



Arber Update

Water, Wastewater & Reuse Engineers

The updated draft of the *Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works* becomes effective September 30, 2009. This clarifies the Water Quality Control Division's (WQCD) policies and provides guidance for in-kind replacement of equipment.

BACKGROUND

The WQCD added a definition for "in-kind replacement" to Regulation 22 – Site Location and Design Approval. The definition was added to clarify whether replacement of equipment with similar equipment, rated for a higher capacity, is exempt from the site location and design approval process. The WQCD intends the use of the term "similar" in the definition to provide flexibility for wastewater treatment facility (WWTF), lift station and interceptor owners to replace older equipment with more efficient and/or higher-rated capacity equipment that provides a factor of safety. The requirement for a site location and design approval application will generally be based on whether a revision to the WWTF, lift station, or interceptor capacity is requested as part of the equipment replacement.

IN-KIND REPLACEMENT DEFINITION

As stated in Regulation 22 *"In-kind replacement means replacement of any process treatment or hydraulic conveyance component at an existing domestic wastewater treatment works or lift station with an identical or similar, but not exactly alike, component as part of normal or emergency maintenance to ensure continued compliance with applicable permit conditions, including effluent limitations. Replacement or technology upgrades that do not change the original intent of the unit process being renovated and for which no increase in overall rated capacity is being requested qualify as in-kind replacement."* The WQCD anticipates that in-kind replacement will generally be limited to situations where equipment failure occurs or where the equipment design life has been reached and removal is prudent to ensure continued permit compliance. The component may be replaced with one that will support a future increase in capacity; however, an application must be submitted before the capacity of the WWTF, Lift Station or interceptor can be permitted to increase.

NOTIFICATION PROCESS

An owner, who would like to install a structure or piece of equipment that meets the definition of in-kind replacement, must submit written notice of the nature and extent of the replacement to the WQCD no later than fifteen working days after the replacement work has been put into service. The WQCD will notify the owner in fifteen working days if the work does not meet the definition of in-kind replacement and that an application for amendment of an approved site location is required. Unless waived by the WQCD, a new application for site location is required for replacement of equipment

outside of the property approved under the latest site application.

NOTIFICATION NOT REQUIRED

The WQCD has established that notification is not required under some circumstances. *"...notification is not required for replacement with the same size and technology in the same location or for replacement of valves, non-wastewater lifting pumps, piping, pipe relining, yard structures, motors, manholes, vaults, samplers, monitoring equipment, support systems, and similar facilities that do not affect the level of treatment of the wastewater or biosolids being provided, and for which no increase in capacity is being requested."*

THE DESIGN APPROVAL PROCESS

For a new, modified, or expanded domestic WWTF, lift station, or interceptor, the applicant may either follow the existing process or notify the WQCD that it is seeking a streamlined design review and approval. For the streamlined design review approach, the applicant must submit a process design report (PDR), completed PDR checklist, any variance requests, and a letter of intent to self-certify the final design. Self-certification requires that the applicant fill out the self-certification questionnaire plus supply various forms of documentation.

For a copy and example of the self-certification questionnaire visit: www.cdphe.state.co.us/wq/engineering/techhom.html

For a copy of the guidance document that highlights in-kind replacement as well as other revisions visit: www.cdphe.state.co.us/wq/engineering/reg22/guide/22guide.pdf

FOR MORE INFORMATION

Founded in 1981, Arber Associates is a professional consulting engineering firm serving municipal, special district, and federal clients. Arber provides planning, design, construction administration, and alternative project delivery services for water, wastewater and reuse treatment systems. For more information on this regulatory update, or other water, wastewater, and water reuse topics, please contact Steve Ravel at 303-831-4700 (sravel@arber.com) or visit www.arber.com.