

ORDINANCE NO. 004, 2021
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
 TO MAKE VARIOUS UPDATES REGARDING THE WASTEWATER UTILITY

WHEREAS, the City of Fort Collins owns and operates Fort Collins Utilities, which includes a Wastewater Utility that provides wastewater service to customers in its service area and also accepts for disposal the waste from septic tanks, vaults, privies, portable toilets; and

WHEREAS, Article IV of Chapter 26 of City Code pertains to the Wastewater Utility; and

WHEREAS, Wastewater Utility staff has reviewed relevant portions of City Code in order to update them to be consistent with current operations of the Wastewater Utility and best management practices and has prepared proposed changes to City Code; and

WHEREAS, Wastewater Utility staff has worked with the U.S. Environmental Protection Agency to receive all necessary approvals for the proposed changes to City Code; and

WHEREAS, the Water Board has reviewed the proposed changes to City Code and has recommended their enactment; and

WHEREAS, City Council now desires to amend portions of Article IV of Chapter 26 of the City Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-289 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-289. – Miscellaneous fees and charges.

The following is a schedule of miscellaneous fees and charges:

<i>Description</i>	<i>Basis</i>	<i>Amount</i>
(1) Connection fees and service charges	Fees shall be set forth as in Subsection 26-712(b)	
(2) Industrial discharge permits:		
a. Administration	Annually	\$76.00
b. Surveillance (on request)	Determined for each user	

	annually, based on direct cost plus 15% indirect costs, billed monthly	
(3) Laboratory support services (on request)	Determined on a case-by-case basis based on direct cost plus 15% indirect costs	
(4) Materials and labor provided by City (on request)	Determined on a case-by-case basis based on direct cost plus 15% indirect costs	
(5) Charges for disposal at the Fort Collins Regional Sanitary Waste Transfer Station:		
a. Septic tanks, vaults, privies, portable toilets:		
	Per gallon	\$0.09
b. Recreational vehicle sanitary waste holding tanks:		
1. Residential customers of the City of Fort Collins Wastewater Utility	No charge for individual disposal at Transfer Station	
2. Others	1. Base fee, plus	\$2.46
	2. Per gallon	\$0.074
(6) Interest for wastewater service-related loans:	2.5% - 10% per annum; to be set for new loans annually, with the rate for new loans to be based on factors set forth in § 26-720(b) and as provided in the administrative rules and regulations adopted by the Financial Officer pursuant to § 26-720	
(7) Loan-related fees for wastewater service-related loans	To be set based on related program costs in the administrative rules and regulations of the Financial Officer pursuant to § 26-720	
(8) Miscellaneous fees	Determined on a case-by-case basis based on direct costs plus 15% indirect costs	

Section 3. That Section 26-332 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-332. - Prohibitive discharge standards.

No user whether or not subject to pretreatment standards or requirements shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater that may interfere with the operation or performance of the wastewater utility or pass through the treatment system untreated or any pollutant or wastewater that is prohibited by the national prohibitive discharge standards. Without limiting the acts or discharge that may constitute a violation of this Section, a user shall not contribute any of the following wastewater, substances, materials or wastes into the utility's wastewater system:

(1) Any liquids, solids, or gases which by reason or other nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater system or to the operation of the wastewater system or utility. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge into the system, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius, as determined using the test methods specified in 40 C.F.R. § 261.21, and any other substance which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system;

(2) Any solid or viscous substance which could cause an obstruction to flow in the sewers or in any way could interfere with the treatment process, including ashes, cinders, sand, mud, tars, gas, cement, plaster, stone or marble dust, asphalt residues, spent lime, wax, paraffin, paint, wood, sawdust, or shavings, straw, grass clippings, wastepaper, plastics, metals, glass, rags, paunch manure, animal bones, hooves or toenails, hides, hair or bristles, fat, fleshings or entrails, poultry heads, feet or feathers, whole blood, grinding or polishing compounds, food processing bulk solids, residues from refining or processing of fuel or lubricating oil, and all other like solid materials, objects, refuse and debris;

...

Section 4. That Section 26-339 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-339. - Interceptors.

(a) Grease, oil or sand interceptors or other pretreatment facilities shall be installed and maintained by laundries, restaurants, service stations, auto repair shops, car washes and other nonresidential facilities when, in the opinion of the Utilities Executive Director, they are necessary for the proper handling of liquid wastes containing FOG in excessive amounts, any flammable wastes, acid or alkaline substances, sand, or other harmful ingredients.

