

April 24, 2020
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Received by
EPA Region VIII
Hearing Clerk

<p>IN THE MATTER OF:</p> <p>South Fort Collins Sanitation District,</p> <p style="text-align: center;">Respondent</p> <p>NPDES Permit No. CO-0020737</p>	<p>Docket No. CWA-08-2020-0006</p> <p style="text-align: center;">ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT</p>
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INTRODUCTION

1. This Administrative Order for Compliance on Consent (Consent Order) is entered into voluntarily by the United States Environmental Protection Agency (EPA) and the South Fort Collins Sanitation District (District), which is the Respondent in this matter. The EPA has authority to issue this Consent Order pursuant to section 309(a)(3) of the Clean Water Act (Act), 33 U.S.C. § 1319(a)(3).

2. The Findings of Fact and of Violation (Findings) in paragraphs 20 through 80, below, are made solely by the EPA. In signing this Consent Order, the District neither admits nor denies the Findings. Without any admission of liability, the District consents to the issuance of this Consent Order and agrees to abide by all of its conditions. The District waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review the District may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review of this Consent Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-706. The District further agrees not to challenge the jurisdiction of the EPA or any of the Findings in any proceeding to enforce this Consent Order or in any action under this Consent Order.

STATUTORY AND REGULATORY BACKGROUND

The NPDES Program

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters, except as in compliance with other sections of the Act, including section 402, 33 U.S.C. § 1342, which allows discharges authorized by National Pollutant Discharge Elimination System (NPDES) permits.
4. The Act defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).
5. The Act defines “pollutant” to include “sewage . . . chemical wastes, biological materials . . . and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
6. The Act defines “navigable waters” as the “waters of the United States.” 33 U.S.C. § 1362(7).
7. “Waters of the United States” are defined in 40 C.F.R. § 122.2.
8. The Act defines “point source” to include any “discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure [or] container . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
9. The EPA, and states with NPDES programs approved by the EPA, may issue NPDES permits that authorize discharges of pollutants into waters of the United States, subject to conditions and limitations set forth in such permits. 33 U.S.C. § 1342.
10. Among the types of dischargers that can receive NPDES permits authorizing pollutants to be discharged into waters of the United States are publicly owned treatment works, or POTWs. The term “POTW” encompasses a treatment works itself and a municipality with jurisdiction over discharges to and from such a treatment works. 40 C.F.R. § 403.3(q).

The EPA's Pretreatment Program

11. Pollutants from non-domestic sources that are introduced to a POTW are subject to the EPA's pretreatment regulations at 40 C.F.R. chapter I, subchapter N, parts 400 through 471 (the Pretreatment Regulations) and section 307 of the Act, 33 U.S.C. § 1317.
12. Non-domestic sources that introduce pollutants to POTWs are known as "Industrial Users" or "IUs," as defined in 40 C.F.R. § 403.3(j).
13. The introduction of pollutants from an IU to a POTW is known as "Indirect Discharge" or "Discharge," as defined in 40 C.F.R. § 403.3(i). Unless otherwise stated, any reference to a "discharge" in this Consent Order shall be the introduction of pollutants to a POTW, as distinguished from the POTW's discharge of pollutants to waters of the United States.
14. The Pretreatment Regulations include regulations containing pollutant discharge limits. These regulations are known as Pretreatment Standards. 40 C.F.R. § 403.3(l). Other requirements relating to pretreatment are known as Pretreatment Requirements. 40 C.F.R. § 403.3(t).
15. The Pretreatment Regulations also include requirements for specific industrial categories, as described in 40 C.F.R. § 403.6 and parts 405-471. In this Consent Order, these regulations are referenced as the Categorical Pretreatment Standards.
16. According to 40 C.F.R. § 403.3(v), the term "Significant Industrial User," also referenced as "SIU," includes, with exceptions provided in 40 C.F.R. §§ 403.3(v)(2) and 403.3(v)(3):
 - (i) Any IU subject to the Categorical Pretreatment Standards; and
 - (ii) Any other IU that discharges an average of at least 25,000 gallons per day of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown water) to a POTW; contributes a process wastestream that makes up five or more percent of the average dry weather hydraulic or organic capacity of the POTW's

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treatment plant; or is designated by the relevant Control Authority (defined in 40 C.F.R. § 403.3(f)) as an SIU on the basis of having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 C.F.R. § 403.8(f)(6)).

