

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 6
SERIES OF 2016**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
CERTAIN PROVISIONS RELATING TO PERMITTING AND REGULATION
OF WASTEWATER HAULERS AND DISPOSAL AS SET FORTH IN
DIVISION 6, ARTICLE III OF CHAPTER 13 OF THE RIFLE MUNICIPAL
CODE.

WHEREAS, due to the rapid development in and around the City of Rifle (“City”) of facilities that created but had no preferred alternative for disposal of wastewater of types which could be processed by the City’s wastewater treatment facilities, the City adopted Ordinance No. 7, Series of 2007, thereby enacting new regulations at Division 6, Article III of Chapter 13 of the Rifle Municipal Code (the “Wastewater Disposal Regulations”) pertaining to entities desiring to dispose of such wastewater and the disposal of such wastewater in City facilities; and

WHEREAS, City staff charged with basic application and enforcement of the Wastewater Disposal Regulations have recommended that the Wastewater Disposal Regulations be amended to provide regulations that are deemed to be more efficacious in view of the operating conditions of the City’s ; and

WHEREAS, the City Council wishes to address the recommendations of the City staff and to improve clarity of the Wastewater Disposal Regulations by amending certain provisions thereof.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

Section 1. The aforementioned recitals are hereby fully incorporated herein.

Section 2. The Wastewater Disposal Regulations, Article III, Division 6 of Chapter 13 and associated sections of Appendix A of the Rifle Municipal Code are hereby repealed in their entirety and reenacted as follows:

*Division 6
Wastewater Hauling*

13-3-610. License required.

No wastewater hauler shall dispose of wastewater in the City’s public wastewater system, whether from a source inside or outside the corporate limits of the City, without first obtaining a wastewater hauler license from the City. A license shall be obtained for each hauling vehicle used by the wastewater hauler, and such license shall be carried in the licensed vehicle at all times the licensee attempts to dispose wastewater in the City pursuant to this Article.

13-3-620. Issuance of license.

The wastewater hauler's license shall be issued by the City upon written application and completion of the following minimum requirements:

- (1) The City shall inspect the trucks, hoses, valves, and associated equipment of the applicant for a wastewater hauler's license and determine if it meets the minimum qualifications for complying with the conditions of this chapter. Vehicles with a rated capacity in excess of 4,000 gallons will be approved only upon special authorization of the City.
- (2) An application shall require the payment of a fee for each vehicle used by the applicant as set forth in Appendix A to this Code and the posting of a bond with reasonable surety in the penal sum of \$100,000.00 for the faithful compliance with the provisions of this Article, including prompt payment of fees, fines, and damages.
- (3) Applicants shall provide proof of general liability insurance in an aggregate amount of \$1,000,000.00.
- (4) Wastewater hauler licenses shall expire the next January 1st after issuance. Renewal applications must be made in the same manner as the initial application and must be received by the City no later than thirty (30) days prior to expiration. Failure to apply at least thirty (30) days prior to expiration may result in an interruption in the license and hauling privileges.

13-3-630. Enforcement.

(a) The City may deny a wastewater hauler license or renewal of a license when the applicant makes a material misstatement of fact in a license application or submits an incomplete application, fails to pay fees or costs established in this Code, or has previously violated any terms and conditions of this Code.

(b) The City may revoke a licensee's license for a known or suspected violation by a licensee of any of the terms and conditions governing wastewater disposal established in this Article or Code, including a failure to provide sufficient or true information to the City under Section 13-3-650. Licenses may also be revoked for known or suspected deficiencies in a licensee's equipment, or abuse of the license and the privileges granted thereunder.

(c) No licensee shall be deemed to have acquired property rights in or to its wastewater hauler's license.

(d) All enforcement rights and remedies of the City provided in this Article or otherwise are cumulative and not exclusive of any other enforcement rights or remedies available

to the City. The City's exercise of an enforcement right or remedy shall not preclude or prevent the City for exercising any other enforcement right or remedy. Nothing herein shall restrict the City from calling the bond required in Section 13-3-620 above for any violation of this Article.

13-3-640. Disposal of hauled wastewater.

(a) Licensees shall dispose of hauled wastewater only during normal operation hours of the City's facilities offering access to the public wastewater system, unless a written or verbal request is directed to and granted by the City at least twenty-four (24) hours in advance of the date the work is to be performed. Any overtime hours necessitated by a licensee's request to dispose wastewater after regular business hours shall be billed to the licensee with a fifteen percent (15%) surcharge in addition to the normal fees set forth at Section 13-3-690.

(b) Licensees shall dispose of hauled wastewater permitted in this Article only at a location designated by the City. Licensees shall maintain the designated location(s) in a clean and orderly condition to avoid noxious odors and unsanitary conditions.

(c) A licensee shall obtain per load approval from the City prior to disposing of any industrial/commercial wastewater. Industrial/commercial wastewater includes wastes generated by an industrial or commercial operation, or which otherwise meets the definition of industrial waste set forth at Section 13-3-10 of this Code.

13-3-650. Identification of wastewater.

