. In determining the said time period, the manager shall consider the complexity of the project consistent with sound engineering practices.

3. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the manager;

- j. Each product produced by type, amount, process or processes and rate of production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the manager may issue a conditional wastewater discharge permit subject to terms and conditions provided herein.

(q) *Permit modifications.* Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the conditional wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a user, subject to a federal categorical pretreatment standard, has not previously submitted an application for a conditional wastewater discharge permit as required by subsection (p)(2), the user shall apply for a conditional wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing conditional wastewater discharge permit shall submit to the manager within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraphs h. and i. of subsection (p)(2).

(r) *Permit conditions.* Conditional wastewater discharge permits shall be expressly subject to all provisions of this section and all other applicable regulations, user charges and fees established by the city. Valid permits shall contain the following, as applicable:

- (1) The unit charge for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs including: sampling locations, frequency of sampling, number, types and standards for test and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports (see subsection (u));
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the applicable rules and regulations of the city;

(9) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Requirements for notification of slug discharges as required in the rules and regulations of the wastewater management division.

(s) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date, based upon projected use of the facility. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified in subsections (d) through (k) are modified or other just cause exists. The user shall be informed in writing of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(t) *Permit transfer.* Conditional wastewater discharge permits are issued to a specific user for a specific operation. A conditional wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or change operation without the prior written approval of the city. Any succeeding owner or user of a permitted operation is bound by the term of the existing permit.

(u) *Reporting requirements for permittees.*

(1) *Compliance date report.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater in the POTW, any user subject to pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the significant industrial user, and certified by a qualified professional.

(2) *Periodic compliance reports.*

a. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the manager during the months of June and December, unless required more frequently in the pretreatment standard or by the manager, a report covering the preceding six (6) months indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of average and maximum daily flows from all regulated processes during the reporting period. At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

b. The manager may impose mass limitations on users which are using dilution to meet applicable pretreatment standards which specifically provide for dilution, and where the imposition of mass limitations are appropriate based upon the

POTW operating characteristics. In such cases, the report required by subparagraph a. of this subsection shall indicate the mass of pollutants regulated by categorical or pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the manager, of pollutants contained therein which are limited by the applicable pretreatment standards. All analyses shall be performed in accordance with the procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the administrator.

(v) *Monitoring facilities.* The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained by the user at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city that such facilities are required.

(w) *Inspection and sampling.* The city may inspect the facilities of any user to ascertain whether the purpose of this section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city, its authorized representatives, or metro, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The city, metro, the approval authority, and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, metro, and EPA will be permitted to enter, without delay, for the purposes of performing the work authorized herein.

(x) *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply with the permit issued pursuant to the provisions of this section and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations contained in 40 CFR.

Any facilities required to pretreat wastewater shall be provided, operated and maintained in efficient order at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and approval before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this section. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

Pursuant to federal law, the city shall annually publish in the newspaper of largest circulation within the city a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to the approval authority, manager, or his representatives, and metro upon receipt of reasonable notice,

during normal business hours.

(y) *Confidential information.* Information and data on a user obtained from written reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. All claimed confidential information must be marked "Confidential" before and after the section containing the data, and the first page thereof must show "Claimed Confidential Data." When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this section, the national pollution discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(z) *Harmful discharges.* The city may suspend the wastewater treatment service and/or a conditional wastewater discharge permit when such suspension is necessary in the opinion of the city, or the city is ordered in writing to do so by Metro, 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, cause interference to the POTW, or cause the city to violate any conditions of its service agreement with Metro, or cause the city or Metro to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the conditional wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city 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 any individuals. The city shall reinstate the conditional wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the manager, along with the fee prescribed, within five (5) days of the date of occurrence.

(aa) *Revocation of permit.* Any user who violates the provisions of this section, or applicable Metro, state or federal regulations, or commits any of the following acts, is subject to having his permit revoked in accordance with the procedures of subsections (z) through (dd) of this section:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of responsible access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the conditional wastewater discharge permit.

(bb) *Notification of violation.* Whenever the city finds that any user has violated or is violating this section, conditional wastewater discharge permit, or any prohibition or limitation of requirements contained herein or contained in the rules and regulations pertaining hereto, the city may serve upon such person a written notice stating the nature of the violation, and any required remedial action. Within ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(cc) *Show-cause hearing.* The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the manager, or his delegate, why a proposed enforcement action should not be taken, or to allow the manager to determine the appropriate action to be taken when insufficient facts are available without the participation of the user. A notice shall be served on the user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation, or the authorized representative of the industrial user. The manager shall make a final determination within thirty (30) days of the hearing date, which shall be a final order and reviewable under Section 106(a)(4) of the Colorado Rules of Civil Procedure.

(dd) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this section, federal or state pretreatment requirements, or any order of the city, the city attorney may, upon the direction of the mayor, commence an action for appropriate legal and/or equitable relief in the appropriate forum.