17. The Pretreatment Regulations require certain POTWs to establish approved pretreatment programs. An NPDES permit issued to a POTW must, among other things, incorporate the requirements of the POTW's pretreatment program. 40 C.F.R. §§ 122.44(j) and 403.8(c).
18. According to 40 C.F.R. § 403.8, a POTW with an approved pretreatment program must develop and implement procedures to ensure compliance with its pretreatment program. These procedures must ensure the POTW is able, among other things:
 - to operate pursuant to enforceable legal authority that 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;
 - to identify IUs that may be subject to the pretreatment program;
 - to identify the character and volume of pollutants contributed to the POTW by these IUs;
 - to notify Industrial Users of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act, 33 U.S.C. §§ 1284(b) and 1345, and subtitles C and D of the Resource Conservation and Recovery Act;
 - to issue permits, orders, or other control mechanisms to control Indirect Discharges by SIUs, which include specific information required by 40 C.F.R. § 403.8(f)(1)(iii);
 - to evaluate SIUs for the need to develop a plan or other actions to control Slug Discharges, as defined in 40 C.F.R. §§ 403.8(f)(2)(vi);

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- to receive and analyze the self-monitoring reports and other notices that 40 C.F.R. § 403.12 requires IUs to submit;
- to investigate instances of noncompliance by IUs with Pretreatment Standards and Requirements and to perform sampling and inspections with care;
- to sample the effluent from SIUs at least once a year;
- to develop and implement a procedure to evaluate and provide annual public notices of any Significant Non-Compliance (SNC), as defined in 40 C.F.R. § 403.8(f)(2)(viii), by any IUs;
- to develop specific limits, known as “local limits,” to ensure IUs comply with the prohibitions in 40 C.F.R. § 403.5(a)(1) and (b);
- to develop and implement an enforcement response plan for investigating and responding to instances of noncompliance by IUs; and
- to have sufficient resources and qualified personnel to carry out its authorities and procedures.

19. Permits that POTWs issue to IUs or SIUs to authorize discharges of pollutants to POTWs are known as “IU permits” or “SIU permits,” respectively. These are collectively referred to by the District as “Industrial Wastewater Discharge Permits.”

FINDINGS OF FACT AND OF VIOLATION

The following findings apply at all times relevant to this proceeding.

The District’s POTW

20. The District is a sanitation district under Title 32, Colorado Revised Statutes and now governed by C.R.S. §§ 32-1-101 et seq. Accordingly, the District is a political subdivision of the State of

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Colorado, a “municipality” as defined by section 502(4) of the Act, 33 U.S.C. § 1362(4), and a “person” as defined by section 502(5) of the Act, 33 U.S.C. § 1362(5).

21. The District owns and operates a wastewater treatment plant (WWTP) located at 2560 East County Road 32, Fort Collins, Colorado, 80528.
22. The WWTP discharges treated wastewater into Fossil Creek Reservoir.
23. Fossil Creek Reservoir is navigable-in-fact.
24. Fossil Creek Reservoir is a “water of the United States” as defined in 40 C.F.R. § 122.2 and a “navigable water” as defined in section 502(7) of the Act, 33 U.S.C. § 1362(7).
25. The WWTP and the sewers, pipes, and other conveyances leading to it are part of the District’s POTW.
26. As a municipality with jurisdiction over discharges to and from its treatment works, the District itself is a “POTW” as defined in 40 C.F.R. §§ 122.2 and 403.3(q).
27. Unless otherwise stated, any references to “the POTW” below in this Consent Order shall mean the POTW owned and operated by the District, or the District itself, as the context requires.

