



FREMONT
SANITATION
DISTRICT

Amended: January 21, 2025

RULES & REGULATIONS

Governing Sewage Charges & Fees

And

Management of Wastewater

*Issued in Accordance with the Authority of Water and Sanitation Districts
Act of Colorado.*

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ARTICLE I

GENERAL ADMINISTRATIVE PROVISIONS AND DEFINITIONS

SECTION 101 AUTHORITY

These Rules and Regulations are adopted and issued by the Board of Directors of the Fremont Sanitation District (hereinafter referred to as "Board") in accordance with authority contained in Title 32 of the Colorado Revised Statutes.

SECTION 102 EFFECTIVE DATE

These Rules and Regulations are effective on and after May 21, 1991, and supersede all previous Rules and Regulations of the District which are or may be in conflict with these Rules and Regulations. One copy of these Rules and Regulations has been filed with the Clerk and Recorder of Fremont County; one copy has been filed with the Attorney for the District; and one copy has been filed in the Office of the District located at 0121 County Road 119, Florence, Colorado. These copies are all available for public inspection during normal business hours. Additional copies may be purchased at the District offices.

SECTION 103 AMENDMENT

These Rules and Regulations may be altered, amended or added to from time to time, and such alterations, additions or amendments shall be binding and of full force and effective as of the date of the resolution adopting the same.

SECTION 104 TITLES

Titles used in these Rules and Regulations are for convenience only and shall not be considered in interpreting their meaning or scope.

SECTION 105 SEVERABILITY

In the event that any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application, and to this end, the various provisions of these Rules and Regulations are declared to be, and are, severable.

SECTION 106 NON-ENFORCEMENT NOT CONSTITUTING WAIVER

No action, direct or indirect, of or by any person, including any owner, operator or agent of an owner or operator of any sewerage system in making any connection, disconnection, repair or otherwise doing work with respect to any sewer facility services by the District in violation of these Rules and Regulations, shall continue after discovery or demand for correction of such violation, notwithstanding any prior forbearance of the District to enforce these Regulations.

SECTION 107 PUBLIC RECORDS

(Amended as per Res. 2014-09, now Appendix E)

SECTION 108 DEFINITIONS

(Amended as per Res. 2007-09; Res. 2015-13)

- A. Unless the context specifically indicates otherwise, the meaning of the terms used in the Regulations shall be as follows:
1. "Accessory Dwelling Unit (ADU)". A habitable living unit containing facilities for living, sleeping, eating, cooking and sanitation, which is added to, created within, or detached from a single-family dwelling.
 2. "Accessory structure or use." A structure, building or use incidental or subordinate to the main use or principal building or structure of the property.
 3. "Act" or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Paragraphs 1251, et seq.
 4. "Apartment". A room or a suite of rooms in a multiple dwelling intended to be or designed for use as a residence **by someone other than the property owner.**
 5. "Apartment House." A building containing more than four apartments.
 6. "Biochemical Oxygen Demand (BOD)". The quantity of oxygen utilized in the biochemical oxidation of organic matter under Standard Laboratory Procedures over a period of five days at 20 degree C., expressed in terms of milligrams per liter (mg/l).
 7. "Board." The duly elected Board of Directors of the District.
 8. "Building." Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.
 9. "Building Principal." A building in which is conducted the principal use of the lot on which it is situated.
 10. "Categorical Standards." National Categorical Pretreatment Standards or Pretreatment Standard.
 11. "Colorado Discharge Permit System" or "CDPS". A permit issued by the Colorado Department of Health pursuant to the Colorado Water Quality Control Act as amended.
 12. "Commercial, Multi-unit." Two or more users that operate independently of each other in quarters deemed to be separate buildings housed within a main building(s), as defined in paragraph 7. This definition specifically includes fraternal, religious, governmental and non-profit entities.

13. "Commercial, Single-unit." A detached principal building designed for the exclusive use of one user. This definition specifically includes fraternal, religious, governmental and non-profit entities.
14. "Condominium." The ownership of single units in a multi-unit structure with common areas and facilities.
15. "Consulting Engineer." Any registered or licensed professional engineer, or firm of such engineers, having a wide, favorable and national reputation for skill and experience in the field of designing, preparing plans and specifications for, and supervising construction of sanitary sewer systems and facilities and the operation and management thereof, selected, retained and compensated by the District, but not in the regular employ or control of the District. Any consulting engineer may also be a project engineer.
16. "Control Manhole." A structure that is accessible for the purpose of monitoring and testing the flow through a building sewer. It may also be used as an inspection chamber.
17. "County." The County of Fremont, State of Colorado.
18. "Discharge." The direct or indirect introduction of non-domestic sewage into the sewage system by any means whether intentional or non-intentional.
19. "District." Fremont Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado organized and acting pursuant to the Colorado Special District Act (Article 1, Title 32 of the Colorado Revised Statutes, as amended).
20. "Domestic Sewage." Sewage which can be treated without pretreatment and within normal operating procedures; which does not contain pollutants that pass through or interfere with the POTW; which, when analyzed, shows by weight, a daily average of not more than 250 milligrams per liter (250 mg/l) of suspended solids and not more than 250 milligrams per liter (250 mg/l)BOD; and which does not contain any other constituents above levels normally found in solely residential wastewaters. (Resolution 1998-19 repealing and reenacting the definition).
21. "Dwelling, Multi-unit or Multi-family." A building used by two or more families living independently of each other in separate dwelling units. This includes townhouses, apartments and condominiums.
22. "Dwelling, Single-family." A detached principal building other than a mobile home designed for or used as a dwelling exclusively by one family as an independent living unit.

"Dwelling Unit." One or more rooms including kitchen and bathroom facilities designed, occupied or intended for occupancy by a single family for the purpose of cooking, living and sleeping located in a single-family,

duplex, or multi-family or mixed-used building, which is established for owner occupancy, rental or lease on a monthly or longer basis and which is physically separated from other dwelling units.