(ee) *Civil penalties.* Any user served hereunder found to have violated the terms of his conditional discharge permit or any order of the city or with any provision of this section and the orders, rules, regulations and permits issued hereunder shall be subject to the imposition of civil penalties pursuant to section 56-107(b) of this Revised Municipal Code for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation. For violation of monthly average discharge limits, penalties may be assessed for each day during the month of violation. Violations of four-day average discharge limits shall be considered as four (4) days of violation. Civil penalties may be assessed by written notice, payable thirty (30) days following the date of the notice, or as otherwise allowed by law. Unpaid civil penalties may be collected in the same manner as are delinquent sanitary sewage service charges. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporter's fees, laboratory analysis costs, and other expenses of any show cause proceeding, administrative hearing or litigation, by an appropriate action at law.

(ff) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this section or conditional wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this section shall be subject to severance of service and such other remedies as are provided herein.

(gg) *Severability.* In the event that any subsection, subdivision, paragraph, sentence, clause or phrase of this section or application thereof is for any reason held or decided to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portion or application of this section. The city council hereby declares that it would have passed this section and each subsection, subdivision, sentence, clause or phrase or application thereof separately and individually, and irrespective of the fact that any one (1) or more subsections, subdivisions, sentences, clauses or phrases or applications thereof might be declared unconstitutional or unlawful.

(hh) *Contractual obligations.* Pursuant to the service agreement between the city and metro, it shall be lawful for metro and its duly authorized representative to carry out within the city the provisions of Article IV (less those subsections of Section 409 from which the city is exempted or nonelecting) of the service agreement providing for management of deleterious waste.

(ii) *Slug discharge determination.* At least every two (2) years, the city shall evaluate whether each significant industrial user needs a plan to control slug discharges. If a slug plan is needed,

the plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the city of slug discharges, including any discharge that would violate a prohibition under Chapter 7 of the *Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater*, as the same may be amended or superseded, with procedures for followup written notification within five (5) days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

(jj) *Hazardous waste discharge reporting.* Industrial users shall notify the city, the Metro District, the EPA regional waste management division director and the state hazardous waste authorities, in writing, of any discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. This notification does not apply to pollutants already reported under the reporting requirements contained in subsection (u) of this section 56-102.5. Report contents and time limitations applicable for reporting under this subsection shall be as specified in 40 CFR 403.12(p).

(Ord. No. 421-85, § 1, 8-6-85; Ord. No. 78-87, § 35, 2-9-87; Ord. No. 560-88, §§ 6--12, 9-6-88; Ord. No. 657-88, § 1, 10-17-88; Ord. No. 452-92, §§ 1--3, 7-6-92; Ord. No. 834-95, § 5, 10-10-95; Ord. No. 194-96, § 1, 3-4-96)

Sec. 56-103. Permits and fees.

- (a) No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances, or perform work on, or construct, a building sewer or private sewer without first applying for, and obtaining, a written permit from the city and paying all fees and connection charges as required therefor.
- (b) After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials or other details from those described in the permit or as shown on the plans and specifications for the work for which the permit was issued except with written permission from the city.
- (c) The applicant's signature on the application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this division and other ordinances, rules and regulations, of the city, and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the city, if any. Such agreement shall be binding upon the applicant and may be altered only by the city in writing.
- (d) In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the manager of public works, and discharged into the public sewer at the expense of the owner.
- (e) If any work permitted at the premises under either a building permit or a permit issued by the manager of public works by virtue of authority of this division is not commenced within one (1) year from the date of issuance, or after partial completion, such work is discontinued for a period of one (1) year, or the building permit is canceled by the city; any permit issued by the

manager by virtue of authority of this division shall thereupon be of no force and effect and no work on facilities connected, or to be connected, with either the sanitary sewerage system or the storm drainage system of the city shall be performed until a new permit or an extension of the original permit shall have been issued by the city. A new fee shall be paid upon the issuance of the new permit.

(f) Building sewers shall be maintained by the owner of the property served thereby.

(Code 1950, § 167.12; Ord. No. 73-83, § 6, 1-31-83; Ord. No. 78-87, § 36, 2-9-87)

Sec. 56-104. Authority of the manager of public works.

The manager of public works shall have the authority to classify and reclassify customers for sewer service charges and surcharges; to require applications for the connection of building sewers to the public sewers; to require the installation of sanitary sewage flow meters, water meters, inspection chambers or control manholes; to issue or revoke sewer use permits; to sample the sewage flow of building sewers; to require the submission of production unit data for sewer service charge billing periods or sewer sampling periods; to adjust water billing data prior to the calculation of sewer service charges; to establish strength indexes for industrial waste class customers; to enter upon private and public premises at reasonable times and hours to inspect sewer facilities and sewage disposal operations and for sampling, measuring and testing sewage discharge; start to determine residential equivalents for commercial and industrial establishments; to bill and collect sewer service charges, surcharges, permit charges and other applicable fees; to adjust inequities in sewer service charges of all classes; to determine and establish limits of quality and quantity of deleterious wastes to be discharged into the sanitary sewerage system; to issue orders requiring compliance of discharge of wastes within established limits of quality and quantity; to make the design, plans and construction of private sewerage systems subject to review and approval by the department of public works; to require the installation of sewage pretreatment facilities; to establish conditions and fees for the discharge of septic tank pumpage into the sewerage system; and to do any and all other things necessary for the enforcement and administration of the terms of this division, including, but not limited to, the power to issue legal process to enforce the provisions of this division.