The District’s NPDES Permit

28. On December 31, 2012, the State of Colorado Department of Public Health and Environment (CDPHE) issued NPDES Permit Number CO-0020737 (the NPDES Permit) to the District, effective February 1, 2013, and expiring January 31, 2018.
29. According to CDPHE, the permit has been administratively extended and has been in effect at all times relevant to this Consent Order.
30. The NPDES Permit authorizes the District to discharge from the WWTP into Fossil Creek Reservoir.

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31. The State of Colorado is an "NPDES State," because the EPA has approved the State of Colorado's NPDES program pursuant to section 402(b) of the Act, 42 U.S.C. § 1342(b).
32. The State of Colorado does not have an EPA-approved pretreatment program. Therefore, at all times relevant to this Consent Order, the Regional Administrator for EPA Region 8 has been the "Approval Authority" as defined in 40 C.F.R. § 403.3(c).
33. The NPDES Permit requires the District to develop, implement, document, and enforce a pretreatment program in accordance with the Pretreatment Regulations. Part I.B.7 of the NPDES Permit.
34. The EPA approved the District's pretreatment program on January 11, 1985, at which time the District became the "Control Authority" as defined in 40 C.F.R. § 403.3(f).
35. On November 12, 1992, the EPA approved an update to the District's Rules and Regulations to address the Domestic Sewage Exclusion regulations promulgated by the EPA.
36. On January 17, 2001, the EPA approved an update to the District's local limits.
37. The District's pretreatment program as approved by the EPA on January 11, 1985, with the modifications approved on November 12, 1992 and January 17, 2001, will be referenced in this Consent Order as the District's Pretreatment Program.

The EPA's 2019 Audit

38. On April 15 to 17, 2019, the EPA conducted an audit (Audit) of the District's Pretreatment Program. The EPA mailed a report of the audit (Audit Report) to the District on May 28, 2019. The District responded to the Audit Report on July 1, 2019.

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39. As part of the Audit, the EPA, along with the District, inspected two IUs in Loveland, Colorado, both of which introduce non-domestic pollutants to the POTW: Hach Company (Hach), at 5600 Lindbergh Drive, Peak Engineering and Automation Company (Peak Engineering), at 599 West 71st Street.

Count I: Failure to Operate Pursuant to Adequate Legal Authority

40. The District is required to operate pursuant to legal authority enforceable in federal, state or local courts. This legal authority must authorize or enable the District 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 the District is authorized to enact, enter into or implement, and which are authorized by state law. 40 C.F.R. § 403.8(f)(1).
41. Where necessary, the District is required to establish legally binding agreements with other jurisdictions to ensure compliance by any IUs in those jurisdictions. Part I.B.7.a.xiii of the NPDES Permit.
42. The District's legal authority must, at a minimum, enable the District to exercise all functions enumerated in 40 C.F.R. § 403.8(f)(1)(i) through (vi).
43. As noted in the Audit Report, in connection with a prior audit of the District in 2010, the EPA noted that the District's rules and regulations needed to be updated. In response, on December 23, 2010, the District submitted draft updates to its rules and regulations. On February 2, 2011, the EPA provided comments to the District to ensure that the District's rules and regulations were sufficient. The Audit indicated, however, that the District had not updated its rules and regulations in response to the EPA's comments.

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44. The District lacks sufficient legal authority, for example:
- (a) to deny or condition Industrial Users' contributions of pollutants, as required by 40 C.F.R. § 403.8(f)(1)(i);
 - (b) to establish permit (or individual control mechanism) conditions, as required by 40 C.F.R. § 403.8(f)(1)(iii);
 - (c) to require IUs to develop compliance schedules, as required by 40 C.F.R. § 403.8(f)(1)(iv)(A);
 - (d) to require IUs to submit notices and self-monitoring reports, as required by 40 C.F.R. § 403.8(f)(1)(iv)(B);
 - (e) to carry out inspection, surveillance, and monitoring procedures, as required by 40 C.F.R. § 403.8(f)(1)(v); and
 - (f) to obtain enforcement remedies, such as injunctive relief and penalties of at least \$1,000 per day per violation, as required by 40 C.F.R. § 403.8(f)(1)(vi).
45. Two jurisdictions outside of the District's service area contribute wastewater to the POTW. One such jurisdiction is the Town of Timnath, Colorado.
46. As part of the Audit, the EPA examined an intergovernmental agreement (IGA) the District had entered into with the Town of Timnath. At that time, the IGA did not allow the District to implement the District's Pretreatment Program fully within the Town of Timnath. The District has since entered into a revised IGA that allows the District to implement its Pretreatment Program fully within the Town of Timnath. The District has provided a copy of the revised IGA to the EPA. The revised IGA provides adequate authority pursuant to 40 C.F.R. § 403.8(f)(1) and Part I.B.7.a.xiii of the NPDES Permit, and no longer constitutes a violation.