23. "Easement." Authorization by a property owner for use by the public, a corporation, or persons, of any designated part of this property for specific purposes.
24. "Environmental Protection Agency" or "EPA". The U.S. Environmental Protection Agency, or where appropriate, the administrator or other duly authorized official of said agency.
25. "Family." Either (a) an individual or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four persons who need not be related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit; (c) plus in either case, usual domestic servants. A "family" may include any number of gratuitous guests or minor children not related by blood, marriage or adoption.
26. "Federal Government." The United States of America or any agency, instrumentality, or corporation thereof.
27. "Home Occupation." An occupation, profession, commercial activity or use conducted within a residential dwelling unit solely by the residents thereof not employing any individuals other than family members who are full-time residents of the dwelling unit. The use shall be clearly incidental and secondary to the residential use of the dwelling and the exterior appearance of the structure and premises shall remain residential in character. No signage or advertising indicating the home occupation may be displayed. Child or adult day care facilities, nursing homes, animal hospitals, restaurants and other similar commercial businesses that are classified as a separate use under these Rules and Regulations shall not be considered home occupations.
28. "Hotel." An establishment that provides temporary lodging in guest rooms and in which meals, entertainment and various personal services for the public may or may not be provided.
29. "Industrial User." A source of non-domestic sewage discharged into the POTW and regulated under Section 307(b), (c) or (d) of the Clean Water Act, which pollutants may interfere with, pass through or be otherwise incompatible with the POTW. Pretreatment requirements for Industrial Users are defined in Article IV.
30. "Infiltration." Consists of water entering a sewer system from the ground through such means as defective pipe, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.
31. "Inflow." Consists of water discharged into a sewer system (including service connections) from such sources as roof leaders; cellar, yard and area drains; foundation drains; cooling water discharges; drains from springs and swampy areas;

manhole covers; cross connections from storm sewers and combined sewers; catch basins; storm water surface run-off; street wash waters; and drainage.

32. "Infiltration/Inflow." This is the total quantity of water entering a sewer system from both infiltration and inflow.
33. "Interference." The inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the CDPS and NPDES permits issued to Fremont Sanitation District (including an increase in the magnitude or duration of a violation), or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Sub-Title D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act.
34. "Lot." A parcel of land occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings.
35. "Manager." The person retained by the Board of Directors of the District to administer and supervise the affairs, operations and maintenance of the facilities of the District or the person authorized by the Manager to act on behalf of the Manager as his or her duly authorized representative.
36. "Mixed-Use Structure." The use of a structure with one or more residential units and one or more commercial units that generates wastewater. System Development Fee will be charged for the individual uses as defined in Article II, Section 216. Commercial user rates will apply to the commercial unit and each living unit will be billed the minimum Residential rate.
37. "Mobile Home." Any portable structure or vehicle, titled or registered as a vehicle, so constructed and designated as to permit occupancy thereof for dwelling or sleeping purposes.
38. "Mobile Home Park." A residential development intended primarily for mobile homes arranged for operation by management. The property is under a single parcel ownership with utilities provided and rent paid.
39. "Motel." Two (2) or more accommodations for sleeping within a building used mainly by transients with an individual private on-site parking area attached, or accessible to each unit.
40. "Municipal Authority." Any incorporated town or city and the County of Fremont.

41. "National Categorical Pretreatment Standard" or "Pre- treatment Standard". Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C., Paragraph 1317) which applies to a specific category of Industrial Users. The term includes prohibitive discharge limits established by the EPA in accordance with the Act.
42. "National Pollution Discharge Elimination System Permit" or "NPDES Permit". A permit issued pursuant to Section 402 of the Act (33 U.S.C. Paragraph 1342).
43. "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard". Any regulation developed under the authority of 307(b) of the Act and 40 C.F.R. 403.5.
44. "Non-domestic Sewage" or "Non-domestic Pollutant". Sewage which is not domestic sewage. This term specifically includes all pollutants, toxic pollutants and other sewage which may cause interference in the sewage system and which is subject to pretreatment before it may pass through the sewage system.
45. "Pass Through". The discharge of pollutants through the POTW into navigable water in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An Industrial User significantly contributes to such permit violation where it: (1) discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law; (2) discharges wastewater which substantially differs in nature and constituents from the User's average discharge; (3) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or (4) knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.
46. "Person." Any individual, firm, company, association, society, corporation, group, government, governmental agency or other legal entity.
47. "pH". The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
48. "Pollutant". Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
49. "Pollution". The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
50. "POTW Treatment Plant". That portion of the POTW designed to provide treatment to wastewater.

51. "Pretreatment" or "Treatment". The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or by other means, except through dilution as prohibited by 40 C.F.R. 403.6(d). Actions which the District may require an Industrial User to take prior to permitting discharge of sewage into any District sewage collection facility, to ensure compliance with these rules, regulations, contracts or all of the foregoing, individually or collectively, or if determined by the District to be necessary to protect the facilities of the District from any possible present or future damage.
52. "Pretreatment Standards and Requirements". *(Res. 2007-09: refer to Article IV).*
53. "Pretreatment Standards and Requirements." The pretreatment standards and substantive or procedural requirements established under the Clean Water Act, the State of Colorado Water Quality Control Act and any specific prohibitions or limits on pollutants and procedures to enforce compliance therewith adopted by the District. This definition shall specifically include the Fremont Sanitation District Industrial Pretreatment Program adopted by the District on March 31, 1987. *(Resolution No. 1987-6.)*
54. "Production Units". This refers to units of measurement of a product or industry.
55. "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. Paragraph 1292) which is owned solely by the District. This includes any sewers that convey wastewater to the POTW treatment plant, but does not includes pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of these Rules and Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the POTW.
56. "Sewage". The combination of wastewater and such ground surface and storm water as may be present.
57. "Sewage Meter". This refers to any continuously recording flow device used to measure the volume, and/or rate of flow of sewage in a sewer system or in any particular line in such sewer system.
58. "Sewage System", "Sewage Disposal System", "Sewage System", "Sewerage System" or "System". The sewage treatment plant, sewage treatment works, sewage disposal facilities, connections and outfalls, intercepting sewers, facilities, equipment and appurtenances to be constructed, installed or otherwise acquired by the District, as part of the present or future projects, which are useful or convenient for the interception, transportation, treatment, purification or disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, and all necessary lands,

interest in lands, easements and water rights.

59. "Shall" is mandatory; "May" is permissive.
60. "Significant Industrial User" (SIU):
 - (1) Any Industrial User subject to Categorical Pretreatment Standards; or
 - (2) Any other Industrial user that discharges an average of 25,000 gallons per day or more process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or
 - (a) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (b) Is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely effecting the POTW's operation or for violating any pretreatment standard or requirement.
61. "Significant Noncompliance" (SNC): An Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:
 - (a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit for the same pollutant parameter;
 - (b) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for which pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);
 - (c) Any other violation of a pretreatment affluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
 - (d) Any discharge of the pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR Section 403.8 to halt or prevent such a discharge;
 - (e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement

order for starting construction, completing construction, or attaining final compliance, or

- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on a compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance;
 - (h) Any other violation or group of violations which the Control Authority determines will adversely effect the operation or implementation of the local pretreatment program.
- 62. "Structure." Anything constructed or erected with a fixed location from the ground above grade but not including poles, lines, cables or other transmission or distribution facilities of public utilities.
 - 63. "Suspended Solids (SS)." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
 - 64. "System Development Fee" or "SDF". A fee charged pursuant to SECTION 215 of these rules.
 - 65. "Temporary Lodging Facilities." Buildings or planned areas for the temporary use of transients, such as hotels, motels, travel trailer parking, campgrounds and similar facilities.
 - 66. "Townhouse." An attached or semi-attached dwelling containing a single dwelling unit and located on a separate lot.
 - 67. "Toxic Pollutant." Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Paragraph 307(a) of the Clean Water Act or other Acts.
 - 68. "User." Any person who contributes, causes or permits the contribution of wastewater into the POTW.
 - 69. "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with pollutants which may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
 - 70. "Wastewater Facilities." The structure, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
 - 71. "Wastewater Treatment Works." An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used synonymously with "waste treatment plant", "water pollution control plant" or "POTW".

