

**TOWN OF LYONS, COLORADO  
ORDINANCE 1074**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CERTAIN  
SECTIONS OF CHAPTER 13, ARTICLE THE LYONS MUNICIPAL CODE TO AUTHORIZE  
THE TOWN TO REQUIRE TESTING AND MONITORING FACILITIES FOR USES OF THE  
TOWN'S WASTEWATER SERVICES**

**WHEREAS**, pursuant to Article XXV of the Colorado Constitution, the Town of Lyons Board of Trustees ("Board") has the authority to establish and operate municipal utilities serving the Town of Lyons ("Town") and pass rates, rules, and regulations governing the operation of those municipal utilities; and

**WHEREAS**; pursuant to C.R.S. Section 13-15-103 the Town has the authority to make and publish ordinances; and

**WHEREAS**, pursuant to that power the Board previously enacted Article 4, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Wastewater Service" establishing a wastewater utility; and

**WHEREAS**, wastewater at the wastewater treatment plant is required to meet specific levels of various pollutants such as BOD, TSS and Copper; and

**WHEREAS**, the town has determined it needs to monitor customers in certain industries wastewater to determine where high levels of such pollutants come from; and

**WHEREAS**, the Board referred the question of how to meet the specific levels of various pollutants to the Utilities and Engineering Board ("UEB") pursuant to LMC Section 2-2-170; and

**WHEREAS**, pursuant to LMC Sections 2-8-190(c)(3) ,the UEB advised the Board that they should require customers from industries in the High Level of the High Strength Surcharge Classification to install testing facilities in their wastewater as reflected in **Exhibit A**, attached hereto and incorporated by reference; and

**WHEREAS**, it is in the best interests of the public health, safety, and welfare that this amendment to the wastewater utility services be made; and

**WHEREAS**, the Board has conducted a public hearing to consider evidence and testimony on LMC Code Amendments as set forth below thus providing adequate opportunity for interested residents and customers to be heard.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:**

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Article 4 of Chapter 13, Section 13-4-80 is hereby amended from the previous

Article 4 of Chapter 13 and as shown on Exhibit A, to read in full as follows:

Sec. 13-4-80. - High Strength Waste Surcharge.

- (a) Purpose. This Section is intended to charge businesses the true cost of treating their waste. Commercial customers may pay a surcharge for excessive pollutants. Sewer surcharge provisions were created to achieve equity between treatment costs and charges for all users. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer.
- (b) The Town requires all current and future commercial and/or industrial users of the Town's Wastewater Treatment Plant to complete and return the Wastewater Classification Survey form prior to discharging wastewater to the Town Sewer System. The survey form is designed to provide enough information for the Town to determine if a complete Wastewater Discharge Permit Application will be required and will be available on the Town's website at [www.townoflyons.com](http://www.townoflyons.com). All businesses shall update and resubmit their classification annually with business license renewal.
- (c) Determining commercial consumers high strength waste. Below are some examples of some classifications. Based on the Wastewater Classification Survey, and standard industry practices, the Town Engineer shall classify each business. Commercial users will be classified into one of the following categories:
  - (1) Exempt Businesses  
Average residential consumer loadings are considered to be two hundred fifty (250) mg/L BOD. Types of businesses may include, but are not limited to: any closed door, office-based business with 8 or fewer employees, that do not serve/sell food or beverages, most home-based businesses in residential areas, and businesses that do not have production facilities that produce organic or chemical waste shall be considered "Exempt Businesses."
  - (2) Low Surcharge Businesses  
Average loadings are considered to be 1,000 mg/L BOD. Types of businesses may include, but is not limited to, restaurants, car washes, and medical labs.
  - (3) Medium Surcharge Businesses  
Average loadings are considered to be 1,500 mg/L BOD. Types of businesses may include, but is not limited to, bakeries, meat shops, and coffee shops.
  - (4) High Surcharge Businesses  
Average loadings are considered to be 3,250 mg/L BOD. Type of businesses may include, but is not limited to, breweries, distilleries, slaughterhouses, and marijuana grow facilities.
  - (5) Significant Industrial Users