(a) A licensee must document on a form issued by the City the nature and origin of each load of wastewater it desires to dispose of within the City and the desired site (if the City has designated more than one) and method of disposal. A licensee shall provide at minimum for each load:

- (1) The name and license number or other City designation for the licensee;
- (2) The name, address, and phone number of the wastewater generator;
- (3) The address(es) of or other reasonable identifying information concerning the site(s) where the wastewater was collected;
- (4) The type or characteristics of the wastewater collected;
- (5) The volume of the load;
- (6) A statement as to whether the waste has been stored in intermediate tanks;
- (7) Any other information not specifically requested but which is commonly used in

identification and tracking of wastewater and of which the licensee is knowledgeable;

- (8) A statement as to whether any waste prohibited by this Code or any other law is being disposed; and
- (9) Any other information as designated on the City's disclosure form or otherwise requested by the City.

(b) The City shall have the right to verify all information supplied pursuant to this Section, including through, but not limited to, requiring the licensee to provide a waste analysis of any load prior to disposal, or measuring, sampling, and analyzing of the wastewater by the City.

(c) Failure to fully comply with this Section for any wastewater load, as determined in the City's sole discretion, shall subject such load to a penalty of 150% of the total fees otherwise chargeable to the load pursuant to Section 13-3-690 and Appendix A to this Code, exclusive of any surcharge for after hours services.

13-3-660. Mixing wastewater.

(a) Wastewater from residential and industrial/commercial sources shall not be mixed in any load. However, residential wastewater from several sources may be mixed as long as each source is identified under the Section 13-3-650 disclosures. Portable toilet wastewater may be mixed with similar wastewater from different locations. Mixing of industrial/commercial wastewater from multiple locations is prohibited.

(b) Any tanks or equipment used for hauling wastewater shall not be used for hauling any type of wastewater which may interfere with the operation of the City's public wastewater system or which is included in the list of prohibited materials set forth at Section 13-3-220(b) of this Code.

(c) The use of intermediate tanks for storage of wastewater prior to the delivery to the City is prohibited due to its impact on wastewater strength and the ability to co-mingle prohibited wastewater.

13-3-670. Standards of disposal.

Disposal of wastewater to the City's public wastewater system shall be carried out in accordance with pretreatment standards and requirements established by federal, state or local law, including categorical standards developed for the wastewater generator's industrial category. The City may reject wastewater that does not comply with this Section or with any other provision of this Article or Code. Licensees shall not deliver wastewater to the City's public wastewater system that:

- (1) Exceeds the limits found in Section 13-3-220 of this Code, except for suspended solids and BOD₅ as approved by the City;
- (2) Is hazardous waste as defined at Section 13-3-220;
- (3) Originates from sand traps, such as those located in car, truck and trailer washes, which primarily remove sand and dirt;
- (4) Originates from mineral oil and grease traps such as those located at vehicle maintenance facilities;
- (5) Originates from an animal confinement facility;
- (6) Is not completely identified or is from industrial/commercial sources that are not approved by the City;
- (7) Is mixed in a manner prohibited in Section 13-3-660;
- (8) Is industrial/commercial wastewater from outside City limits, except through requests to the City in emergency situations; or
- (9) Is wastewater which originated outside of Garfield County; provided, however, the City may accept wastewater originating outside of Garfield County by specific contract approved by the City Council.

13-3-680. Rejection of wastewater loads.

The City may reject any hauled wastewater load that violates or is suspected to violate the requirements of this Article or that fails to meet any other guidelines established by the City. Licensees must:

- (1) Remove rejected wastewater from the designated wastewater disposal location(s);
- (2) Immediately remove from the designated wastewater disposal location and City any additional wastewater contaminated by the rejected wastewater;
- (3) Properly dispose of all rejected wastewater in accordance with state and federal law; and
- (4) Provide the City with a written statement, signed by the licensee, stating the location, date, and time the rejected load was disposed. The statement is due within five (5) calendar days after the wastewater is rejected. Vehicles used to haul rejected wastewater shall not

be allowed to dispose additional wastewater into the City's public wastewater system until the statement required by this Section is delivered to the City.

13-3-690. Fee payment for domestic and industrial wastewater.

(a) A licensee shall pay the disposal fees set forth in Appendix A to this Code.

(b) Fees shall be paid through the City's utility billing office pursuant to monthly billings by the City Finance Department. A licensee's failure to abide by payment terms set forth in the City's billing statements shall be grounds for refusal of disposal services to the licensee; suspension or revocation, in the City's sole discretion, of the licensee's license; and/or liability on the licensee's bond.

13-3-700. No warranty of service.

Wastewater hauling services in the City are interruptible. The City makes no warranty and does not guarantee that any hauled wastewater will be accepted and allowed to be disposed into the City's public wastewater system at any time, regardless of the provisions of this Article. The power to grant licenses to haul wastewater provided for in this Article is terminable at the discretion of the City at any time and for any reason.

Section 3. The Chapter 13 fee section found in the Rifle Municipal Code, Appendix A, is hereby amended to reflect the following fee provisions:

Code §	Description	Fee
13-3-620	Application fee for wastewater hauler license	\$100.00 per vehicle used by applicant
13-3-650	Penalty surcharge for violation	150% of load charge
13-3-690	Fee for residential wastewater disposal	\$.24/gallon
	Fee for industrial/commercial wastewater disposal, including portable toilet wastewater	\$.42/gallon

INTRODUCED on February 7, 2016, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on March 2, 2016, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ___ day of _____, 2016.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk