

ORDINANCE NO. 15

SERIES 2013

AN ORDINANCE AMENDING THE TOWN'S WATER AND SEWER SYSTEMS REGULATIONS CONTAINED IN CHAPTER 13, ARTICLE 1 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW STANDARDS FOR DISCHARGES INTO THE TOWN'S WASTEWATER TREATMENT WORKS

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Colorado Constitution and laws of the State of Colorado;

WHEREAS, Chapter 13, Article 1 of the Crested Butte Municipal Code (the "Code") contains regulations regarding discharges into the Town's sewage system;

WHEREAS, the Town's sewage discharge regulations do not contain specific requirements for the discharge of fats, oils and greases into the Town's sewage system;

WHEREAS, the Town staff has found that the discharge of fats, oils and greases into the Town's sewage system has caused blockages to the system resulting in sewage system overflows;

WHEREAS, as a result of such overflows, the Colorado Department of Public Health and Environment (CDPHE) has directed the Town to implement a pre-treatment program for the discharge of fats, oils and greases into the Town's sewage system;

WHEREAS, the Town's wastewater treatment plant operates under a permit issued by the CDPHE that requires that the Town protect its wastewater treatment works from pollutants that would cause obstructions to flow or pass-through, or interference, or otherwise be incompatible with operation of the wastewater treatment works including interference with the use or disposal of municipal sludge;

WHEREAS, the Town staff has found that by implementing such a pre-treatment program, the Town's wastewater treatment works, including its wastewater treatment plant will be able to more effectively and efficiently treat wastewater;

WHEREAS, the Town staff has recommended that in order to implement a pre-treatment program for the discharge of fats, oils and greases into the Town's wastewater treatment works, the Town Council should adopt new regulations concerning such discharges;

WHEREAS, the Town Council finds that without a pre-treatment program for the discharge of fats, oils and greases into the Town's wastewater treatment works, the Town and its

residents will incur additional costs in connection with the Town's operation of its wastewater treatment works, including the operation of the Town's wastewater treatment plant and repairs associated with any blockages of the system; and

WHEREAS, the Town Council finds the regulations proposed below regarding the pre-treatment for the discharge of fats, oils and greases into the Town's wastewater treatment works will help to reduce costs on the Town and its residents in connection with the Town's operation of its wastewater treatment works and, therefore, such regulations are in the best interest of the health, safety and general welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. **Amending Section 13-1-40 of the Code.** Section 13-1-40 of the Code is hereby amended by adding the following new defined terms that shall read as follows:

“Biochemical oxygen demand or BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Wastewater treatment plant or WWTP means that portion of the WWTW designed to provide treatment of wastewater.

Wastewater treatment works or WWTW means wastewater treatment works as defined in the 33 U.S.C. §1292 that are owned and operated by the Town. The term includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It further includes any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste. As used herein, it shall include wastewater facilities that form the WWTW, the Town's sewer system and any sewers that convey wastewaters to the WWTW from persons or sources within the Town and outside the Town who are, by contract or agreement with the Town, users of the Town's WWTW.”

Section 2. **Amending Section 13-1-60 of the Code.** Section 13-1-60 of the Code is hereby stricken in its entirety and replaced with the following new Section that shall read as follows:

“Sec. 13-1-60. Private systems prohibited.

A private well or any other source of water shall not be constructed, installed or maintained within Town. No private sewage disposal system, septic tank, vault, closet, privy or cesspool of any type or description shall be constructed, kept or maintained at any place within the Town.”

Section 3. Amending Section 13-1-150 of the Code. Section 13-1-150 of the Code is hereby amended by adding a new subsection (b) thereto that shall read as follows:

“(b) There is hereby levied and charged against all owners as defined in this Article a monthly service charge for the use of the WWTW a pretreatment charge for any property that is required to have a grease interceptor or oil/sand separator and that does not have such system installed and operating in accordance with Town requirements. The monthly service charge for use of WWTW shall be Ten Dollars and Fifty-Five Cents (\$10.55) times the respective EQR calculated for restaurants pursuant to Section 13-1-170 below. Monthly service charges shall commence on January 1, 2014 and shall not be abated or reduced until the variance for the installation of a grease interceptor or oil/sand separator effecting the subject property is terminated.”

Section 4. Amending Section 13-1-230 of the Code. Section 13-1-230 of the Code is hereby stricken in its entirety and replaced with the following new Section that shall read as follows:

“Sec. 13-1-230. Discharges into sewer system.

(a) No person shall discharge or allow to be discharged sewage, substances, materials, waters or wastes into the Town system-sewer if the same may have an adverse effect on the WWTW, any receiving waters, or otherwise endanger the health and safety of persons, animal and plant life, or otherwise constitute a nuisance.

(b) No person shall discharge or allow to be discharged to be discharged any of the following described sewage, substances, materials, waters or wastes into the WWTW unless otherwise agreed upon by the Town and consistent with the Town’s pretreatment program requirements:

(1) Any solid or viscous substances in quantities or amounts or of such size capable of causing obstructions to flow or pass-through, or interference with the proper operation of the WWTW.

(2) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants.

(3) Water accumulated in excavations or accumulated as a result of grading, water taken from the ground by well points, or any other drainage associated with construction.