...

Section 5. That Section 26-340 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-340. - Discharge limitations.

...

(c) *Volatile organic compounds* . Organic compounds that may cause or result in toxic fumes or vapors in the wastewater collection system are limited to a maximum concentration in discharges of wastewater calculated by the formula:

$$\text{Maximum Concentration in mg/l} = (\text{TLV/TWA})/\text{HLC}$$

Where:

TLV/TWA	= The compound's Threshold Level Value/Time-Weighted Average in mg/m ³ as listed in the American Conference of Governmental Industrial Hygienists' <u>Guide to Occupational Exposure Values-1992</u> , or latest edition
HLC	= The compound's Henry's Law Constant in (mg/m ³)/mg/l)

(d) *Mercury from dental facilities*. No dental facility shall discharge wastewater generated from the placement or removal of dental amalgam containing mercury unless said dental facility has installed the equipment described in, and conducts its operations in accordance with, the following best management practices:

- (1) Dental facilities shall minimize the discharge of amalgam containing wastewater by utilizing at a minimum, chair-side traps, screens, and vacuum pump filters.
- (2) Cleaning of equipment that comes in contact with amalgam shall be conducted in a manner reasonably expected to minimize the discharge of wastewater. Equipment shall be maintained in accordance with manufacturer's recommendations to ensure continued effective operation.

(3) All wastewater generated from the placement or removal of dental amalgam or the cleaning of amalgam traps or filters shall be discharged through an amalgam separator that:

- a. Has been ISO 11143 certified;
- b. Has been installed, and is operated, maintained, and inspected according to the manufacturer's specifications; and
- c. Achieves a minimum mercury removal efficiency of ninety-five (95) percent.

(4) Cleaners that contain chlorine bleach, chlorine, iodine, peroxide or any other oxidizing or corrosive compounds that mobilize mercury shall not be used in any waste lines or drains connected to the amalgam separator. Cleaners must have a pH of greater than 6 but less than 8.

(5) All dental amalgam wastes shall be stored in structurally sound, tightly closed and appropriately labeled containers.

(6) All dental amalgam waste shall be transferred to an offsite recycling facility for recycling of mercury or shall be managed and disposed of in accordance with applicable federal, state and local hazardous waste laws and regulations.

(7) The following documentation shall be established and maintained for no less than three (3) years in a location and manner so as to permit review by the City upon request:

- a. The manufacturer and model of any amalgam separator in use;
- b. The date of installation of any amalgam separator in use;
- c. The dates that amalgam retaining containers were replaced;
- d. The dates and person(s) conducting inspections and results of inspections;
- e. The name and address of the facility to which any waste amalgam is shipped;
- f. The date and amount of any waste amalgam shipped;
- g. Documentation of any maintenance performed on any amalgam separator;
- h. The manufacturer's operating manual for the amalgam separator installed; and
- i. Documentation related to self-certification.

(9) The Initial Compliance Report shall be kept for the life of the practice, or until a transfer in ownership and shall be made available for review upon request.

(10) The Utilities Executive Director may request that any user operating a dental facility provide such information regarding installation and operation of equipment, or the purchase, use, storage, recycling or disposal of dental amalgam as the Utilities Executive Director determines to be reasonably necessary to determine compliance with the requirements of this Subsection 26-340(d) and applicable federal regulations, including 40 CFR 441, and any such user shall provide said requested information in accordance with the terms of the Utilities Executive Director's request.

(e) *Best management practices.* The Utilities Executive Director may impose such additional schedules of activities, prohibitions of practices, maintenance procedures, and other management practices as he or she determines to be necessary to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b) and § 26-332 of this Article, such as treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Such best management practices shall be considered local limits and are pretreatment standards for the purposes of 40 C.F.R. 403.5 and Section 307(d) of the act.

(f) No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any applicable limitations set by this Article.

Introduced, considered favorably on first reading, and ordered published this 5th day of January, A.D. 2021, and to be presented for final passage on the 19th day of January, A.D. 2021.

ATTEST:

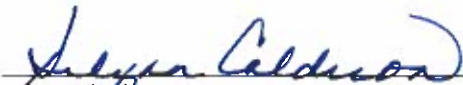


City Clerk



Passed and adopted on final reading on this 19th day of January, A.D. 2021.

ATTEST:



City Clerk