Not all industrial users are significant industrial users. CDPHE Colorado Regulation 63 (pretreatment regulations) defines a significant industrial user (SIU) as all industrial user's subject to pretreatment standards in federal regulations and any other industrial user that:

- Discharges an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (POTW) (excluding sanitary, noncontact cooling, and boiler blowdown wastewater). This may include drinking water plants.
- Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW
- Is designated as a SIU on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

(d) Based on Lyons having costs to treat these wastes, the Town will charge a high strength waste surcharge in accordance with the table below:

Business Surcharge Category	BOD Production* (mg/L)	BOD Production * (lbs./1000 gallon)	Surcharge per pounds of BOD
Exempt	<250 mg/L	8.34	None
Low	1000 mg/L	8.34lbs/1000 gallons	\$0.89
Medium	1500 mg/L	12.52 lbs./1000 gallons	\$0.89
High	Must be based on testing	Must be based on testing	\$0.89
Significant Industrial User	Per CDPHE Definition	Must be based on testing	Subject to CDPHE Colorado Regulation 63

\*BOD Production is an assumption until formally tested.

See Example Below:

Basic Formula:

NTG = Number of Thousands of Gallons – utility bills based on thousands of gallons of water used.

BOD/TG = Assumed BOD weight per Thousand Gallons of water

Surcharge = Current surcharge per pound of BOD

Total Surcharge Amount = Total amount added to monthly wastewater (sewer) bill

**NTG x BOD/TG x SURCHARGE = TOTAL SURCHARGE AMOUNT**

Therefore, a business classified as a "medium" surcharge business using 5,000 gallons of water in a given month would pay the following:

$$5 \times 12.52 \times .89 = \$55.71$$

- (e) The determination of monthly pounds of BOD is as follows:
- (1) The BOD surcharge for non-exempt commercial customers is calculated based on monthly water usage, which is assumed to be discharged into the system. The Town bills in 1,000-gallon increments, these shall be divided by 1,000 to convert to millions of gallons used.
  - (2) High Surcharge Businesses and Significant Industrial users may reduce the water usage for the BOD surcharge calculation by providing the Town documentation of the number of gallons of water diverted from the sanitation system. The Town Administrator or designee will determine the amount of the production credit to be used in calculating BOD surcharge.
  - (3) The Town will take the gallons of water used from the Utility bill and convert to millions of gallons as shown above. It will multiply this by the BOD production from the assumption table or testing results. It will then multiply by a constant of 8.34 which converts all the different units (mg/l, million gallons) to pounds.
  - (4) The pounds calculated for the month will then be used to determine the monthly surcharge. This will be calculated for each utility bill based on the monthly water used as defined above.
- (f) If a nonresidential customer believes its high strength waste has a BOD lower than what is listed for its category, its can install, maintain, and operate, at its sole expense, a suitable sampling port in its sewer line as described in subsection (j). The Town will then use the results of testing of the wastewater to calculate the high strength waste surcharge.
- (g) Any new nonresidential customer that does not fall into the exempt category must install, maintain, and operate, at its sole expense, a suitable sampling port in its sewer line as described in subsection (j).
- (h) All nonresidential customer who falls into the high category must install, maintain, and operate, at its sole expense, a suitable sampling port in its sewer line as described in subsection (j) by June 30<sup>th</sup>, 2020.
- (i) When required by the Town Administrator, any user must install, maintain, and operate, at its sole expense, a suitable sampling port in its sewer line as described in subsection (j).
- (j) The sampling port shall be at an appropriate location in the service line to facilitate observation, sampling and measurement of wastewater flows. All devices used to

measure wastewater flow and quality shall be calibrated as required by the manufacturer to ensure accuracy. Plans and specifications for the monitoring facilities shall be approved by the Town Administrator prior to construction of such facilities. Each monitoring facility shall meet requirements set forth by the Town Administrator for safe and independent access by Town personnel at all times.

- (k) The Town Administrator may determine the frequency and sufficiency of testing. The Town may also conduct compliance monitoring at such times and frequencies as are deemed necessary to carry out the purposes and intentions of this chapter. The Town reserves the right to verify methods of sampling, flow and measurements and analyses and to inspect the user's records pertaining to all requirements of this chapter. All costs incurred in the performance of measurements, tests, analyses and verification shall be the responsibility of the user.

Section 3. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 16. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Ordinance within the Lyons Municipal Code.

Section 17. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.


INTRODUCED AND PASSED ON FIRST READING THIS 21<sup>st</sup> DAY OF January 2020.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 3<sup>rd</sup> DAY OF February 2020.

TOWN OF LYONS, COLORADO

Barney Dreistadt  
Barney Dreistadt, Mayor Pro-Tem

ATTEST:  
Dolores Vasquez  
Dolores Vasquez, Town Clerk

The seal of the Town of Lyons, Colorado, is circular. It features the text "TOWN OF LYONS" at the top and "STATE OF COLORADO" at the bottom. In the center, there are three stars and a small emblem. The seal is partially obscured by the signature of Dolores Vasquez.

Attachments:

**Exhibit A** – Redline Changes to Article 1 of Chapter 13 – Administration and Enforcement

**Exhibit B:** Clean Copy of Article 1 of Chapter 13 – Administration and Enforcement

Sec. 13-4-70. - High Strength Waste Surcharge.

- (a) Purpose. This Section is intended to charge businesses the true cost of treating their waste. Commercial customers may pay a surcharge for excessive pollutants. Sewer surcharge provisions were created to achieve equity between treatment costs and charges for all users. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer.
  
- (b) The Town requires all current and future commercial and/or industrial users of the Town's Wastewater Treatment Plant to complete and return the Wastewater Classification Survey form prior to discharging wastewater to the Town Sewer System. The survey form is designed to provide enough information for the Town to determine if a complete Wastewater Discharge Permit Application will be required and will be available on the Town's website at [www.townoflyons.com](http://www.townoflyons.com) . All businesses shall update and resubmit their classification annually with business license renewal.
  
- (c) Determining commercial consumers high strength waste. Below are some examples of some classifications. Based on the Wastewater Classification Survey, and standard industry practices, the Town Engineer shall classify each business. Commercial users will be classified into one of the following categories:
  - (1) Exempt Businesses  
Average residential consumer loadings are considered to be two hundred fifty (250) mg/L BOD. Types of businesses may include, but are not limited to: any closed door, office-based business with 8 or fewer employees, that do not serve/sell food or beverages, most home-based businesses in residential areas, and businesses that do not have production facilities that produce organic or chemical waste shall be considered "Exempt Businesses."
  
  - (2) Low Surcharge Businesses  
Average loadings are considered to be 1,000 mg/L BOD. Types of businesses may include, but is not limited to, restaurants, car washes, and medical labs.
  
  - (3) Medium Surcharge Businesses  
Average loadings are considered to be 1,500 mg/L BOD. Types of businesses may include, but is not limited to, bakeries, meat shops, and coffee shops.
  
  - (4) High Surcharge Businesses  
Average loadings are considered to be 3,250 mg/L BOD. Type of businesses may include, but is not limited to, breweries, distilleries, slaughterhouses, and marijuana grow facilities.
  
  - (5) Significant Industrial Users

Not all industrial users are significant industrial users. CDPHE Colorado Regulation 63 (pretreatment regulations) defines a significant industrial user

(SIU) as all industrial user's subject to pretreatment standards in federal regulations and any other industrial user that:

- Discharges an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (POTW) (excluding sanitary, noncontact cooling, and boiler blowdown wastewater). This may include drinking water plants.
- Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW
- Is designated as a SIU on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

(d) Based on Lyons having costs to treat these wastes, the Town will charge a high strength waste surcharge in accordance with the table below:

Business Surcharge Category	BOD Production* (mg/L)	BOD Production * (lbs./1000 gallon)	Surcharge per pounds of BOD
Exempt	<250 mg/L	8.34	None
Low	1000 mg/L	8.34lbs/1000 gallons	\$0.89
Medium	1500 mg/L	12.52 lbs./1000 gallons	\$0.89
High	<u>Must be based on testing</u> <del>3250 mg/L</del>	<u>Must be based on testing</u> <del>27.12 lbs./1000 gallons</del>	\$0.89
Significant Industrial User	Per CDPHE Definition	Must be based on testing	Subject to CDPHE Colorado Regulation 63
*BOD Production is an assumption until formally tested.			

See Example Below:

Basic Formula:

NTG = Number of Thousands of Gallons – utility bills based on thousands of gallons of water used.

BOD/TG = Assumed BOD weight per Thousand Gallons of water



Surcharge = Current surcharge per pound of BOD

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**NTG x BOD/TG x SURCHARGE = TOTAL SURCHARGE AMOUNT**

Therefore, a business classified as a "medium" surcharge business using 5,000 gallons of water in a given month would pay the following:

$$5 \times 12.52 \times .89 = \$55.71$$

~~(e) Each Business may choose to accept the surcharge as classified above or provide their own measurements via installed sampling point(s) and sampled as a composite 24-hour sample, at times acceptable to the Town. The measurements shall be performed by an approved testing vendor from a list of vendors provided by the Town, and at frequencies and times agreed to by the vendor, the business, and the Town. At the completion of the testing, the business will be provided with the results and may determine whether to apply the change to their BOD production Level.~~

(ef) The determination of monthly pounds of BOD is as follows:

- (1) The BOD surcharge for non-exempt commercial customers is calculated based on monthly water usage, which is assumed to be discharged into the system. The Town bills in 1,000-gallon increments, these shall be divided by 1,000 to convert to millions of gallons used.
- (2) High Surcharge Businesses and Significant Industrial users may reduce the water usage for the BOD surcharge calculation by providing the Town documentation of the number of gallons of water diverted from the sanitation system. The Town Administrator or designee will determine the amount of the production credit to be used in calculating BOD surcharge.
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- (4) The pounds calculated for the month will then be used to determine the monthly surcharge. This will be calculated for each utility bill based on the monthly water used as defined above.

(f) If a commercial customer believes their high strength waste has a BOD lower than what is listed for their category, they can install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i). The Town will then use the results of testing of the wastewater to calculate the high strength waste surcharge.

(g) All new commercial customers who do not fall into the standard category must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i).

(h) All commercial customers who fall into the high category must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i) by June 30<sup>th</sup>, 2020.

(i) When required by the Town Administrator, any nonresidential user must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i).

(j) The sampling port shall be at an appropriate location in the service line to facilitate observation, sampling and measurement of wastewater flows. All devices used to measure wastewater flow and quality shall be calibrated as required by the manufacturer to ensure accuracy. Plans and specifications for the monitoring facilities shall be approved by the Town Administrator prior to construction of such facilities. Each monitoring facility shall meet requirements set forth by the Town Administrator for safe and independent access by Town personnel at all times.

(k) The Town Administrator may determine the frequency and sufficiency of testing. The Town may also conduct compliance monitoring at such times and frequencies as are deemed necessary to carry out the purposes and intentions of this chapter. The Town reserves the right to verify methods of sampling, flow and measurements and analyses and to inspect the user's records pertaining to all requirements of this chapter. All costs incurred in the performance of measurements, tests, analyses and verification shall be the responsibility of the user.

(l) All customers required to have wastewater testing will be required to meet the town wastewater Local Limits. This includes but is not limited to the amount of certain metals, Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS) found in the wastewater. Wastewater that does not meet these Local Limits must be pretreated to remove the excess pollutant. Failure to comply will result in suspension of wastewater service.