(4) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or exceeding any lower limit fixed by the Town to prevent odor nuisance where the volume of the heated discharge represents a significant portion of the flow through a particular part of the WWTW.

(5) Any sewage, substances, materials, waters or wastes having a pH lower than 5.5 or greater than 9.0.

(6) Any sewage, substances, materials, waters or wastes containing grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, or any sewage, substances, materials, waters or wastes containing or possessing heat in amounts that are likely to inhibit biological activity in the WWTW resulting in obstructions to flow or pass-through, or interference with the proper operation of the WWTW. In no case shall heat be allowed in such quantities that the temperature in the WWTW exceeds 104 degrees Fahrenheit.

(7) Any sewage, substances, materials, waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in quantities or amounts capable of causing obstructions to flow or pass-through, or interference with the proper operation of the WWTW.

(8) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause obstructions to flow or pass-through, or interference with the proper operation of the WWTW.

(9) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid, gas or pollutant that may create a fire or explosion hazard, including, but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees Celsius or 140 degrees Fahrenheit using the test method specified by 40 CFR Section 261.21.

(10) Any sewage, substances, materials, waters or wastes that contain concentrated dye waste or other waste that is either highly colored or could become highly colored by reacting with any other waste.

(11) Any sewage, substances, materials, waters or wastes that can result in the presence of toxic or poisonous solids, liquids, vapors, fumes or gases in sufficient quantity, either individually or by interaction with other wastes, that could contaminate the sludge processed by the WWTW or could injure or interfere with any sewage treatment process or constitute a hazard to the health and safety persons, animals and plant life, create a public nuisance or create any hazard in the receiving waters of the WWTW.

(12) Any sewage, substances, materials, waters or wastes that contain a corrosive, noxious or malodorous gas or substance which, either individually or in reaction with other wastes, is capable of causing damage to the WWTW, of creating a public nuisance or hazard, or of preventing entry into the WWTW for maintenance and repair.

(13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or federal law or regulations.

(14) Quantities of flow and/or concentrations of flow that constitute a slug in the WWTW.

(15) Any storm water, surface water, groundwater, roof runoff or subsurface drainage to the WWTW, unless Town grants permission. Storm water and all other unpolluted drainage shall be discharged to such WWTW locations as are specifically designated by the Town.

(16) Any sewage, substances, materials, waters or wastes, including oxygen-demanding pollutants, discharged at a flow rate, pollutant concentration, BOD concentration or in such volume that could exceed the hydraulic or organic capacity of the WWTW or that will cause interference within the WWTW.

(17) Any sewage, substances, materials, waters or wastes containing substances that are not amenable to treatment or reduction by the WWTW treatment processes, or are amenable to treatment only to such degree that the WWTW effluent cannot meet the State's requirements for discharge into receiving waters.

(18) Any trucked or hauled sewage, substances, materials, waters or wastes, except at discharge points designated by the Town.

(19) Ethylene Glycol, i.e., antifreeze, over one-half gallon.

(c) All non-domestic, commercial and industrial users and dischargers are subject to the Town's pretreatment program requirements.

(d) Where any preliminary treatment or flow-equalizing facilities are provided for any sewage, substances, materials, waters or wastes, the same shall be maintained continuously in satisfactory and effective operation by the owner thereof at his or her sole cost and expense."

Section 5. Amending Section 13-1-250. Subsection (a) of Section 13-1-250 of the Code is hereby amended to read as follows:

"(a) Water lines, appurtenances and equipment shall be constructed in accordance with the Town's Public Works Criteria for Design and Construction: Earthwork, Sewer and Water and must meet the following standards: . . ."

Section 6. Amending Section 13-1-250. Subsection (b) of Section 13-1-250 of the Code is hereby amended to read as follows:

"(b) Sewer lines, appurtenances and equipment shall be constructed in accordance with the Town's Public Works Criteria for Design and Construction: Earthwork, Sewer and Water and must meet the following standards: . . ."

Section 7. Amending Section 13-1-290. Section 13-1-290 of the Code is hereby amended to read as follows:

“Sec. 13-1-290. Inspections and Tests.

All plumbing, sewers, sewer lines and water service lines, including water meters and taps within the Town, are subject to inspection, testing maintenance and repair during reasonable hours by the Town or its authorized representative in order to assure compliance with the Code. It shall be the duty of each user to notify the Town if any such plumbing, sewers, sewer lines and water service lines, including water meters and taps are not operating properly.”

Section 8. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 9. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town Council that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

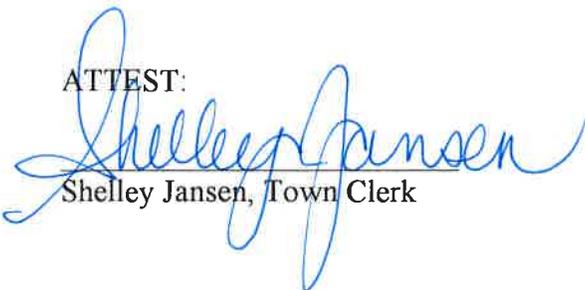
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17th DAY OF JUNE, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 1st DAY OF JULY, 2013.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Aaron J. Huckstep, Mayor

ATTEST:


Shelley Jansen, Town Clerk