ARTICLE II

PERMITS FOR SERVICE AND CERTIFICATES

SECTION 201 - PERMITS REQUIRED

- A. No person may connect to, disconnect from, alter, or disturb any component of, use, or receive a service of any kind from the District until a permit authorizing the same is issued by the District.
- B. Each permit issued by the District shall specify the property and uses for which it is issued. Authorized services may only be used at the property described, and for the purposes set forth, in the permit.
- C. No person shall supply or permit another person to receive any service subject to a permit at property other than that described in the permit.
- D. All permit applications shall be signed by the owner of the property subject to the permit. The property owner may designate another person to act for him by designating such person on a form approved by the District for such purposes. The owner of property is the person designated on the ad valorem tax records of the County of Fremont and the records of the District.
- E. A permit issued by the District shall be valid on the date it is issued. If the activity authorized by the permit has not been completed within twelve (12) months from the date the permit is issued, the permit shall be void and all activity commenced in connection with its issuance shall cease. Unless the term of a void permit is extended as provided herein, no person may continue or undertake any activity authorized by the void permit until a new permit for the same is issued by the District. Any SDF paid to the District for any permit voided under this provision shall be refunded to the owner indicated on the permit, less any amounts previously refunded and interest (18% per annum) on the fee. The District Manager (hereafter "Manager") may extend a permit for an additional period of twelve (12) months if all the following conditions are met:
 - 1. The owner requests extension of the permit not less than fifteen (15) days prior to expiration of the permit; and,
 - 2. The work authorized by the permit is substantially completed and can be completed within the extension requested; or,
 - 3. Work authorized by the permit has been delayed for reasons beyond the owner's control and can be completed within the extension requested. Application for an extension shall be on a form provided by the Manager and approved by the Board. The Manager shall provide notice of his decision on the application as provided at Section 219 of these Regulations.
- F. If improved property subject to a permit or receiving services from the District is destroyed or rendered uninhabitable, a new permit from the District shall be required for any replacement structure unless all the following conditions are satisfied:
 - 1. The replacement structure and use is permitted by the zoning, subdivision, building and other regulations of the municipal authority with jurisdiction over the same, and all permits required for the same have been obtained from the municipal authority;
 - 2. The replacement structure is located on the same property as the improvement which was destroyed or rendered uninhabitable;

3. The facilities and sewer mains owned by the District and the building sewer serving the property are intact, in working order and adequate to meet the sewage requirements of the replacement structure; and,
 4. All fees, assessments, and monthly charges required by the District have been paid during the period the property was destroyed or rendered uninhabitable.
- G. If property subject to a permit or receiving services from the District is divided into additional parcels, lots or living units, a new permit shall be required for each such parcel, lot or living unit; except, one parcel, lot or living unit may continue to receive service under the existing permit if the classification of the use receiving the service as set forth in these Regulations is unchanged.
- H. If a permit is suspended or revoked or services are suspended or terminated as provided in these Regulations, no person may connect to, disconnect from, alter or disturb any component of, use, or receive a service of any kind from the District until the property subject to the suspension or revocation is reinstated for service or receives a permit from the District. No monthly service fees shall be charged for any period the property is not physically connected to the district's system.
- I. If improved property subject to a permit or receiving services from the District is abandoned for reasons other than those set forth at Paragraph F of this Section for a period of five (5) years, a permit shall be required unless all of the following conditions are met on the date the property is to be reoccupied:
1. All fees, assessments and monthly charges required by the District have been paid from the date of abandonment.
 2. The classification of the use of the property under these Regulations will be the same as the use prior to the abandonment; and,
 3. The facilities, service lines, meters and other improvements of the District necessary to serve the premises are intact, in working order and adequate to serve the property.
- J. If property subject to a permit or receiving services from the District is disconnected from the sewerage system, no person shall be entitled to connect to, alter or disturb any component of, use, or receive a service of any kind, from the sewerage system until a permit authorizing the same is issued by the District.
- K. If improved or unimproved premises subject to an existing permit or receiving services from the District are changed to a use which is classified under these Regulations as other than that which is set forth in the application for a permit, issued permit or which existed on the date these Regulations were adopted, as applicable, a permit shall be required unless all the following conditions are met:
1. The owner or his agent has notified the District, through its Manager, of the proposed change in use at least three (3) months prior to the commencement of the use;
 2. Within the deadlines set forth at (K) (1) above, the owner or his agent has provided the District with reliable engineering data demonstrating that the facilities, sewer service lines, meter, other improvements of the District and the building sewer serving the premises are adequate to handle and treat the expected sewage discharge from the proposed change of use;

3. The number of dwelling units on the property will not be increased; and,
 4. All fees, assessments and monthly charges required by the District have been paid as they came due.
- L. If property subject to a permit or receiving services from the District becomes subject to the Pretreatment Program (*see Article IV of these Regulations*) of the District by virtue of the constituent parts of its effluent or discharge, all use of the property resulting in the effluent or discharge shall cease until the same is brought into compliance with the District's Industrial Pretreatment Program and all necessary permits for the same have been issued by the District.
- M. The Manager shall process permit applications and make the decisions and take the actions contemplated by Article II of these Regulations. The Manager shall exercise his authority in conformity with the standards and conditions of these Regulations. Appeals from decisions of the Manager shall be governed by Article VII of these Regulations.

SECTION 202 - PERMITS AUTHORIZED

(Amended as per Res. 2007-09)

- A. The following permits may be issued by the Manager subject to the standards and conditions set forth in these Regulations:
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|-----|--------------------------------------|--|
| 1. | Abandon and Relocate Sewer Permit, | Section 203 |
| 2. | Build-Over Sewer Permit, | Section 204 |
| 3. | Cut-Off/Replacement Sewer Permit, | Section 205 |
| 4. | Extended Building Sewer Permit, | Section 206 |
| 5. | Septage Permit, | Section 207 |
| 6. | Sewage Flow Meter Permit, | Section 208 |
| 7. | Service From Private Sewer Permit, | Section 209 |
| 8. | Sewer Connection Permit, | Section 210 |
| 9. | Sewerage System Construction Permit, | Section 211 |
| 10. | Temporary Permit, | Section 212 |
| 11. | Pretreatment Permit | (<i>see Article IV of these Regulations</i>) |
- B. No permit authorized by this Section shall be issued until all applicable fees, charges, costs, penalties and the like have been paid.
- C. Likewise, any person, corporation, business, etc. which has outstanding accounts for wastewater service which are past due shall not be issued any permit until all such accounts are paid in full including any penalties.

