



WATER AND SEWER BOARD REGULAR MEETING

March 8, 2023 - 6:30 AM

1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public Invited to be Heard
4. Introduction of Town Board Liaison Ron Steinbach

B. BOARD ACTION

1. Approve 02.08.2023 Minutes

C. COMMUNICATIONS

1. Windsor Industrial Pretreatment - Chris Matkins, Ally Utility
2. Ad Hoc Committee Update

D. ADJOURN

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



Water and Sewer Board Regular Meeting

February 8, 2023 - 6:30 AM
2nd Floor Conference Room, 301 Walnut Street, Windsor, CO
80550

MINUTES

A. CALL TO ORDER

1. Roll Call

Present:

Chairman
Vice Chair
Secretary

Greg Bielawski
Carlos Medina
Janene Willey
Milt Tokunaga
Gale McGaha Miller
Milton Geiger (absent)
Darell Zimbelman

Alternate
Alternate
Town Board Liaison

Alan Overton
Alan MacGregor
Ken Bennett

Also Present:

Admin Services Director
Town Planner
Water Resources
Administrator
Water Conservation Tech
UB Administrative Specialist

Jess Humphries
David Eisenbraun
Leif Lesoing
Kevin Hartley
Erin Porter

2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

Board member McGaha Milier wanted to add an item discussing recent survey

3. Public Invited to be Heard

B. BOARD ACTION

1. Approve 1.11.2023 Meeting Minutes

Water and Sewer Board Member Willey moved to Approve, Water and Sewer Board Member Overton seconded the motion. Roll call on the vote resulted as follows; Yeas - Gregory Bielawski, Milt Tokunaga, Carlos Medina, Janene Willey, Darell Zimbelman, Gale McGaha Miller; Nays - None; Motion .

2. Comprehensive Plan Update

There was a presentation regarding the current comprehensive plan. The Board discussed current opportunities.

3. Raw Water Surcharge- Jess Humphries, Administrative Services Director

Ms.Humphries presented information regarding implementing a policy regarding a raw water surcharge for commercial and industrial users who have exceeded their raw water dedication.

C. COMMUNICATIONS

D. ADJOURN

Name, Title



Industrial Pretreatment Program Recommendations

Prepared for

Town of Windsor, Colorado

March 1, 2023

Executive Summary

Implementing an Industrial Wastewater Pretreatment Program will help the Town of Windsor meet regulatory challenges that are important today and ensure wastewater treatment reliability into the future. This program offers three significant benefits to the Town, which have been explored in detail in this memo. An industrial Pretreatment Program (IPP) will:

1. Increase the Town's Economic Development responsiveness through more support for commercial and industrial employers' development plans.
2. Increase the Wastewater Treatment Plant performance and reliability.
3. Ensure compliance with Federal Regulations.

To assist in the evaluation and implementation of this program, leadership in the wastewater utility and the Department of Public Services has retained Ally Utility Consulting. Ally's efforts have identified opportunities for the Town to consider in developing this important program.

Windsor staff has done an excellent job administering historic obligations with EPA with existing staff. This 'business' approach minimized adding staff for the IPP program and ensured that the utility is efficient. In past years, these obligations weren't substantial enough to justify a full-time position, however current staff demands on staff's time, including expanded treatment plant and increased development review workloads, do now require increased support and staffing for this program.

As discussed in this memo, the Town also has an opportunity to outsource the initial development of this specialized program to control costs and ensure that any future permanent staff have established tools and procedures to administer the ongoing program. This mitigates the costs of full-time staff salaries, while ensuring the program is established successfully in an initial, intense 6-months.

The Town will soon reach the benchmarks where this program will be required and the EPA Region 8. These benchmarks are determined based upon the treatment plant's capacity when it reaches 5 MGD, and based upon categorical users, of which the Town has at least two of currently, i.e., the existing Windsor businesses that are already regulated. While some existing Windsor businesses are already 'regulated' directly by this EPA program, additional customers will likely need to be brought in too. To establish this program, the Town should establish legal authority to administer the program; retain expert support (consultants and/or full-time staff); develop administrative procedures; develop outreach to potential wastewater customers; and begin issuing permits to ensure compliance with federal requirements.

Wastewater Treatment Plant Performance and Reliability

Traditional wastewater treatment utilizes microbial biology to reduce the amount of organic pollution found in wastewater. The purpose is to remove these pollutants and prevent them from entering the receiving water ways (in this case, the Cache la Poudre River). Chemicals and Pollutants generated by commercial and industrial wastewater customers often cannot be removed through traditional wastewater treatment processes. In addition, industrial wastewater discharge chemicals can also pose a threat to the sensitive biology that is fostered in the wastewater treatment plant. If disrupted, this biology can lose effectiveness in removing pollutants. This can result in disruptions in treatment, increased costs, and complications that cost staff time and money. Under worst-case scenarios, these disruptions can cause the community to violate its discharge standards. This can result in costly fines and increased regulatory attention.

