

Weld

ORDINANCE NO. 60-B

IN THE MATTER OF THE REPEAL AND RE-ENACTMENT, WITH AMENDMENT, OF ORDINANCE NO. 60-A REGARDING FEES FOR THE TESTING OF DRINKING WATER AND POLLUTANT DISCHARGES PERFORMED BY THE WELD COUNTY HEALTH DEPARTMENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY, COLORADO:

WHEREAS, pursuant to the requirements of certain portions of the Safe Drinking Water Act, as amended, (P. L. 93-523) codified at 42 U.S.C. §300, Subchapter XII, Section 25-1-107(1)(x) and (2), CRS 1973, as amended, and Federal and State Regulations promulgated under those Statutes, Class 1 Public Water Systems, hereinafter, "Suppliers," are required to perform certain sampling and analysis of their drinking water, and

WHEREAS, pursuant to the requirements of certain portions of the Water Pollution Control Act Amendments of 1973, (P. L. 92-500) and the Clean Water Act of 1977, (P. L. 95-297) codified at 33 U.S.C. §§1311-1345, and the Colorado Water Quality Control Act as amended, at 25-8-101, et seq., and Federal and State Regulations promulgated under those Acts, persons holding permits to discharge pollutants to State waters, hereinafter, "Permittees," are required to perform certain sampling and analysis of said discharges to State waters, and

WHEREAS, Weld County Health Department possesses equipment and expertise required to perform the required sampling and analysis, and

WHEREAS, the Board has determined that when the Weld County Health Department performs sampling and laboratory testing of drinking water and pollutant discharges, fees should be charged in order to meet the costs of such sampling and testing, and

~~WHEREAS, in order to more fully insure that the required sampling and analysis of drinking water and pollutant discharges is carried out in such a manner so as to protect the health, safety and welfare of the inhabitants of Weld County, the Board:~~

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~~has determined that, in some instances, the fees for such sampling and analysis as performed by the Weld County Health Department should be established by negotiation between the Suppliers and Permittees and the Weld County Health Department and ratified by this Board.~~

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Weld County, Colorado, that Ordinance No. 60-A is hereby repealed.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Weld County, Colorado, that when requested by Suppliers to sample and/or test drinking water and pollutant discharges, the Weld County Health Department shall perform such services and charge such fees as are authorized herein or established pursuant hereto.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Weld County, Colorado, that the following procedures and schedules are adopted for the sampling and testing of drinking water and pollutant discharges by the Weld County Health Department:

SECTION I - TESTING OF DRINKING WATER

(A) SCOPE

This Section shall apply to all sampling and analysis performed by Weld County Health Department for the benefit of Class 1 Public Water Systems, as defined at 5 C.C.R. 1003-1, Section 14.2.2(17)(a), and including both non-community water systems and community water systems.

(B) OBLIGATIONS OF THE WELD COUNTY HEALTH DEPARTMENT

Weld County Health Department shall provide the following services to the Supplier:

1. Sampling - Weld County Health Department shall collect such microbiological samples of drinking water from the subject system according to the quantity, frequency and methods required by applicable State Regulations found at 5 C.C.R. 1003-1, Section 18.1.1. and in accordance with the terms of a written agreement

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executed between the Supplier and the Board of County Commissioners of Weld County. Weld County Health Department shall be responsible for the determination of what regulations are applicable to the Supplier's system.

2. Analysis - Weld County Health Department shall analyze such samples by the methods required by applicable State Regulations found at 5 C.C.R. 1003-1, Section 18.1.1.
3. Reporting - Weld County Health Department shall report the results of its analysis to the Supplier in order that the Supplier may make such public notifications and may keep such records as are required by applicable State or Federal regulations. Weld County Health Department shall also report its results to the Colorado Department of Health in conformance with that Department's requirements.

(C) OBLIGATIONS OF THE SUPPLIER

1. Public Notice - The Supplier shall retain all responsibility for any notice to the public required by applicable State or Federal regulations of a failure to meet safe drinking water standards or a variance from such standards.
2. Records - The Supplier shall retain responsibility for the maintenance of records required by State or Federal regulations. Weld County Health Department will provide to the Supplier complete copies of sampling analysis reports made by the Weld County Health Department pursuant to this Ordinance.