SECTION 203 - ABANDON AND RELOCATE SEWER PERMIT

- A. This permit is available when **ALL** of the following conditions are met:
1. The property subject to the permit is receiving or has received sewer service from the District or its predecessors;
 2. The fees, assessments and charges for previous sewer service have been paid when due;
 3. The use for the permit as classified by these Regulations is the same use served or contemplated by the earlier sewer service; and,
 4. Sewer service to the property has been or could be terminated or impaired and the

termination or impairment would be corrected if the building sewer on the property was disconnected from its present location on the sewer mains owned by the District and reconnected at another location on the sewer mains owned by the District; or,

5. The owner of the property served by the District intends to relocate the existing building sewer to a new connection point on the sewer mains owned by the District for any reason; or,
 6. The Manager determines that the efficient or healthful operation of the system requires the relocation of the building sewer to a new connection point on the sewer mains owned by the District and so notifies the owner as required by Section 219 of this Article II.
- B. The design, location and installation of facilities under the authority of an "Abandon and Relocation Sewer Permit" shall be supervised by the Manager or his employees and shall comply with the Regulations and standards governing connection to the sewer mains owned by the District.
- C. When an existing connection is abandoned under the authority of an "Abandon and Relocate Sewer Permit", no connection at that point shall be allowed until a permit for the same is issued by the District.

SECTION 204 - BUILD-OVER SEWER PERMIT

- A. This permit is required when any person proposes to place, install or construct any structure or improvement within an easement existing in favor of the District.
- B. The permit shall not be granted unless all of the following conditions are met:
1. The proposed improvement or structure is permitted by the zoning, subdivision, building and other regulations of the municipal authority with jurisdiction over the same, and all permits required for the same have been obtained from the municipal authority;
 2. A practical necessity or hardship requires that the improvement or structure be located at the site proposed by the applicant;
 3. The improvement or structure, if placed, will not interfere with or prevent maintenance, replacement or repair of sewer facilities by the District or by the owner of the property; and,
 4. The owner of the property where the improvement or structure is to be located shall execute an agreement releasing the District and its agents from any and all liability for damage to said improvement or structure which occurs during the course of maintenance, replacement or repair of sewer facilities.

SECTION 205 - CUT-OFF/REPLACEMENT SEWER PERMIT

- A. No permit shall be required when the District cuts off sewer service as provided at Sections 201(I) of these Regulations.
- B. A "Cut-Off Sewer Permit" shall be required in the following situations:

1. When the owner of a premises served by the District gives written notice to the Manager that he intends to permanently cut off the sewer from the sewer mains owned by the District; and,
2. When the owner of a premises served by the District gives written notice to the Manager that he intends to temporarily cut off the sewer from the sewer mains owned by the District in order to:
 - a. Replace the existing building sewer with a building sewer of a different type or size; or,
 - b. Demolish or remove a building or structure receiving services from the District.
 - c. Replace a building sewer line which has failed.
3. When the owner of a premises served by the District requests an inspection of a repair, alteration, or replacement of a building sewer for an existing, permitted use. Requests for inspection are to be made in accordance with requirements of paragraphs 217K, 511A and 612A. If no additional permits are necessary, the District Inspector's approval shall constitute permission.

SECTION 206 - EXTENDED BUILDING SEWER PERMIT

- A. This permit is required when an existing improvement is relocated on the property. This permit is also required when sewer service is proposed for an existing or planned accessory use on the property served by the District. This permit may not be used to provide sewer service to two or more dwelling units on the property served by the District; in such a case, a separate permit is required. This permit may not be used to provide sewer service to individual lots and parcels when the property receiving the sewer service has been divided into two (2) or more lots or parcels. In such a case, each lot or parcel, whether or not improved, would require a separate permit. Finally, this permit may not be used when the proposed accessory use is classified under these Regulations differently than the primary use on the property. In such a case, a separate permit for the accessory use would be required.
- B. An "Extended Building Sewer Permit" may not be issued unless all of the following conditions are satisfied:
 1. The improvement to be relocated is permitted by the zoning, subdivision, building and other regulations of the municipal authority with jurisdiction over the same and all permits required for the same have been obtained from the municipal authority;
 2. In the case of an accessory use, the classification of the accessory use, as set forth in these Regulations, is the same as the classification of the primary use presently served by the District;
 3. The facilities and sewer mains owned by the District and the building sewer, as extended, will be adequate to serve the sewage requirements of the improvement to be relocated or accessory use; and,
 4. The owner has executed and delivered to the District all easements and rights-of-way necessary to accomplish the extension.

SECTION 207 - SEPTAGE PERMIT

- A. A "Septage Permit" is required when a person wishes to dispose of sewage using the facilities and sewer mains owned by the District, and the source and location of the site creating the sewage to be disposed is not connected to the facilities and sewer mains owned by the District by means of a building sewer.
- B. A "Septage Permit" may not be issued unless all of the following conditions are satisfied:
 - 1. The person discharging the septage shall have been licensed by the District to perform this type of service. The conditions precedent to the granting of such a license shall include, but are not limited to the following:
 - a. The applicant shall, as a condition of holding the license, agree to pay all applicable fees, to inform the District of location of the source of the septage, the volume obtained therefrom, agree to certify that the septage is not contaminated with prohibited substances, and to utilize only those disposal points and times which are specified by the District.
 - 2. The facilities and sewer mains owned by the District are adequate to handle and treat the sewage. To satisfy this requirement, the applicant shall pay the costs of any tests or evaluations requested by the District to establish the constituents, quality and other characteristics of the sewage.
- C. In no event shall a "Septage Permit" be issued if the sewerage to be treated and discharged under the permit contains any constituent, element or other component which by law or regulation the District is not authorized to treat or discharge.
- D. The licensee shall obtain a "Septage Permit" immediately prior to each disposal. Failure to comply with this requirement may result in cancellation or denial of license renewal.

SECTION 208 - SEWAGE FLOW METER PERMIT

- A. This permit is required when the Manager or owner of property served by the District requests installation of a Sewage Flow Meter. A Sewage Flow Meter shall not be installed unless the Manager determines that such a meter will economically and accurately measure the flow of sewage. Design and installation of the meter shall be subject to the approval and supervision of the Manager and shall be consistent with the standards prevailing in the industry for such meters.
- B. No "Sewage Flow Meter Permit" shall be issued unless the owner satisfies the criteria of this section and the requirements of Section 305 of these Regulations.