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47. The District's operation without required legal authorities, as described in paragraph 44, above, has violated 40 C.F.R. § 403.8(f)(1) and Part I.B.7.a.xiii of the NPDES Permit.

Count II: Failure to Update Local Limits

48. The District is required to develop specific local limits on discharges to the POTW to implement the prohibitions in 40 C.F.R. § 403.5(a)(1) and (b) or to demonstrate these limits are not necessary. 40 C.F.R. §§ 403.5(c)(1) and 403.8(f)(4); part I.B.7.c of the NPDES Permit.
49. The District is required to continue to develop its local limits as necessary based, for example, on current data and standards, and to enforce these limits effectively. 40 C.F.R. §§ 403.5(c)(1); part I.B.7.c of the NPDES Permit.
50. In developing and enforcing local limits, the District is required to provide notice to persons who have requested notice and an opportunity to respond. 40 C.F.R. § 403.5(c)(3).
51. Part I.B.7.c of the NPDES Permit states:

The [District] shall establish and enforce specific local limits to implement the general and specific prohibitions found in 40 C.F.R. 403.5(a) and (b). The [District] shall continue to develop these limits as necessary and effectively enforce such limits. Where the [District] determines that revised or new local limits are necessary, the [District] shall submit the proposed local limits to the Approval Authority in an approval form in accordance with 40 CFR 403.18.

In accordance with 40 CFR 122.44(j)(2)(ii), the [District] shall submit to the [Colorado Water Quality Control Division of CDPHE] and Approval Authority a technical evaluation of the need to revise or develop local limits in accordance with 40 C.F.R. 403.5(c) and a local limits package if a technical evaluation reveals that development of local limits is necessary, by [February 1, 2014]. The evaluation shall include, but not be limited to, a consideration of any new or revised numeric and practice-based effluent limits in this permit.

52. The District included local limits with its original program submission to the EPA in 1985.
53. The EPA approved updated local limits for the District in 2001.

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54. The EPA's 2010 pretreatment audit (referenced in paragraph 43, above) found the District had not updated its local limits since 2001. Although the EPA's 2010 audit identified the need to update local limits as a corrective action, the EPA has no records that the District has evaluated its local limits for submittal and approval by the EPA as a follow-up to the 2010 audit or at any time since 2001.
55. The District's service area has grown significantly since 2001, and the data underlying the 2001 local limits calculation are no longer current. The removal efficiency data for the relevant pollutants are also no longer current.
56. The District's failure to update its local limits has violated 40 C.F.R. §§ 403.5(c) and 403.8(f)(4) and part I.B.7.c of the NPDES Permit.

Count III: Failure to Identify and Locate IUs

57. The District is required to develop and implement a procedure to identify and locate all possible IUs that might be subject to the District's Pretreatment Program and to make any inventory of IUs available to the EPA Regional Administrator upon request. 40 C.F.R. § 403.8(f)(2)(i); part I.B.7.a.i of the NPDES Permit. The District is also required to update this information at least yearly or sufficiently frequently to ensure all IUs are properly permitted or controlled (part I.B.7.a.ii of the NPDES Permit) and to include updated lists of IUs in the annual reports it is required to submit to the EPA (40 C.F.R. § 403.12(i)(1)).
58. Prior to the Audit, the District provided the EPA a list of IUs, entitled "SFCSD Industrial User List" and dated 2018. This list consisted primarily of businesses with sand or oil/grease interceptors.
59. During the Audit, the District provided the EPA a list of IUs entitled "Non-Residential Tap Water Usage 2018." This list was compiled based on the District's tap water usage data. Based on the

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EPA's evaluation of this list, it appeared the "SFCSD Industrial User List" referenced in paragraph 58, above, was not complete.