The purpose of the Industrial Pretreatment Program is to identify sewer customers that may discharge pollutants or wastewater that has the potential to disrupt the plant's operation and ensures these customers are implementing best practices to minimize the risk of treatment disruption. Ally has helped ensure that Northern Colorado Wastewater Utilities have developed and implemented effective Industrial Pretreatment Programs. As a result of a strong Industrial Pretreatment Program, Wastewater Treatment Facilities experience increased predictability, and improved regulatory testing performance. This increase in treatment predictability has been a welcome outcome for these providers.

Another benefit is reliability and business responsiveness in the attraction and review of new industry to Windsor. Employers view established and well-managed IPP as helpful partners in ensuring their manufacturing operations meet their regulatory obligations. Developing an effective IPP will enhance Windsor's ability to attract and retain high quality commercial and industrial employers and increase the feedback to prospective employers during the Due Diligence phases of development review.

Legal Requirements of Pretreatment Program

Both Federal Pretreatment Regulations (40 CFR Part 403) and Colorado State requires (25-8-501), require Publicly Owned Treatment Works (POTWs) to develop and implement programs and permits to discharge wastewater. For PTOWS serving industrial customers, an Industrial Pretreatment Program is also required if any of the following conditions exist:

- If the POTW has a total design flow greater than 5 million gallons per day (MGD), or;
- If the POTW receives any wastewater discharge from an industry that is subject to pretreatment standards (a categorically regulated industry), or;
- If the EPA Region 8 administrator determines that a pretreatment program is necessary due to permit violations attributable to industry discharges.

The Town of Windsor POTW currently serves a population of approximately 30,000 Windsor residents and continues to experience growth. The Town also receives 270,000 gallons per day of wastewater from the Town of Severance and may increase this in the future. The Town is also expanding the Wastewater Treatment Plant (WWTP) from a design capacity of 2.8 MGD to 5 MGD this year. Additionally, the Town has several industries that are likely categorically regulated, and these facilities are already subject to existing Federal pretreatment standards. The need for this program will continue to increase as the Town wastewater flows increase to 5 MGD in the coming years.

In addition to being a federal requirement, a pretreatment program is intended to protect the WWTP from interference of operations due to pollutants, the pass-through of pollutants that cannot be treated in a domestic WWTP into the receiving waters, and/or permit effluent exceedances due to pollutant loadings from an industry. An approved pretreatment program requires a number of elements to be minimally compliant with EPA regulations: (1) having the appropriate legal authority to implement the program, (2) policies and procedures to carry out the program, (3) sufficient funding to manage the program, (4) limits and prohibitions of wastewater discharges to protect the WWTP, (5) an escalating enforcement response plan to manage potential non-compliance, and (6) a program to continually identify and notify IUs in the service area of their obligations under the pretreatment program. Each of these elements are discussed in greater detail below.

Another responsibility of a formalized Industrial Pretreatment Program will be to administer the Town's existing Fats, Oils, and Grease (FOG) program. This important component will ensure that the collection system is maintained to minimize sewer overflows. It will also allow the Town's most experienced Operations Staff to focus on critical other water utility preventative maintenance responsibilities.

Key Components of Pretreatment Program

Staff

Setting up the Industrial Pretreatment program over an initial 6-month period is the most important step in establishing this ongoing program. Administering an existing program is much simpler and can be performed routinely by personnel with less expertise than is required to start a program from scratch.

For a community of Windsor's size, a full-time employee would be sufficient to administer an effective Program for regulated industrial users. As the only staff member tasked with the development and administration of this specialized program, it will be critical for the Town to select a qualified professional with a minimum of 3-5 years of experience running successful programs. Equally important, this staff member will be tasked with developing a program from scratch, and should have excellent people skills, and demonstrated experience in developing programs and relationships with other Windsor Staff, and existing business owners who will be impacted by this program. Based on an anticipated 'take-home' salary of \$70-80,000 per year, it is recommended that the Town budget \$100,000 - \$120,000 to reflect benefits, insurance, etc. for 2024.

Alternatively, the Town may consider contract services to setup this program over 6 months. This approach would enable the town to establish a robust program with templates and procedures known to be effective. The Town would then have more latitude in promoting internal candidates or hiring a full-time permanent employee with less experience.