Sec. 13-4-70. - High Strength Waste Surcharge.

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Average loadings are considered to be 1,000 mg/L BOD. Types of businesses may include, but is not limited to, restaurants, car washes, and medical labs.
  
  - (3) Medium Surcharge Businesses  
Average loadings are considered to be 1,500 mg/L BOD. Types of businesses may include, but is not limited to, bakeries, meat shops, and coffee shops.
  
  - (4) High Surcharge Businesses  
Average loadings are considered to be 3,250 mg/L BOD. Type of businesses may include, but is not limited to, breweries, distilleries, slaughterhouses, and marijuana grow facilities.
  
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- Is designated as a SIU on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

(d) Based on Lyons having costs to treat these wastes, the Town will charge a high strength waste surcharge in accordance with the table below:

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\*BOD Production is an assumption until formally tested.

See Example Below:

Basic Formula:

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Therefore, a business classified as a “medium” surcharge business using 5,000 gallons of water in a given month would pay the following:

$$5 \times 12.52 \times .89 = \$55.71$$

- (e) The determination of monthly pounds of BOD is as follows:
- (1) The BOD surcharge for non-exempt commercial customers is calculated based on monthly water usage, which is assumed to be discharged into the system. The Town bills in 1,000-gallon increments, these shall be divided by 1,000 to convert to millions of gallons used.
  - (2) High Surcharge Businesses and Significant Industrial users may reduce the water usage for the BOD surcharge calculation by providing the Town documentation of the number of gallons of water diverted from the sanitation system. The Town Administrator or designee will determine the amount of the production credit to be used in calculating BOD surcharge.
  - (3) The Town will take the gallons of water used from the Utility bill and convert to millions of gallons as shown above. It will multiply this by the BOD production from the assumption table or testing results. It will then multiply by a constant of 8.34 which converts all the different units (mg/l, million gallons) to pounds.
  - (4) The pounds calculated for the month will then be used to determine the monthly surcharge. This will be calculated for each utility bill based on the monthly water used as defined above.

(f) If a commercial customer believes their high strength waste has a BOD lower than what is listed for their category, they can install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i). The Town will then use the results of testing of the wastewater to calculate the high strength waste surcharge.

(g) All new commercial customers who do not fall into the standard category must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (j).

(h) All commercial customers who fall into the high category must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i) by June 30<sup>th</sup>, 2020.

(i) When required by the Town Administrator, any nonresidential user must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i).

(j) The sampling port shall be at an appropriate location in the service line to facilitate observation, sampling and measurement of wastewater flows. All devices used to measure wastewater flow and quality shall be calibrated as required by the manufacturer to ensure accuracy. Plans and specifications for the monitoring facilities shall be approved by the Town Administrator prior to construction of such facilities. Each monitoring facility shall meet requirements set forth by the Town Administrator for safe and independent access by Town personnel at all times.

(k) The Town Administrator may determine the frequency and sufficiency of testing. The Town may also conduct compliance monitoring at such times and frequencies as are deemed necessary

to carry out the purposes and intentions of this chapter. The Town reserves the right to verify methods of sampling, flow and measurements and analyses and to inspect the user's records pertaining to all requirements of this chapter. All costs incurred in the performance of measurements, tests, analyses and verification shall be the responsibility of the user.

(l) All customers required to have wastewater testing will be required to meet the town wastewater Local Limits. This includes but is not limited to the amount of certain metals, Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS) found in the wastewater. Wastewater that does not meet these Local Limits must be pretreated to remove the excess pollutant. Failure to comply will result in suspension of wastewater service.

**Exhibit C**

Sec. 13-4-80. - High strength waste surcharge.