60. At the time of the Audit, the website for one of the District's IUs, Rubadue Wire Co. Inc., indicated this facility had moved or was to move to a new address. The District, however, lacked information as to whether the new address was within the District's service area.
61. The District's failure to identify and locate all possible IUs that might be subject to the District's Pretreatment Program violates 40 C.F.R. § 403.8(f)(2)(i) and part I.B.7.a.i of the NPDES Permit. In addition, the District's failure to update this information at least yearly or sufficiently frequently to ensure all IUs are properly permitted or controlled has violated part I.B.7.a.ii of the NPDES Permit and 40 C.F.R. § 403.12(i)(1).

Count IV: Failure to Characterize Waste from IUs

62. The District is required to develop and implement a procedure to identify the character and volume of pollutants contributed to the POTW by IUs. 40 C.F.R. § 403.8(f)(2)(ii); part I.B.7.a.i of the NPDES Permit.
63. Based on the site visit of Peak Engineering (see paragraph 39, above), the EPA found this facility was discharging to the POTW and was performing operations subject to the Metal Finishing Categorical Pretreatment Standards at 40 C.F.R. part 433. The District had not, however, adequately characterized discharges from this facility.
64. During the Audit, the EPA reviewed an IU permit the District had issued to Hach but found insufficient information to characterize the pollutant contribution from this facility. Inspection reports in the District's files did not characterize the pollutant contribution. Nor did the District's files include any IU permit application from Hach that would have characterized this facility's pollutant contribution.

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65. As documented in the Audit Report, the EPA identified at least fifteen IUs for which the District lacked sufficient information to characterize the character and volume of pollutants discharged to the POTW.
66. The District's failures to identify the character and volume of pollutants contributed by IUs and to update this information yearly have violated 40 C.F.R. § 403.8(f)(2)(i)-(iii) and part I.B.7.a.i of the NPDES Permit.

Count V: Failure to Provide Notifications to IUs

67. The District is required to notify the IUs it has identified under 40 C.F.R. § 403.8(f)(1)(i) of applicable Pretreatment Standards and any applicable requirements of sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. 40 C.F.R. § 403.8(f)(2)(iii).
68. The District is required to notify all IUs of applicable requirements under subtitles C and D of the Resource Conservation and Recovery Act. Part I.B.7.a.xii of the NPDES Permit.
69. The District has failed to notify IUs of applicable Pretreatment Standards, in violation of 40 C.F.R. § 403.8(f)(2)(iii).
70. The District failed to notify IUs of applicable requirements under subtitles C and D of the Resource Conservation and Recovery Act, in violation of 40 C.F.R. § 403.8(f)(2)(iii) and part I.B.7.a.xii of the NPDES Permit.

Count VI: Failure to Control IU Discharges

71. Through permits or other control mechanisms, the District is required to control IUs' contributions of pollutants to the POTWs. For SIUs, this must be through an individual permit or other type of individual control mechanism, although in certain instances a general control mechanism may be used. 40 C.F.R. § 403.8(f)(1)(iii).

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72. As mentioned in paragraphs 39 and 63, above, Peak Engineering is an IU subject to the Metal Finishing Categorical Pretreatment Standards at 40 C.F.R. part 433. The District has not, however, issued an IU permit, order, or any other control mechanism to Peak.
73. The District's failure to control contributions of pollutants to the POTW from Peak through a permit, order, or similar means has violated 40 C.F.R. § 403.8(f)(1)(iii) and part I.B.7.a.vii of the NPDES Permit.