SECTION 209 - SERVICE FROM PRIVATE SEWER PERMIT

- A. This permit is required when a person wishes to receive sewer services from the District by making connection with sewer mains and facilities which are owned by a person other than the District (hereafter, "private facility"). This permit may not be used to allow connection to a building sewer which is connected to mains and facilities owned by the District.
- B. A "Service From Private Sewer Permit" may not be issued unless all of the following conditions are satisfied:

1. The private facility is connected to the sewer mains and facilities of the District or such connection has been authorized by the owner of the private facility as required by its regulations, and any permit required for connection has been issued by the District;
2. The sewer mains and facilities owned by the District are adequate for the volume and type of sewage to be received, treated and discharged by the District; and,
3. The requirements of the private facility concerning connection to its facilities and sewer mains have been fully satisfied.

SECTION 210 - SEWER CONNECTION PERMIT

- A. Unless the connection is specifically controlled by the sections governing other permits authorized by this Article II, a "Sewer Connection Permit" is required before a person may connect to, in any manner, the sewer mains and facilities owned by the District. A "Sewer Connection Permit" shall also be required under the circumstances described at Section 201(F), Section 201(I) or Section 201(K) unless the conditions of the applicable section which exempt the property from the requirement of a new permit are met. A "Sewer Connection Permit" shall be required before services are received when services or a permit are terminated under the circumstances described at Section 201(H) or Section 201(J).
- B. A "Sewer Connection Permit" may not be issued unless all of the following conditions are satisfied:
 1. The property to be served by the District meets the requirements of the zoning, subdivision, building and other regulations of the municipal authority with jurisdiction over the same, and all permits required for the property have been obtained from the municipal authority;
 2. The facilities and sewer mains owned by the District are adequate to receive, treat and discharge the sewage to be received from the property;
 3. The owner has specified the structures, buildings and uses to be served by the connection;
 4. The owner has submitted legal, engineering, surveying or other data sufficient to show:
 - a. The location, property lines and any easements or rights-of-way affecting the property to be served;
 - b. That the location of existing or proposed improvements on the property to be served will not impede installation, maintenance or repair of the building sewer, connection, or facilities and sewer mains owned by the District;
 - c. The location of the facilities and sewer mains owned by the District to which connection is proposed and showing whether or not an extension of the same will be required to complete the connection;
 - d. The location of existing or proposed building sewers;
 - e. The topographical, hydrological, geologic or other features of the property which affect or could affect the design, installation or operation of the building sewer, connection or sewer mains and facilities owned by the District;

- f. The proposed design of any building sewer or other facility to be constructed to allow connection; and,
 - g. The quantity, quality and type of sewage to be received by the District.
5. The owner has executed and delivered any easements or rights-of-way which may be necessary to complete the connection and assure future access by the District for any necessary installation, maintenance, repair or disconnection.

SECTION 211 - SEWERAGE SYSTEM CONSTRUCTION PERMIT

- A. A "Sewerage System Construction Permit" is required when a person wishes to construct, alter, extend, modify or change in any way a component of the Sewerage System other than a building sewer.
- B. A "Sewerage System Construction Permit" may not be issued unless all of the following conditions are satisfied:
 - 1. The applicant has identified the property to be served by the facilities proposed in his application;
 - 2. The applicant has identified the number, type and location of the buildings, uses and structures to be served by the proposed facilities;
 - 3. The buildings, uses and structures to be served by the proposed facilities meet the requirements of the zoning, subdivision, building and other regulations of the municipal authority with jurisdiction over the same and all permits required for the same have been obtained from the municipal authority;
 - 4. The applicant has submitted legal, engineering, surveying and other data sufficient to show:
 - a. The location, property lines and any easements or rights-of-way affecting the property to be served;
 - b. The location of the property on which the proposed facilities are to be located, ownership of the same, source of legal authority to enter the property to install the proposed facilities, and any easements, rights-of-way or encumbrances affecting the property;
 - c. All easements and rights-of-way necessary to complete installation, maintenance and repair of the proposed facilities in perpetuity;
 - d. That the location of the proposed facility will not impede installation, maintenance or repair of any building sewer, connection or other facilities and sewer mains owned by the District;
 - e. The topographical, hydrological, geologic or other features of the property which affect or could affect the design, installation or operation of the proposed facilities and which affect or could affect any future connection to the same;
 - f. The design of the proposed facilities;
 - g. The quantity, quality and type of sewage to be received by the proposed facilities and the District, and,

- h. That the facilities and sewer mains owned by the District are adequate to receive, treat and discharge the sewage to be received by the proposed facilities.
- 5. The applicant has submitted properly executed easements or rights-of-way necessary to assure future access by the District for any necessary installation, maintenance, repair or disconnection.
- C. Approval and issuance of a permit under this Section is based solely on the information and conditions which exist on the date the permit is approved. The District specifically reserves the right to take any action necessary to address any change in the uses, buildings, or structures to be served by the facilities, to meet any requirements imposed by these regulations or state or federal law and regulation, or to address any legitimate utility-based reason for requiring a modification. The cost of completing any action authorized by this paragraph shall be paid by the owner of the property receiving services from the District.

SECTION 212 - TEMPORARY PERMIT

- A. A "Temporary Permit" may be issued to allow a person to use the services of the District for construction or special events.
- B. A "Temporary Permit" may not be issued unless all of the following conditions are satisfied:
 - 1. The permit is for an activity which is permitted by the zoning, subdivision, building and other regulations of the municipal authority with jurisdiction over the same, and permits required for the activity have been obtained from the municipal authority;
 - 2. The activity will not have a duration in excess of twelve (12) months;
 - 3. If the applicant is other than the owner, the owner has given his written consent to the proposed activity;
 - 4. The facilities and sewer mains owned by the District are adequate to receive, treat and discharge the sewage to be generated by the activity; and,
 - 5. The applicant has prepaid the fees and charges applicable to the activity for the period of its duration.
- C. A "Temporary Permit" shall specify the date on which it expires and no person may connect to, disconnect from, alter or disturb any component of, use or receive a service of any kind from the District under the authority of a "Temporary Permit" after such expiration date.
- D. Upon application and approval by the Manager, a "Temporary Permit" may be granted a single extension for up to twelve (12) months if all the following conditions are met:
 - 1. The applicant requests the extension not less than fifteen (15) days prior to expiration of the permit;
 - 2. Extending the permit will not allow the applicant to evade the purpose and intent of these regulations governing applications for a permanent connection to the District and its facilities; and,

3. The activity authorized by the extension is substantially similar to the activity authorized by the original permit.

SECTION 213 - CONDITIONS APPLICABLE TO ALL PERMITS

- A. The District provides a specialized and highly technical service. The Manager must have the authority to impose conditions necessary to assure the safe, efficient and prudent operation of the District. No permit will be issued unless the property to be served is located within the boundaries of the District. The Manager may issue a conditional permit if the applicant agrees to petition the District for inclusion and to pay all costs associated with the inclusion. If inclusion of the property is not completed within 90 days of the permit application the permit will become void and the property shall be disconnected from the main.

