

Workshop 5:30 pm – 6:45
WORKSHOP
TOWN OF LYONS
MONDAY, JANUARY 21, 2020
BOARD OF TRUSTEES WORKSHOP
SHIRLEY F. JOHNSON COUNCIL CHAMBER
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

I. Workshop

I.1. LMC Section 13 Modifications For Workshop

Documents:

[LMC SECTION 13 MODIFICATIONS WORKSHOP DOCUMENT.PDF](#)

I.2. Sampling Port- Workshop

Documents:

[SAMPLING PORT WORKSHOP.PDF](#)
[SAMPLING-PORT- YAKIMA WA.PDF](#)
[TZSP-48-ECA TRAPZILLA SAMPLE PORT.PDF](#)

“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”

List of issues the Board of Trustees would like looked at in Section 13 of LMC

Code needs to be clarified/simplified. This is mostly in article 1 of section 13. There are ten (10) items:

1- The town admin does not have the power to enact administrative regulations or make interpretations on the code that may not be clear. An engineer may be the best person to do this. Very common in various levels of government.

Sec. 13-1-20 says "Town Administrator shall have the immediate control and management of all matters pertaining to the operation and maintenance ... and shall perform all acts that may be necessary for the prudent, efficient and economical management, protection and enforcement of the Town Utility Systems." : Since the Town Administrator can ask the Utility, Public Works or Engineering staff to work on something, leaving this with the town administrator would cover everything. Town attorney can recommend any changes he might deem appropriate.

2- Add enterprise fund declarations to each utility section as was done with stormwater. Since the stormwater utility was just created many other parts of code do not reference it. Be sure it is included in article 1 and anywhere else it may be needed.

In article 1 we only need to add stormwater to Sec 13-1-20. The enterprise fund declaration statement has been added to the wastewater utility code. Adding the declaration statements to electric and water would be done in articles 2 and 3 and the UEB was focused on article 1 for the current changes.

3- Create a universal definition section

Move the definitions in 13-1-160 a to 13-1-10. These were the only definitions in this section.

4- Look at water share dedications. Currently they are only required for annexation or subdivision. Should water shares be required with any purchase of a tap? Clarification on what tap fees were previously meant to cover and what do we think they should be now or what is the distribution of the money paid for tap fees.

Sec. 13-3-90. - Connection or Tap Fees and Water Rights Dedication Requirement. This was previously updated so that all new connections or taps shall meet the water rights dedication requirements of Section 17-14-10 . The water rates and capital improvement study done a couple of years ago advised that our tap fees were in line with other municipalities tap fees and reducing them would require compensating with a larger rate increase.

5- Clarification of the lien process/mechanics. Other town codes are more specific on how that should happen.

Modified Sec. 13-1-130. - Lien on property served. Removed some of the timelines for more flexibility. Our code is very similar to Longmont and Estes Park. The specific process for a lien needs to be understood by the town treasurer but does not need to be in the code. The UEB saw that Longmont, Estes Park and Nederland do not have any mention of the following line and recommends leaving it off unless the town attorney thought there was legal need. We thought this should be handled by staff as a staff procedure. "Prior to such certification, the town shall mail notice to the record owner of the property or premises of the Town's intent to certify such delinquency."

6- Guidance on interest for delinquent utility acts. What amount is appropriate? Can it be waived? Under what circumstances? Administrative costs/late fees. Late fees are very low.

Modified sections 13-1-150 and 13-1-180. The UEB decided fees should stay on a rate sheet rather than being included directly in code. Interest is currently set at 8%. This is the usury limitation in Colorado and we may want to leave this rate. Discussion on whether interest rates encourage payment because of additional penalties or if they only impose an additional burden on those with economic hardship. We could exclude interest from anyone who has qualified and is on the reduced rate plan. It was felt leaving the wording that the administrator could make a decision to remove interest if it encouraged payment was enough to cover this and did not need additional language to exclude reduced rate payers.

Recommendation to Staff: Include a copy of relevant code and current fee schedule with utility application.

7- Appeals. Current code allows appeal of basically everything. What can and can't be appealed should be clarified and procedures/criteria included. Many towns don't allow this type of Appeal.

Modified Sec. 13-1-210 The UEB looked at the appeals sections of the municipal code for Estes Park, Nederland, Erie and Longmont. What appeals should be allowed and how? Right now, the BoT is de facto appeals body anytime someone doesn't like staff decisions. Time limit on appeals is useful- limits people from rehashing old issues. Some towns have appeals addressed in code, some don't. Ten-day limit seems useful. Discussed adding that appeals that failed would have to cover attorney fees. This might help make sure people feel they have a legitimate complaint and not bring frivolous appeals. Spelling out the process and having a more involved procedure might also help make sure only valid appeals are requested.

8- What is the effect of entering into a payment plan? Temporary cure? The legal effect of this needs to be clarified. Is this mandatory for the town?

Modified Sec. 13-1-250 It is currently mandatory for the town to offer a payment plan. The UEB did not see any reason to change this. It is a legal agreement between the consumer and the town and failure to follow through on the payment plan would lead to the penalties listed in the code for delinquency, such as interest and shut off of service. It is temporary in that it cures the current outstanding balance owed the town and then the agreement ends.

9- Need for a trigger to inform BoT of excessive delinquency?

Added another sub section to 13-1-250

10- Privacy of utility data? Under what circumstances can data be released? For what purposes?

There are no state standards for municipal utilities only for investor owned utilities. The UEB could talk to APPA or CAMU. This is not specifically a code modification. To prevent possible lawsuits and protect confidentiality maybe we leave this as something handled by staff.

Why are we requiring a sampling port?

The Lyons Wastewater Utility must meet the wastewater requirements that are set by the U.S. Environmental Protection Agency (EPA) and the Colorado Dept. of Public Health and Environment (CDPHE). These agencies have set limits on certain pollutants found in wastewater. There are limits on what can go into the wastewater treatment plant, as well as limits on what comes out of the plant and into the St. Vrain River.

For a number of years, the plant has had higher than allowed amounts of certain pollutants going into the wastewater plant. Biochemical Oxygen Demand, or BOD, is one of the most frequently talked about pollutants that we have had trouble with. There are also new environmental regulations that come out periodically with limits on new pollutants of concern.

The Town recently developed a classification table, based on industry standards, to help the public understand which industries are more likely to have higher levels of BOD. This table was also used to implement a surcharge on businesses in these industries to cover the additional costs involved with handling their wastewater. There was also an option for commercial customers to show the Town that their businesses do not have waste with the industry standard levels of BOD and could reduce their surcharge.

This has not worked fast enough and there are also additional pollutants to be considered. As was recently mentioned, the copper levels in our wastewater have been too high. The Town needs to adopt local limits on a number of pollutants and then require businesses to meet these local limits or pretreat their waste. This is known as pretreatment, and the EPA and CDPHE mentioned in the first paragraph have continued to request documentation on what the town is doing to get pretreatment requirements.

In order to enforce local limits, the Town needs to be able to test the wastewater of individual customers. The Town has the classification table indicating which industries are most likely to have high levels of BOD. The UEB thought a good starting point for a pretreatment program would be to require businesses in the highest level of the table to have sampling ports so that testing and monitoring for high strength pollutants can begin. The UEB also recommended including the ability to require sampling ports for other businesses that might be a concern for other reasons.

Getting these sampling ports installed will take some time and during that time additional components of a pretreatment program can be put together. This includes developing local limits on certain pollutants and offering solutions or Best Management Practices for businesses that turn out to have high levels of certain pollutants to reduce the pollutants in their wastewater.



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SAMPLING PORT REQUIREMENT

The City of Yakima's Wastewater Division requires the installation of a sampling port on all new construction, or on renovations of existing buildings that are to be monitored by the Pretreatment Program. The sampling port requirement is for a "sampling manhole" installed on the building's sewer line prior to discharging into the City's public sewer system. The "sampling manhole" may serve as a "clean out." Enclosed is specific language for the sampling port **(Page 2)**.

The Clean Water Act of 1972 promulgated by the Environmental Protection Agency (EPA) is the statutory basis for this requirement. Enclosed are the regulations and ordinances pertaining to the City's authority for such requirements **(Page 3)**.

EPA has specific criteria for classifying industries and businesses based on the category of the business, and by the characteristics and volume of wastewater being discharged. As a result, the City recognizes three classifications: significant industrial users (SIUs), minor industrial users (MIUs), or dischargers of no concern. The Pretreatment Program monitors both SIU and MIU classifications because they have the potential to upset the process at the wastewater treatment plant. MIUs are discussed here because they are more common than SIUs. Enclosed is a list of typical MIUs monitored by the Pretreatment Program **(Page 4)**.

It is necessary to obtain wastewater samples that are representative for each specific business. Dischargers must comply with Federal, State, and local wastewater effluent limits for such parameters as pH, fat, oil, and grease, and metals to list a few. In addition, these dischargers are monitored for "strong waste." Strong waste is defined as process wastewater having concentration levels greater than 300 mg/L for biochemical oxygen demand (BOD) and/or total suspended solids (TSS). Businesses identified as discharging strong waste, are subjected to a surcharge on their bi-monthly utility bill. The Pretreatment Program monitors strong waste in order for the Wastewater Division to properly treat the wastewater and to evaluate the capacity level of the publicly owned treatment works (POTW).