Count VII: Failure to Include All Required Elements in SIU Permits

74. In each SIU permit it issues, the District is required to include, among other things:
- (a) effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 C.F.R. part 403, categorical Pretreatment Standards, local limits, and State and local law, under 40 C.F.R. § 403.8(f)(1)(iii)(B)(3) and part I.B.7.a.vii(C) of the NPDES Permit; and
 - (b) self-monitoring, sampling, reporting, notification, and recordkeeping requirements, under 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and part I.B.7.a.vii(D) of the NPDES Permit.
75. The IU permit the District issued to Hach:
- (a) includes effluent limits for total suspended solids and grease/oil that have not been established in accordance with applicable procedures for establishing local limits;
 - (b) contains conflicting deadlines for submission of monitoring reports; and
 - (c) does not include requirements to control slug discharges, which the District, after the Audit, determined to be necessary.
76. Each failure of the District to include a required condition in an IU permit is a violation of 40 C.F.R. § 403.8(f)(1)(iii)(B) and part I.B.7.a.vii of the NPDES Permit.

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**Count VIII: Failure to Identify Non-Compliance in Self-Monitoring Reports
and Other Notices Submitted by Industrial Users**

77. The District is required to receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements in 40 C.F.R. § 403.12, 40 C.F.R. § 403.8(f)(2)(iv).
78. The District is required to investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 C.F.R. § 403.12, or indicated by analysis, inspection, and surveillance activities described in 40 C.F.R. § 403.8(f)(2)(vii) and part I.B.7.a.v of the NPDES Permit.
79. During the Audit, the EPA inspection team found that Highlands Meadow Dental Health Center, an IU served by the District, had submitted a one-time compliance report that was incomplete in that it did not disclose the make and model of the amalgam separator and the date of its installation as required by 40 C.F.R. § 441.50(a)(3)(ii)(C). In addition, the compliance report was not signed as required by 40 C.F.R. § 403.12(l). Prior to the Audit, the District had not noted the missing information or signature or otherwise analyzed this report.
80. The District's failure to analyze this report violated 40 C.F.R. §§ 403.8(f)(2)(iv) and 403.8(f)(2)(vii), and part I.B.7.a.v of the NPDES Permit.

CONSENT ORDER

The EPA orders, and the District agrees:

81. Upon the effective date of this Consent Order (see paragraph 108, below), unless this Consent Order specifically provides a later deadline for compliance, the District shall:
- a. comply with all requirements of the NPDES Permit and 40 C.F.R. part 403; and
 - b. properly implement the District's Pretreatment Program.

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- 82. Within 30 days after the effective date of this Consent Order, the District shall develop and submit to the EPA a procedure to identify all IUs subject to the District's Pretreatment Program and to characterize the flow and nature of pollutants each IU contributes to the POTW. As required by paragraph 97, below, the District shall implement this procedure.**
- 83. Within 30 days after the effective date of this Consent Order, the District shall submit to the EPA a recordkeeping procedure to ensure the District complies with 40 C.F.R. § 403.12(o), including, but not limited to, retaining records relating to the District's Pretreatment Program for at least three years. As required by paragraph 97, below, the District shall implement this procedure.**
- 84. Within 30 days after the effective date of this Consent Order, the District shall submit to the EPA a procedure for receiving and analyzing reports and other notices from SIUs, including but not limited to periodic self-monitoring reports, 24-hour noncompliance notifications, 30-day resampling submittals, upset notifications and reports, bypass notifications and reports, and other required written reports or verbal notifications. As required by paragraph 97, below, the District shall implement this procedure.**
- 85. Within 60 days after the effective date of this Consent Order, the District shall issue or deny an appropriate control mechanism to Peak Engineering.**
- 86. Within 60 days after the effective date of this Consent Order, the District shall submit to the EPA a proposed set of updated pretreatment rules and regulations. Within 120 days after the EPA provides the District written comments on this submission, the District shall submit to the EPA for approval as a revision to the District's Pretreatment Program an adopted set of pretreatment rules and regulations. This set of rules and regulations shall include all legal authorities required by 40 C.F.R. § 403.8(f)(1).**