The following conditions, in the discretion of the Manager, may be applied to any permit application authorized by this Article II:

1. If the facilities or sewer mains owned by the District must be enlarged, extended, or altered in any way to allow the activity authorized by a permit to occur, the Manager may require the applicant to prepay all sums necessary to accomplish such modifications.
2. If ownership of the property to be served is at issue, the Manager may withhold permit approval until ownership of the property is established by means such as a title insurance policy, attorney's title opinion or Decree of Court with jurisdiction over the property.
3. If the owner of the property to be served and/or applicant is delinquent in the payment of any taxes, fees, charges or penalties due to the District, the Manager may withhold permit approval until such arrearages are paid in full, together with interest, costs and penalties.
4. If the owner or applicant cannot receive approval of a license, permit or other application required by a municipal authority without approval of a permit from the District, the Manager may process the application and issue an approval of the same conditioned on approval of the license, permit or other application by the municipal authority. If the municipal authority denies the request for a license, permit or other application or does not approve the same within six (6) months of conditional approval by the Manager, said conditional approval shall be void and a new permit application required. No activity under a permit conditionally approved by the Manager under this paragraph shall commence until final approval by the municipal authority within the time limits of this paragraph. If a municipal authority approves a license, permit or other application subject to conditions which, in the opinion of the Manager, render performance of the District permit unlikely or speculative, conditional approval of the permit may be withdrawn despite such approval by the municipal authority; in such case, the Manager shall notify the owner, applicant and municipal authority of the withdrawal of approval in writing.
5. The Manager may request any legal, engineering, surveying or other data necessary to describe and define topographical, hydrological, geological or other features of the property subject to the permit. The Manager may request any easements or rights-of-way necessary to assure future access by the District to install, remove, repair or maintain sewer mains and facilities owned by the District.

6. The Manager may request any data necessary to identify and treat the constituent parts of sewage to be received, treated and discharged by the District.
7. The Manager may impose conditions on the design, construction, installation and continued use of any part of the sewage system authorized by a permit by making reference to these Regulations and manuals, standards and other publications generally used in the industry.
8. If the activity described in a permit requires a fee as provided at C.R.S., 32-1-1006(c) as it now exists or hereafter may be amended, the Manager may require prepayment of the fee as a condition of permit approval.
9. Any property receiving services from the District shall be subject to inspection by agents of the District for the purpose of conducting all tests, surveillance and monitoring necessary to determine if the effluent or discharge from the property is subject to the permit requirements of the District's Industrial Pretreatment Program. The standards to be applied, the procedures to be followed in connection with the inspection, the responsibility for cost in connection with the inspection and all other matters pertaining to the inspection shall be governed by Article IV of these Regulations as applicable.
10. All Pretreatment Permits shall be subject to the permit conditions set forth at Article IV of these Regulations. *(Amended- Res. 2007-09)*
11. In addition to the foregoing, the Manager may impose any condition or permit approval which, in his opinion, is necessary to meet the needs of the District. The authority set forth in this paragraph includes the authority to require prepayment of fees imposed by a municipal authority, the State of Colorado or the United States. The Manager is encouraged to impose conditions by reference to the preceding paragraphs of this Section or Article II. If, however, the Manager invokes the authority of this paragraph, he shall state his reasons for so doing in writing which shall be provided to the owner and/or applicant.

SECTION 214 - PERMIT APPLICATIONS

- A. Applications for any permit authorized by this Article II shall be on forms prepared by the Manager and approved by the Board. The Manager has the authority to amend approved application forms. Any amended application form shall be approved by the Board before it is implemented by the Manager.

SECTION 215 – FEES

(Amended per Res. 2005-46; 2007-09, 2021-03, 2025-05)

- A. Fees charged by the District are designed to offset the administrative and related costs of the District in discharging its duties under these Regulations with respect to permit applications. The following minimum fees shall apply for each permit authorized by these Regulations in addition to any other fees or charges authorized by this Article II:

1.	Abandon & Relocate Sewer Permit	\$ 20.00
2.	Build-Over Sewer Permit	\$ 20.00
3.	Cut-Off /Replacement Sewer Permit	\$ 20.00
4.	Extend Building Sewer Permit	\$ 10.00
5.	Septage Permit <i>(plus costs related to testing)</i>	\$ 10.00
6.	Sewage Flow Meter Permit	\$ 30.00
7.	Service from Private Sewer Permit	\$ 10.00
8.	Connection Permit Application Fee	
	System Dev. Fee \leq \$10,000	\$ 150.00
	System Dev. Fee $>$ \$10,000	\$ 250.00
9.	Sewerage System Construction Permit	\$ 0.40/ft
10.	Temporary Permit	\$ 140.00
11.	Pretreatment Permit	<i>Fees to be determined in accordance with Article IV of these regulations.</i>
12.	Application/Petition for Inclusion	\$ 300.00

- B. In addition to the minimum fees set forth above, the District may charge an additional fee when a permit application, because of its complexity or magnitude of proposed use, imposes greater administrative burdens and responsibilities than is required for the usual processing of permits of that type. If the Manager determines that an additional fee is required under this section, he shall notify the owner of his decision in writing, setting forth the amount of additional fee required.
- C. If a System Development Fee is required for a permit to be approved, the same shall be paid in addition to any other fees set forth in this section.