A "sampling manhole" used as a sampling port, prevents a tripping hazard for the public, allows the Pretreatment Program to protect its samplers from damage and theft, while collecting representative wastewater samples that do not commingle with other dischargers. It also provides the discharger with a more efficient "clean out" site **(Page 5)**.

Without a sampling port, there is no way to differentiate the waste streams between dischargers. Businesses may be subjected to enforcement action for violations of the Pretreatment Standards, or having to pay strong waste surcharges because of "upstream" dischargers. The City is trying to eliminate this dilemma by requiring the installation of unique sampling ports.

Sampling Port

All new construction or construction to existing buildings of businesses that are to be monitored by the Pretreatment Program, shall install a sampling port on the building's sewer line such that it is representative of total flow prior to discharging into the City's public sewer. The determination for monitoring shall be based on information provided by non-residential building sewer permit applications. In addition, when notified by the Code Administrator or Wastewater Manager, any existing business shall have ninety days to install a sampling port in their building sewer line when a requirement has been determined. The Code Administrator and the Wastewater Manager shall determine the location of sampling ports.

The owner of the property is responsible for the installation, expense, liability, and maintenance of the sampling port to ensure it to be safe and accessible at all times to the Pretreatment personnel. Sufficient room shall be provided as to allow sampling equipment to be used to monitor and collect wastewater samples to be analyzed for compliancy in accordance with Federal, State, and local rules and regulations.

The waste stream monitored by the sampling port shall be representative only for that particular business by consisting of all its generated discharges, not commingle with other dischargers, and have no bypass capabilities.

In the event that no sampling port is available, the sampling port shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building is connected.

Type of Sampling Port

Sampling Manhole

1. Minimum dimension shall be 24 inch in diameter x 3 feet in depth.
2. Sampling manhole shall utilize a standard manhole frame and cover.
3. Building sewer line shall be of sufficient length as to allow for representative wastewater sampling to occur with the use of the sampling manhole.
4. The sampling manhole may serve as a "clean out."
5. Sampling manholes shall be constructed out of concrete as shown on page 5. Other materials such as PVC or Fiberglass may be considered if they meet all specifications and are pre-approved by the City Engineer.

Code of Federal Regulations

General Pretreatment Standards

40 CFR 403

(f) *POTW pretreatment requirements.* A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) *Legal authority.* The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

- (i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;
- (ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

City of Yakima Municipal Code Ordinances

7.65.150 Monitoring equipment.

- A. The City may require a discharger to install and operate, at the discharger's own expense, monitoring equipment to allow inspection, sampling and flow measurement of all discharges into the sewer system, to assure compliance with this chapter. The monitoring equipment shall be situated on the discharger's premises, except that if such a location would be impractical or cause undue hardship on the discharger, the City may allow such equipment to be installed in an accessible public street or sidewalk area.
- B. There shall be ample room in or near such monitoring equipment to allow accurate wastewater sampling and preparation of samples for analysis by the discharger and the City. The monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.
- C. All monitoring equipment shall be installed and maintained in accordance with all applicable standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. (Ord. 3491 § 2 (part), 1992).

7.65.160 Inspection and sampling.

- A. To assess compliance with this chapter, independent of any information provided by an industrial discharger, the City shall have the right to inspect, conduct surveillance of, and collect wastewater samples from all monitoring equipment, sewer lines and plant facilities, and to examine and copy any discharge related records, during all hours that a discharger is operating or whenever employees are on the premises. The City will normally schedule such inspections upon seven (7) days notice, but, if deemed appropriate or necessary, shall have the right to make unscheduled inspections without prior notice. A permitted or authorized discharger, as a condition of their permit, shall sign a form provided by the City, that allows authorized City employees right of entry to the dischargers facility to carry out the duties of the Wastewater Division under this chapter. The City shall have the right to erect or install, on the discharger's property, such devices as are reasonably necessary to conduct sampling, inspection, compliance monitoring or metering operations. It will be unlawful under this chapter to interfere with any City sampling equipment or samples.
- B. Where an industrial discharger has security measures in force which require proper identification and clearance before entry into its premises, the industrial discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, state, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- C. Failure to allow inspection, sampling, monitoring, metering or copying as authorized by this section shall be grounds for termination of wastewater treatment services as well as any other enforcement action authorized under this chapter and deemed appropriate by the Wastewater Manager.

**MINOR INDUSTRIAL USERS (MIUs)
(BUSINESSES MONITORED BY THE PRETREATMENT PROGRAM)**

FOOD ESTABLISHMENTS

1. Restaurants
2. Cafeterias (schools, nursing homes, hospitals, etc.)
3. Bakeries
4. Convenient Stores (prepare/serve food)
5. Bars/Taverns (prepare/serve food)
6. Grocery/Deli (prepare/serve food)

LAUNDRY FACILITIES

1. Laundromats
2. Hotels/motels
3. Dry Cleaners

CLINICS

1. Medical
2. Dental
3. Chiropractic
4. Veterinary

AUTOMOTIVE

1. Car Washes
2. Auto Detailers
3. Auto Repair Shops
4. Auto Body Repair Shops
5. Paint Shops
6. Radiator Shops
7. Lube/Oil Services

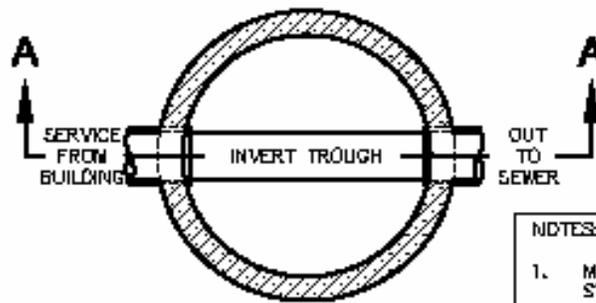
AGRICULTURAL

1. Controlled Atmosphere (CA rooms)
2. Agriculture Products/Chemicals

MISCELLANEOUS

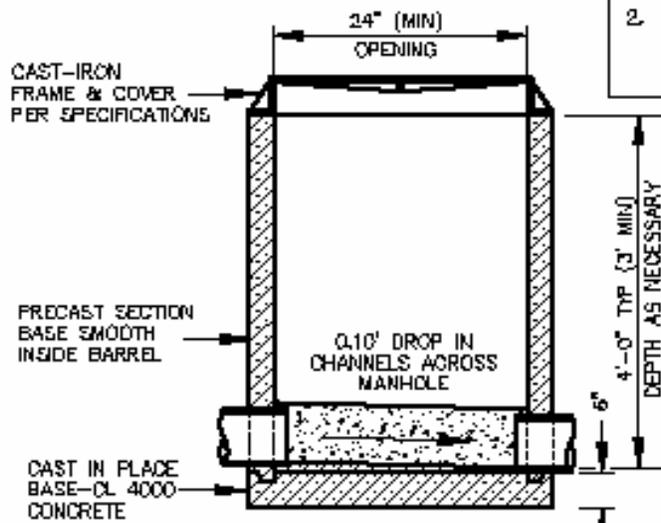
1. Metal Fabricators
2. Photo Finishing Shops
3. Industrial Manufactures
4. Printing Shops
5. Others

This list of minor industrial users is not exclusive. If the Pretreatment Program determines that a business has the potential to upset the wastewater treatment process, they shall be monitored.



PLAN VIEW

- NOTES:**
1. MANHOLES SHALL BE STANDARD REINFORCED CONCRETE SECTIONS 24" I.D. x 4'-0". IF MORE THAN ONE SECTION IS USED, INSTALL RAMNEK AT JOINTS.
 2. INSTALL RAMNEK SEAL UNDER COVER FRAME ENTIRELY AROUND MANHOLE.



SECTION A-A

S10 SANITARY SAMPLING MANHOLE DETAIL
 NTS City of Yakima - Engineering Division

APPROVED 10.25.07

CITY OF YAKIMA - STANDARD DETAIL	SAMPLING MANHOLE	S10
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TZSP-48-ECA TRAPZILLA SAMPLE PORT

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The TZSP-48-ECA features a 8" fall to meet codes requiring vertical waterfall filling access. When sampling a TZSP-48-ECA, the GrabSampler sits vertically in the sample port. The flume narrows the flow path of incoming water, preventing the build-up of sediment in the inlet and accelerating the flow into the jar. Additional [ECA-TZ-29 Extension Collar Assemblies](#) must be purchased separately.

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Details

- Constructed of corrosion resistant materials suitable for installation in virtually any location.
- Compact footprint.
- 7.8" (198 mm) fall to meet vertical waterfall filling access.
- Patent-pending flume technology narrows and accelerates incoming flows preventing build-up of sediment in inlet.
- Includes one ECA-TZ-29 Extension Collar for in-ground installation.

Product Attachment