Legal Authority - 40 CFR 403.8 (f)(1)

The Federal pretreatment regulations require the establishment of sufficient legal authority via Town ordinance to authorize the POTW to implement and enforce the pretreatment program. The regulations specify that the Town must have the authority to, at a minimum:

- Deny or place conditions on wastewater discharges from industries that are regulated under Federal regulation and/or have the potential to cause the WWTP to violate its discharge permit – this is most easily accomplished through the issuance of wastewater discharge permits that specify exactly the quantity and quality of acceptable discharges to the WWTP.
- The Town must have the ability to require compliance with discharge standards and limits by industries. These limits can be numeric limitations for pollutants of local concern, or Federal, categorical limitations based on industry specific discharge characteristics. Discharge standards may also include narrative prohibitions and best management practices.
- The Town must have the ability to control, through permit, the wastewater discharge of industries to ensure compliance with applicable discharge standards and limits. In the case of IUs identified as significant under 40 CFR 403.3(v), control must be via individual permits. Such control mechanisms must be enforceable.
- The Town must have the authority to require the development of a compliance schedule for the installation of technology required to meet discharge standards and require the submission of all notices and self-monitoring reports necessary to assess and assure compliance by industries.
- The Town must have the authority to carry out all inspection and monitoring necessary to determine compliance. Representatives of the Town shall be authorized to enter any premises of any industry in which a discharge, source or treatment system is located or in which records are required to be kept.
- The Town must have the authority to obtain remedies for non-compliance by any industry. The Town shall also have (A) authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by IUs and (B) Pretreatment requirements which will be enforced through remedies set forth in 40 CFR 403.8(f)(1)(iv)(A).
- Comply with the confidentiality requirements.

Procedures - 40 CFR 403.8

The Federal pretreatment regulations require the development of policies and procedures for consistent implementation of required program elements. To develop a minimally compliant program, the Town must draft the following policies, procedures and documents, at a minimum:

- Community Outreach and Industrial User Survey – This survey is sent to each IU in the service area to collect preliminary information on their operations. This information will be utilized to build the Town's IU inventory and determine if any industry requires further regulation.
- IU Permit Application – The IU Permit application is the document used to collect the minimum required information used to draft a wastewater discharge permit for a regulated industry. The Town should draft and implement a standard permit application for use in writing discharge permits.
- IU Notification – Pursuant to 40 CFR 403.8(f)(2)(iii), the Town needs to provide notification to all IUs of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act. The Town should include appropriate language in their permit application, inspection reports and IU Surveys to communicate these requirements to all applicable IUs.
- Receive and Analyze Reports – The Town should develop a procedure that describes how required reports from IUs will be received and analyzed. The Town will receive and review reports to determine compliance with the pretreatment regulations. Procedures describing this process will be developed.
- Sample, Analyze and Inspect IUs – The Town should develop procedures that describe how IUs will be inspected and characterized, how samples will be taken to characterize wastewater composition and contribution and QA/QC procedures to ensure accuracy and precision of sample results.
- Slug/Spill Control Plan Requirements – The Town should develop a plan to issue to specific IUs that reduces or prevents the introduction of pollutants during an accidental spill. All facilities permitted by the Town will require a spill prevention/slug control plan.
- Investigate Instances of Non-compliance – The Town should develop procedures to investigate instances of non-compliance. These procedures will describe how the Town reviews an industry for compliance with Federal pretreatment regulations.
- SNC Publication – The Town should develop a provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of IUs which, at any time during the previous 12 months, were in significant non-compliance (SNC) with applicable pretreatment requirements: 40 CFR 403.8(f)(2)(viii).

- Enforcement Response Plan (ERP) – The Town should develop an ERP that describes enforcement response and the appropriate escalation of enforcement in instances of non-compliance.

Top 5 Potential Regulated Industries in Windsor

1. **Owens-Illinois** - 11133 Eastman Park Dr



Owens-Illinois is a company that specializes in the manufacturer of glass containers. The manufacture of glass is covered under the Federal Pretreatment Regulations, 40 CFR Part 426 - Glass Manufacturing Point Source Category. A high percentage of water used in this process is recovered for internal use, and the existing sampling point (pump station) facilitates easy sampling. Based on preliminary research into the Windsor Owens-Illinois plant, this facility is likely to require permitting by the Town of Windsor POTW.

2. **Vestas Blades Americas** - 11140 Eastman Park Dr



The Vestas blades factory in Windsor manufactures blades for wind turbines. This process includes the use of thermoplastic resins, adhesives, cleaning detergents and water. Town staff indicates much of the water used in this facility is recovered and reused, with some washdown water treated with fabric filters to intercept fiber shavings. This facility needs to

be inspected and characterized to determine applicability of Federal pretreatment regulations.