SECTION 216 - SYSTEM DEVELOPMENT FEE

(Amended per Res. 2015-13, 2022-23)

- A. The System Development Fee (S.D.F.) is assessed to provide funds for future expansion and improvement of the Sewerage System owned by the District.
- B. The S.D.F. shall be added to the fees for the following permits authorized by Article IV:
1. Sewer Connection Permit
 2. Service From Private Sewer Permit
 3. Sewerage System Construction Permit
 4. Industrial Permit *(See Article IV of these Regulations for additional conditions applicable to assessment of the S.D.F.)*
- C. The amount of the S.D.F. is determined by reference to the type of use to be served by the permit and/or size of facilities to be installed in connection with the permit. The S.D.F. for the uses set forth below is as follows:

TYPE OF USE		WATER METER SIZE	SYSTEM DEVELOPMENT FEE (S.D.F)
1.	Single-Family Dwelling	Up to 1"	\$ 4,500 (SD Base Fee)
2.	Accessory Dwelling Unit	N/A	A) 1 Bedroom : ½ SD Base Fee B) > 1 Bedroom: Full SD Base Fee
3.	Mobile Home in a Mobile Home Park	N/A	\$4,500 per Mobile Home
4.	All Other Residential Dwelling Units Not Listed Above	N/A	A) 1 Bedroom : ½ SD Base Fee B) > 1 Bedroom: Full SD Base Fee
5.	Temporary Lodging Facilities (hotels, motels, R.V. parking)	N/A	\$4,500 per every 2.4 units, pads, spaces or other individual facility.
6.	Multi-family Residential	N/A	A) 1 Bedroom : ½ SD Base Fee B) > 1 Bedroom: Full SD Base Fee
7.	Group Living Quarters – dormitories, barracks, camps, hospitals, group homes, nursing homes, jails, asylums, & other similar institutions.	N/A	\$4,500 for every 2.8 persons the institution can house.
8.	Mixed- Use Structure	N/A	Charges for the specific individual uses set forth herein shall be charged to each unit based on the classification of the use for that unit
9.	Commercial- <i>in which the sewage flow will not exceed 10,000 Gallons Per Month.</i>	N/A	\$4,500
10.	Any Use Not Listed Above	¾ in. 1 in. 1 ½ in. 2 in. 3 in. 4 in. >4 in.	SD Base Fee x 2.0 SD Base Fee x 2.5 SD Base Fee x 5.0 SD Base Fee x 8.0 SD Base Fee x 15.0 SD Base Fee x 24.0 TBD by FSD Engineering

NOTE: In addition to the fees above a Connection Permit Application Fee will be assessed as follows:

$SDF \leq \$10,000 = \150.00

$SDF > \$10,000 = \250.00

All residential permits shall provide for the right of the dwelling occupant to use the premises for Home Occupations as defined in Article I of the District's Rules and Regulations Governing Sewage Charges and Fees and Management of Wastewater. Granting of such rights shall not prohibit the District from requiring additional fees, or protect the occupants from the District's Industrial Pretreatment Program if, in the District's sole opinion, the claimed home occupation contributes sewage in excess of the average residential user in the District.

- D. If the proposed water meter is greater than 4", and/or if the use is not specifically listed in the table in the preceding paragraph, the Manager shall set the S.D.F. by taking into account the type of use, the amount and quality of sewage to be generated, the design and other requirements for the sewage system necessary to serve the use, State or Federal regulations concerning cost recovery, treatment standards or the like, the requirements of these Regulations and such other considerations as the Manager deems relevant to the goals of this section. When the Manager sets a S.D.F. under the authority of this paragraph D, he shall state the factors considered by him, together with the S.D.F. charged, in writing, which shall be delivered to the owner of the property to be served. The factors considered by the Manager shall include any applicable requirements of the District's approved Industrial Pretreatment Program.
- E. If the contaminate contributions of the sewage to be received by the District exceed that permitted by our Regulations and the Manager determines that the sewage can be received if certain modifications are made to the sewage system, the Manager shall set the S.D.F. by reference to paragraph D of this section.

SECTION 217 - CERTIFICATES FOR CONSTRUCTION

- A. Except as provided at paragraph J of this section, no person may connect to, disconnect from, alter or disturb any component of, or undertake any construction authorized by a permit (except Build-Over Sewer Permits) unless they are issued a certificate to perform such work by the District.
- B. Certificates for Construction shall be personal to the person receiving the same. Certificates may not be assigned. Any work performed under the authority of a Certificate for Construction must be personally performed by the holder of the same or performed subject to his direct supervision and control.
- C. A person receiving a Certificate for Construction shall be required to obtain a bond as surety for his work in an amount to be established by the Manager with reference to a bond schedule adopted by him and approved by the Board. No bond shall be required if the only work to be performed is installation of a building service line.
- D. A person wishing to receive a Certificate for Construction shall make application to the District Manager. This application shall be on a form prepared by the Manager and approved by the Board.
- E. To attain certification, applicants must complete a training course on these Rules and Regulations and methods of construction used in the District and pass a written exam on the same. This course will be provided by the District and shall be no more than eight contact hours in length. The outlines and material to be used in the course shall be prepared by the Manager and approved by the Board.
- F. Within seven (7) days of application, the applicant will be informed of the next scheduled training course. This course shall be offered no later than 30 days from the date of application.

- G. Upon successful completion of the training course, the applicant must sign an agreement to abide by these Regulations and the terms of Certification. The agreement shall be on a form prepared by the Manager and approved by the Board.
- H. Upon successfully completing the training course and signing the certification agreement, applicants will be issued a Certificate for Construction. The form of the Certificate for Construction and the conditions for the same shall be prepared by the Manager and approved by the Board.
- I. Certificates shall be valid, unless revoked by the District, for a period of three years from the date they are issued by the Manager, at which time they shall become void and the holder thereof shall not be authorized to perform any activity described at paragraph A of this section until a new Certificate for Construction is issued.
- J. Any person wishing to install a building sewer on property owned by him for a single-family residential dwelling (hereafter "Homeowner") shall be personally exempt from certain requirements of this section as follows:
 - 1. This exemption applies only to Homeowners who personally construct building sewers on their own property.
 - 2. Homeowners are required to comply with all other provisions of these rules. Construction by Homeowner must conform with the standards and specifications of these Regulations.
 - 3. Homeowners may voluntarily attend the District's Certification training course.
 - 4. Any person, other than the Homeowner, who constructs a building sewer must be Certified for Construction by the District.
 - 5. If a Homeowner fails or refuses to follow the requirements of these Regulations, the Manager shall notify him of the violations in writing. Upon such notification, all work by the Homeowner under the authority of this exemption shall cease and no further work shall be undertaken except by a person who holds a valid Certificate for Construction.
- K. No person, whether a Homeowner or holder of a Certificate for Construction, may cover up or otherwise obscure from view, any work authorized by a permit until the same is inspected and approved by the Manager or his agents. The person authorized to perform work under the permit or certificate shall notify the district in accordance with paragraphs 511A or 612A. The person requesting the inspection shall provide any information necessary to assist the Manager or his agents in locating the property to be inspected. If requested by the Manager or his agents, the person requesting the inspection shall be personally present when the inspection is made. Absent extenuating circumstances, the Manager or his agents shall make the inspection within one (1) working day of the request for inspection. Failure to notify the District under this section shall be grounds for revocation of a Certificate for Construction for not less than thirty (30) days.
- L. The Manager or his agent shall disapprove work which requires a permit from the District when the work violates these Rules and Regulations, or the conditions of a variance granted in advance by the Manager, or the permit terms. The certified person responsible for the work or the homeowner who did the work shall then eliminate the violations within thirty (30) days and call for reinspection, except in instances where in the Manager's opinion violations must be eliminated immediately due to the nature of the work or to protect public health and welfare.