(Code 1950, § 167.13)

Sec. 56-105. Rules and regulations.

The manager of public works shall have the authority to make and promulgate from time to time such rules and regulations as the manager finds necessary for the administration and enforcement of this division in addition to and in conjunction with, the provisions of this division and not inconsistent therewith.

(Code 1950, § 167.14)

Cross references: Rules and regulations generally, § 2-91 et seq.

Sec. 56-106. Administrative review and court proceedings.

(a) Any person who disputes the amount of a charge or rate of charge made against his property or otherwise billed to or alleged to be owing from such person may request a revision or modification of such charge or rate from the agency or division of the department of public works assessing such charge. Such request shall be made in writing not later than one (1) year after having been billed for any such charge. Compliance with the provisions of this subsection shall be a jurisdictional prerequisite to any action brought under the provisions of this section, and failure of compliance shall forever bar any such action.

Such agency or division shall issue a written determination granting or denying such request in whole or in part, which determination may be appealed pursuant to the remaining provisions of this section.

(b) Any person who disputes any determination made by or on behalf of the city pursuant to the authority of the manager, which determination adversely affects such person, may petition the manager for a hearing concerning such determination no later than thirty (30) days after having been notified of any such determination. Compliance with the provisions of this subsection shall be a jurisdictional prerequisite to any action brought under the provisions of this section, and failure of compliance shall forever bar any such action.

(c) The manager may hold such hearing himself or in his sole discretion may designate an officer or employee of the department of public works as a hearing officer with authority to hold such hearing or such hearings. The manager may also designate as a hearing officer a person retained for that purpose by contract under Charter section A2.3-10.

(d) Such petition shall be in writing, and the facts and figures submitted shall be submitted under oath or affirmation either in writing or orally at a hearing scheduled by the manager of public works or the hearing officer. The hearing, if any, shall take place in the city, and notice thereof and the proceedings shall otherwise be in accordance with rules and regulations issued by the manager of public works. The petitioner shall bear the risk of nonpersuasion, and the standard of proof shall conform with that in civil, nonjury cases in state district court.

(e) Thereupon, the manager of public works or his designee shall make a final determination. Such final determination shall be considered a final order of the manager and may be reviewed under Rule 106(a)(4) of the state rules of civil procedure by the petitioner or by the city. A request for reconsideration of the determination may be made if filed with the manager of public works within fifteen (15) days of the date of determination, in which case the manager shall review the record if the proceedings were conducted by a designated hearing officer, and the determination shall be considered a final order of the manager upon the date the manager rules on the request for reconsideration.

(f) The district court of the second judicial district of the state shall have original jurisdiction in proceedings to review all questions of law and fact determined by the manager of public works by order or writ under Rule 106(a)(4) of the state rules of civil procedure.

(Code 1950, § 167.16; Ord. No. 681-81, § 5, 12-14-81; Ord. No. 96-84, § 1, 3-12-84; Ord. No. 560-88, § 13, 9-6-88; Ord. No. 789-90, § 1, 12-10-90; Ord. No. 11-93, § 4, 1-4-93)

Sec. 56-107. Enforcement; violations; penalties.

(a) The violation of the provisions of this division or of the rules and regulations of the manager of public works issued pursuant to this division by any person shall be unlawful.

(b) Any person who violates any provision of this division or the rules and regulations of the manager of public works issued pursuant to this division or the provisions of any permit issued by the manager shall also be subject to a civil penalty of not more than ten thousand dollars (\$10,000.00) per day for each day during which such violation occurs.

(c) Penalties shall be determined by the manager of public works after hearing as to propriety and amount thereof. The manager shall consider the history of provisions violations, the appropriateness of such penalty to the size of the business of the user charged, whether the user was negligent, the effect on the user's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the user charged in attempting to achieve rapid compliance after notification of a violation.

(d) Penalties shall be collected by the manager of public works by action initiated in the district

court for collection of such penalty. A stay of any order of the manager pending judicial review shall not relieve any person from any liability under subsection (b), but the reason for judicial review shall be considered in the determination of the amount of the penalty.

(e) Whenever a discharge of wastewater is in violation of the provisions of this division or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the city may petition the district court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

(f) When a discharge of wastes causes an obstruction, damage or any other impairment to the city facilities, the city may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(g) In order to enforce the provisions of this division, the city may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the division or the owner of the property upon which the violation occurred.

(h) The city may also petition the district court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this division.

(Code 1950, § 167.15; Ord. No. 681-81, § 4, 12-14-81; Ord. No. 73-83, § 7, 1-31-83)