3. **Tolmar Pharmaceuticals** - 1201 Cornerstone Dr & 9351 Eastman Park Drive



Tolmar is a Categorical Industrial User and has two (2) separate pharmaceutical manufacturing plants in the Town of Windsor. Tolmar is currently regulated by the EPA with an industrial pretreatment permit. Pharmaceutical Manufacturing is covered under the Federal pretreatment regulations, 40 CFR Part 439 - Pharmaceutical Manufacturing Point Source Category. Based on preliminary research into the manufacturing operations at the two (2) Tolmar plants in Windsor, it is likely these facilities would require permitting by the Town of Windsor POTW.

4. **Front Range Energy** - 31375 Great Western Dr



Front Range Energy is a manufacturer of fuel ethanol, distillers' grains, syrup, and CO2 products. The manufacture of ethanol products is regulated under the Federal Pretreatment Regulations, 40 CFR Part 414 - Organic Chemicals, Plastics, And Synthetic Fibers. Based on preliminary research into the operations at the Windsor plant, it is likely this facility would require permitting by the Town of Windsor POTW. This facility has a

dedicated wastewater treatment plant and NPDES permit, however if there is a sewer connection to the Town's wastewater collection system on site, this customer could potentially send industrial wastewater to the collection system (spill) and would require permitting.

5. **Metal Container Company** – 1201 Metal Container Court



The Metal Container Corporation-Windsor Can Plant (facility) is a manufacturer of aluminum beverage containers, which includes stamping, cupping, drawing and ironing, trimming, can washing, application of ink, necking and quality control/quality assurances processes. MCC is a Categorical Industrial User subject to the Coil Coating Point Source Category, Subpart D-Canmaking Pretreatment Standards at 40 CFR 465.45. Based on preliminary research, this facility is likely to require permitting by the Town of Windsor POTW.

6. **Other Potential Customers**

Other existing industries may qualify for this program, based on conversations with Town Staff. Reliant Processing, Universal Forest Products, Identity Pet Food, PetDine, Coating Specialties, Gidding Machine, High Plains Steel Services, Kodak, Colorado National Guard Armory, Norfolk Iron and Metal, and Snaptron. Once the program is established, outreach and survey efforts will better identify whether these should also be regulated with Industrial Pretreatment permits.

Next Steps

1. Familiarize Water & Sewer board with this program, its benefits, and costs. Gain support and 'recommendation' to take to Town Board later this year for evaluation and action.
2. After Water & Sewer Board endorsement, work closely with Town Attorney to familiarize Town Board with Industrial Pretreatment Program drivers and benefits, as well as costs.
3. Draft and adopt appropriate legal authority via Town ordinance. The ordinance will include general and specific prohibitions, permit conditions, right of entry and inspections and enforcement authority. The following schedule is recommended for review, Board approval and implementation of this program:
 - **March/April 2023:** Review and endorsement by Windsor Water and Sewer Board
 - **June/July 2023:** Review of Staff and Water and Sewer Board recommendation. Authorization to develop Ordinance for Town Board review to establish an Industrial Pretreatment Program program.
 - **July/August 2023:** Review and adoption of Ordinance establishing Authority.
4. Open dialogue with the Town of Severance to coordinate pretreatment administration and reimbursement. With a new pretreatment program, Windsor can offer robust, predictable management for the Town of Severance for a fee. One equitable approach to determining this fee would be to prorate Windsor's program cost proportionally to Severance, based on the number of regulated customers in each jurisdiction. Reimbursement for this service should be incorporated into the current Windsor – Severance Wastewater IGA.
5. Hire an experienced pretreatment professional to develop the program from scratch, and then perform ongoing routine administration into the future. Alternately, the Town could consider outsourcing the establishment of the program and hire a less experienced staff member to administer the program into the future.
6. Develop appropriate policies and procedure documents for the regulatory requirements included in Federal Pretreatment Regulations. This includes permit templates to control discharges of regulated wastewater from industry, an enforcement response plan that outlines the enforcement policies and describes appropriate escalation, and procedures to inspect, monitor and sample industries to determine compliance.
7. Conduct a survey of industries in the POTW service area to develop an IU inventory, pursuant to 40 CFR 403.8. The survey will identify any businesses that are required to be regulated by permit under the Federal Pretreatment Regulations.
8. Issue wastewater discharge permits to industries identified through the survey. Permits will include requirements for the Town to conduct annual inspections and sampling activities at the industry. The permit will also include reporting requirements and sampling/monitoring requirements for the industry.