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87. Within 90 days after the effective date of this Consent Order, the District shall determine whether the current location of Rubadue Wire Co., Inc. is in the District's service area and, if so, within 180 days after the effective date of this Consent Order, the District shall conduct an inspection of this facility.
88. Within 200 days after the effective date of this Consent Order, or within 30 days after the District's final adoption of the rules and regulations referenced in paragraph 86, above, whichever is earlier, the District shall submit to the EPA an SIU permit template that contains all information required by 40 C.F.R. § 403.8(f)(1)(B).
89. Within 180 days after the effective date of this Consent Order, the District shall conduct an inspection of each of the following IUs:

Name of IU	Address of IU
Dairy Mountain View Farm	6875 (A, B, C) N. County Rd. 9
Colorado Microcircuits	6650 N. Harrison Ave.
Chata Biosystems LLC	5858 Wright Drive
Plasma Process Group	7330 Greendale Rd.
Goldco Industries, Inc.	5605 Goldco Dr.
Nordson Medical	1805 W. 71 st St.
Advanced Manufacturing Technology	3820 Patton Ave.
Leed Fabrication	5100 (A) Boyd Lake Avenue
Veewib, LLC (Legacy Counters Inc.)	7270 Greendale Rd.
Schlosser Signs, Inc.	3597 Draft Horse Ct.
Kuck Mechanical Contractors, Inc.	395 W. 67 th St.
RCI Offroad	701 N. Franklin Ave.
Commercial Glass, Inc.	5738 Boeing Drive
Davinci Signs	4496 Bents Drive

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90. Within 270 days after the effective date of this Consent Order, and except as otherwise provided in paragraph 85, above, for Peak Engineering, the District shall (a) issue or deny appropriate control mechanisms to all SIUs contributing pollutants to the POTW, with each issued permit to follow the SIU permit template referenced in paragraph 88, above, as amended in response to any EPA comments, (b) update the IU permit for Hach to address the deficiencies identified in paragraph 75, above, and (c) submit a notice to the EPA indicating the date these actions were completed.
91. Within 270 days after the effective date of this Consent Order, the District shall notify each IU contributing pollutants to the POTW of all applicable Pretreatment Standards, requirements of sections 204(b) and 402 of the Act, and subtitles C and D of the Resource Conservation and Recovery Act.
92. Within 270 days after the effective date of this Consent Order, the District shall provide the EPA a list of all IUs contributing pollutants to the IU (IU Inventory). For each IU, the District shall include in the IU Inventory:
- a. the name of the IU;
 - b. the location of the IU;
 - c. the type of business conducted by the IU;
 - d. the date the IU was inspected, if required by the Industrial Waste Survey Procedure;
 - e. the date the IU was sampled, if required by the Industrial Waste Survey Procedure;
 - f. the character and volume of pollutants contributed by the IU to the POTW;
 - g. the characterization/categorization of the IU with respect to applicable pretreatment requirements, including whether the IU is subject to Categorical Pretreatment Standards,

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is a non-categorical Significant Industrial User, requires best management practices, or is not significant to pretreatment;

h. if any IU has been identified as subject to Categorical Pretreatment Standards or as a non-categorical Significant Industrial User, provide the date the IU was issued an SIU permit; and

i. a report of each inspection conducted pursuant to paragraph 89, above.

93. No later than 365 days after the effective date of this Consent Order, the District shall submit an itemized list of all costs incurred to implement the actions specified in paragraphs 81 through 92, above.
94. Within 365 days after the effective date of the upcoming renewal of the District's NPDES Permit (see paragraphs 28 and 29, above), or by December 31, 2021, whichever is earlier, the District shall submit to the EPA for approval an updated set of local limits. Prior to submission, the District shall provide the public an opportunity to comment on the proposed local limits and shall conduct a technical evaluation in compliance with 40 C.F.R. § 403.5(c)(3) and part I.B.7.c of the NPDES Permit.
95. Within 60 days after submitting local limits to the EPA in accordance with paragraph 94, above, the District shall submit to the EPA an itemized list of all costs incurred to implement the actions specified in that paragraph.
96. The itemized lists of costs required by paragraphs 93 and 95, above, shall include at a minimum:
- a. the cost of any full-time equivalent staff added to the District's budget to comply with this Consent Order, with no need to include the cost of any reassignments of existing non-pretreatment employees to the pretreatment program;