(D) FEE

The fee charged by the Weld County Health Department for the sampling and analysis of public drinking water systems

pursuant to this Ordinance shall be established by separate Ordinance of the Weld County Board of County Commissioners ~~or by agreement between the Supplier and the Weld County Board of County Commissioners.~~

SECTION II - SAMPLING AND ANALYSIS OF POLLUTANT DISCHARGES

(A) SCOPE

This Section shall apply to all sampling and analysis performed by Weld County Health Department for the benefit of Permittees pursuant to State Regulations found at 5 C.C.R. 1002-2, Section 6.1.0, et seq., and 5 C.C.R. 1002-3, Section 10.1.1, et seq.

(B) OBLIGATIONS OF THE WELD COUNTY HEALTH DEPARTMENT

Weld County Health Department shall provide the following services to the Permittee:

1. Sampling - Weld County Health Department shall collect samples of pollutant discharges from the Permittee's point of discharge according to the quantity, frequency, and methods required by applicable state regulations found at 5 C.C.R. 1002-2, appendices to Section 6, and 5 C.C.R. 1002-3, Section 10.1.4 and Section 10.1.5, and in accordance with the terms of the permit. However, the quantity and frequency of collections of such samples shall not exceed the quantity and frequency of collections specified in a written agreement executed between the Weld County Board of County Commissioners and the Permittee. Weld County Health Department shall be responsible for the determination of what regulations are applicable to Permittee's system.
2. Analysis - Weld County Health Department shall analyze such samples by the methods required by applicable State regulations found at 5 C.C.R. 1002-3, Section 10.1.4 and Section 10.1.5. Weld County Health

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Department shall perform only those individual tests (as listed in Section II.(D)2. of this Ordinance) which are specified in a written agreement executed between the Permittee and the Board of County Commissioners of Weld County.

3. Reporting - Weld County Health Department shall report the results of its sampling and analysis to the Permittee in order that the Permittee may make such notifications and keep such records as are required by applicable State regulations or the permit. Weld County Health Department shall also report its results to the Colorado Department of Health in conformance with that Department's requirements.

(C) OBLIGATIONS OF THE PERMITTEE OF THE PERMIT

1. Records - The Permittee retains responsibility for the maintenance of records required by State or Federal regulations or the permit. Weld County Health Department will provide to the Permittee complete copies of sampling and analysis reports made by the Weld County Health Department pursuant to this Ordinance.

(D) FEES

1. Sampling - The fee for the collection of any sample or samples shall be established by separate Ordinance of the Weld County Board of County Commissioners ~~or by agreement between the Permittee and the Weld County Board of County Commissioners.~~
2. Analysis - The fees for each individual test performed per sample shall be established by separate Ordinance of the Board of County Commissioners ~~or by agreement between the Permittee and the Weld County Board of County Commissioners.~~

SECTION III - AGREEMENTS

- (A) The provisions of this Ordinance shall be carried out by means of agreements executed between the Board of County Commissioners of Weld County and the Suppliers of public drinking water or the Permittees for the discharge of pollutants.
- (B) Either party may cancel the agreements by giving notice of their intent to cancel at least thirty (30) days before the intended termination date of said agreement. Upon giving of such notice, the agreement shall remain in effect until the termination date.

SECTION IV - FURTHER OBLIGATIONS OF THE
WELD COUNTY HEALTH DEPARTMENT

The Weld County Health Department shall review the notices and records required by State or Federal law to be submitted by Suppliers and Permittees, located within Weld County, to the Colorado Department of Health in order to advise the Colorado Department of Health of possible violations of State and Federal drinking water and water pollution laws. This review shall apply to all Suppliers and Permittees, as defined in this Ordinance, located within Weld County including those not receiving services pursuant to this Ordinance.

SECTION V - EFFECTIVE DATE

~~This Ordinance shall take effect five (5) days after its final publication, as provided by Section 3-14(2) of the Weld County Home Rule Charter.~~

SECTION VI - VALIDITY OF ORDINANCE

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions. The Board of County Commissioners hereby declares that it would have passed

this Ordinance and each and every section, subsection, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases might be declared to be unconstitutional and invalid.

The above and foregoing Ordinance No. 60-B was, on motion duly made and seconded, adopted by the following vote on the _____ day of _____, A.D., 1981.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

Chuck Carlson, Chairman

Norman Carlson, Pro-Tem

C. W. Kirby

John T. Martin

June K. Steinmark

ATTEST:

Weld County Clerk and Recorder
and Clerk to the Board

By: _____
Deputy County Clerk

APPROVED AS TO FORM:

County Attorney