- (a) Purpose. This Section is intended to charge businesses the true cost of treating their waste. Commercial customers may pay a surcharge for excessive pollutants. Sewer surcharge provisions were created to achieve equity between treatment costs and charges for all users. Factors such as strength (BOD and TSS), volume and delivery flow rate characteristics shall be considered and included as the basis for the consumer's contribution to ensure a proportional distribution of operation and maintenance costs to each consumer.
- (b) The Town requires all current and future commercial and/or industrial users of the Town's Wastewater Treatment Plant to complete and return the Wastewater Classification Survey form prior to discharging wastewater to the Town Sewer System. The survey form is designed to provide enough information for the Town to determine if a complete Wastewater Discharge Permit Application will be required.

<http://www.louisvilleco.gov/showdocument?id=2018>

- (c) Determining commercial consumers high strength waste.
  - (1) Average residential consumer daily loadings are considered to be two hundred forty (240) mg/L BOD.
  - (2) Commercial users will be classified into one (1) of the following categories:

Standard	< 250 mg/L BOD	Businesses reasonably expected to discharge at or below typical residential
Low	1,000 mg/L	Restaurants, car washes, medical labs, and any business that is in the FOG program
Medium	1,500 mg/L	Bakery, meat shops, coffee shops
High	3,250 mg/L	Breweries, distilleries, slaughterhouse, marijuana grow facilities

- (d) Based on Lyons having costs to treat these wastes, the Town will charge one dollar and thirteen cents (\$1.13) per pound of BOD.
  - (1) The number of pounds of BOD is determined by taking the category level in milligrams per liter minus the allowed amount (two hundred fifty [250]), multiplying that by how many millions of gallons of water flow the user had, then multiplying that by 8.34 which is a constant used to convert mg/L into pounds. As an example:

Industry A results for the month:

- Medium category business BOD concentration: One thousand five hundred (1,500) ppm
- Sewer bill shows: Ten thousand (10,000) gallons for the month

In this case  $((1,500 - 250) \times .01 \times \$1.13 = \$117.80$

Monitored	Anyone who applies and is accepted into the monitored program
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~~(e) If a commercial customer believes their high strength waste has a BOD lower than what is listed for their category, they can, at their own expense, install the required facilities to allow for testing of their waste and pay for the Town to hire a firm to come out and test. Testing will be done at random and must be done three (3) times per year. The Town will then use the results of the test to calculate the high strength waste surcharge.~~

- ~~(f) All new commercial customers who do not fall into the standard category must have the required equipment installed to allow monitoring of wastewater.~~
- (e) If a commercial customer believes their high strength waste has a BOD lower than what is listed for their category, they can install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i). The Town will then use the results of testing of the wastewater to calculate the high strength waste surcharge.
- (f) All new commercial customers who do not fall into the standard category must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i).
- (g) All commercial customers who fall into the high category must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i) by June 30<sup>th</sup>, 2020.
- (h) When required by the Town Administrator, any nonresidential user must install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line as described in subsection (i).
- (i) The sampling port shall be at an appropriate location in the service line to facilitate observation, sampling and measurement of wastewater flows. All devices used to measure wastewater flow and quality shall be calibrated as required by the manufacturer to ensure accuracy. Plans and specifications for the monitoring facilities shall be approved by the Town Administrator prior to construction of such facilities. Each monitoring facility shall meet requirements set forth by the Town Administrator for safe and independent access by Town personnel at all times.
- (j) The Town Administrator may determine the frequency and sufficiency of testing. The Town may also conduct compliance monitoring at such times and frequencies as are deemed necessary to carry out the purposes and intentions of this chapter. The Town reserves the right to verify methods of sampling, flow and measurements and analyses and to inspect the user's records pertaining to all requirements of this chapter. All costs incurred in the performance of measurements, tests, analyses and verification shall be the responsibility of the user.
- (k) All customers required to have wastewater testing will be required to meet the town wastewater Local Limits. This includes but is not limited to the amount of certain metals, Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS) found in the wastewater. Wastewater that does not meet these Local Limits must be pretreated to remove the excess pollutant. Failure to comply will result in suspension of wastewater service.