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- b. the cost of contractor support in order to comply with this Consent Order; and**
- c. any other itemized costs incurred to implement the required actions.**

97. For each procedure referenced in paragraphs 82, 83, and 84, above:

- a. If, within 30 days after the District's submission, the EPA has neither disapproved nor provided comments on it, the District shall, no later than 45 days after submittal, implement that procedure as submitted; and**
- b. If, within 30 days after the District's submission, the EPA disapproves or provides comments on the procedure, the District shall, no later than 15 days after receiving the EPA's disapproval or comments, submit a revised procedure to the EPA for review.**

Thereafter, the District shall implement the revised procedure as directed by the EPA.

98. At the EPA's sole discretion, the EPA may extend deadlines required by this Consent Order with written notice to the District, without further formal amendment of this Consent Order. All other modifications to this Consent Order may be made only by written agreement of the parties.

99. Upon completion of all requirements of this Consent Order, the District may submit a request for termination to the EPA, together with all necessary supporting documentation. Upon request from the District, EPA will confer with the District within 60 days of receiving the District's request to terminate. If the EPA finds it is appropriate to terminate this Consent Order, the EPA may do so unilaterally.

100. The time periods in this Consent Order are calendar days unless otherwise specified. If any due date specified in this Consent Order falls on a weekend or federal holiday, the relevant deadline shall be the first business day following that date.

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101. All notices and reports required by the Consent Order to be given to the EPA shall be sent to:

**Al Garcia, Environmental Scientist
U.S. EPA Region 8, 8-WD
1595 Wynkoop Street
Denver, Colorado 80202
Garcia.al@epa.gov / Phone: 303-312-6382**

102. All reports and information required by this Consent Order shall include the following

certification statement, signed and dated by an individual meeting the definition in

40 C.F.R. § 122.22(a)(3) of a principal executive officer or ranking elected official:

I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

103. Any failure to comply with the requirements of this Consent Order shall constitute a violation of this Consent Order and may subject the District to penalties as provided under section 309 of the Act, 33 U.S.C. § 1319.

104. This Consent Order does not constitute a waiver or modification of the terms and conditions of the NPDES Permit, which remains in full force and effect.

105. This Consent Order does not constitute a waiver or election by the EPA to forego any civil or criminal action to seek penalties, fines, or other relief as it may deem appropriate under the Act. Section 309(d) of the Act, 33 U.S.C. § 1319(d), authorizes civil penalties of up to \$55,800 (as adjusted for inflation by 40 C.F.R. part 19) per day for each violation of the Act. Section 309(c) of the Act, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations of the Act.

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106. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve the District of its obligation to comply with any applicable federal, state, or local law or regulation.
107. Each undersigned individual has the authority to bind the respective party to this Consent Order. This Consent Order may be signed in part and counterpart by any party.
108. This Consent Order shall be effective immediately upon the District's receipt of a fully executed copy. The District waives any right to personal service of this Order and consents to receipt of service of this Order by email to RCole@CCCFIRM.COM.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

Date: _____

By: _____
Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, Colorado 80202
(303) 312-6133

**SOUTH FORT COLLINS SANITATION DISTRICT
Respondent**

Date: 8 Apr 20

By: James A. Ling
James Ling
Chairman, Board of Directors
South Fort Collins Sanitation District
5150 Snead Drive
Fort Collins, Colorado 80526
(970) 226-3104

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CERTIFICATE OF SERVICE

I certify the foregoing Administrative Order for Compliance on Consent was emailed on this day to Robert Cole, Attorney, Collins Cockrell & Cole P.C. (390 Union Boulevard, Denver, Colorado, 80228, 303-986-1551), counsel for the South Fort Collins Sanitation District, at RCole@CCCFIRM.COM.

Date

By: _____

Margaret J. (Peggy) Livingston
Senior Assistant Regional Counsel
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, Colorado 80202
(303) 312-6858
livingston.peggy@epa.gov