- M. The following violations of these Rules and Regulations shall be grounds for suspension of the Certificate for Construction for not more than thirty (30) days:
1. Failure to notify the District as required in Paragraph A of Section 511, or Paragraph A of Section 612 when work requiring a permit is ready for inspection;
 2. Performing work as described in Paragraph A of Section 201, or in Paragraph A of Section 217 without first obtaining the permit(s) required under this Section;
 3. Refusal to expose work done under a permit when the work has been covered or otherwise obscured from view without permission from the Manager or his agent, or before the work has been inspected and approved by the Manager or his agent;
 4. Refusal to correct work that violates these Rules and Regulations, violates variances given in advance by the Manager, or violates terms of the permit.
- Three suspensions in twenty-four (24) months shall be grounds to suspend the Certificate for Construction for twelve (12) months.
- N. While the Certificate for Construction is suspended, the holder shall be prohibited from performing any work that requires a permit from this District, except work that is necessary to remove the grounds for suspension. The Manager may reinstate the Certificate for Construction as soon as the holder removes the grounds for the suspension and receives an inspection report approving the work authorized by a permit from the District.
- O. If grounds for suspension of the Certificate for Construction have not been removed by the certified person in accordance with instructions in a written notice of violation from the Manager or his agent, the certificate shall become void. A person whose Certificate for Construction has been revoked because of failure to remove grounds for temporary suspension shall be ineligible to hold a certificate for twelve (12) months from the date the notice of violation is issued. If any such person applies for a certificate after that period, the Manager shall require a \$10,000 bond before issuing a certificate. The property owner then shall eliminate any violation of these Rules and Regulations in accordance with instructions in the written notice of violation from the Manager or his agent and call for an inspection.
- P. When the Manager determines that a violation has occurred or that revocation is authorized as provided in this section, he shall set forth his determination in a written notice which shall be delivered to the certificate holder. A written notice of violation shall also be sent to the owner of the property on which the violation occurred. When a certificate is revoked, it is void and no person may perform any work described at Paragraph A of this section unless and until it is reinstated as provided in this section.
- Q. The holder of the certificate may apply for reinstatement at the end of the revocation period. Reapplication shall be on a form prepared by the Manager and approved by the Board.
- R. The certificate will be reinstated for the remainder of the three-year certification period after the applicant repeats and completes an additional District training course. The outlines and material used in the additional course shall be prepared by the Manager and approved by the Board.

SECTION 218 - ACTIONS BY THE MANAGER TO ENFORCE ARTICLE II

(Amended per Res. 2007-09, 2021-02, 2022-22)

- A. The provisions of this section set forth the actions which may be taken by the Manager to discharge his duties and ensure compliance with Article II. The remedies set forth herein are cumulative.

B. Suspension of Permits: A permit issued under the authority of Article II may be suspended for any of the following reasons:

1. Non-payment of any fee or charge assessed in connection with the permit;
2. Noncompliance with written permit conditions;
3. Use of sewer services at a place and in a manner inconsistent with the permit conditions set forth in Article II;
4. Receipt or use of sewer services contrary to the provisions of Section 201;
5. Construction under the authority of a permit contrary to the provisions of Section 217;
6. Failure to comply with any decision issued by the Manager requiring additional permits under Section 201(F), (I), or (K);
7. Discharge of wastes not compatible with the treatment process used by the District;
8. Discharge of wastes in excess of permitted amounts;
9. Discharge of wastes hazardous to District personnel and/or the sewage system;
10. Discharge of wastes prohibited under Article II of these Regulations.
11. Connection, or allowing to be connected, additional contributors to the system.
12. Receipt or use of sewer services or discharge of wastes in violation of the District's approved Industrial Pretreatment Program. (See Article IV of these Regulations.)
13. In addition to the foregoing, an Pretreatment Permit may be suspended for noncompliance with the conditions set forth at Article IV of these Regulations.

When a permit is suspended, any fees or charges paid in connection with the same shall be retained by the District. When a permit is suspended, no activity may be commenced or continued under its authority until the permit is reinstated. When a permit is suspended, any services provided by the District shall terminate until the permit is reinstated; the Manager may take any action necessary to terminate services, including disconnection from the District, until the permit is reinstated. Property subject to a suspended permit shall also be subject to the penalties and costs set forth in this section.

C. Reinstatement of Suspended Permits: A suspended permit may be reinstated by the owner upon:

1. Correction of the condition(s) which led to the suspension, including the payment of any fees or charges necessary to accomplish the same; and,
2. Payment of any penalty and costs assessed by the Manager under this section.

D. Revocation of Permits: A permit issued under the authority of Article II may be revoked for any of the following reasons:

1. Noncompliance with Section 201(E);
2. Failure of the owner of property subject to a suspended permit to reinstate the same within six (6) months of the effective date of the suspension;

3. Occurrence of two (2) or more violations which could result in suspension of a permit under Section 218(B) within a period of six (6) consecutive months. Violations occurring on the same day shall be considered separate violations for purposes of this section. When a permit is revoked, any fees or charges paid in connection with the same shall be retained by the District. When a permit is revoked, no activity may be commenced or continued under its authority and no activity described at Section 201(A) shall occur on the property subject to revoked permit until a new permit is issued by the District. When a permit is revoked, any services provided by the District shall terminate and no services shall be provided to the property subject to the revoked permit until a new permit is issued by the District; the Manager may take any action necessary, including disconnection from the District, to terminate services. Property subject to a revoked permit shall also be subject to the penalties and costs set forth in this section.

- E. Suspension of Services: Services being provided by the District may be suspended if the owner of the property receiving services fails to comply with an interpretative decision of the Manager requiring additional permits under Section 201(F), (I), or (K). Services being provided by the District may be suspended if the Manager determines that a person is receiving services contrary to the provisions of Section 201(A), (B), (C), (E), (G), (H), or (J) or without a permit as required elsewhere in Article II. Services may be suspended under the conditions set forth at Section 201(L) of these Regulations and/or Article IV of these Regulations. When services are suspended, no further services shall be provided to the property receiving the same until a permit for the same is received by the owner; the Manager may take any action necessary, including disconnection from the District to terminate services until a permit is obtained. Property at which services are suspended shall be subject to the penalties and costs set forth in this section.
- F. Reinstatement of Services: Suspended services may be reinstated by the owner upon:
 1. Issuance of all permits required by Article II together with fees and charges for the same; and,
 2. Payment of any penalty and costs assessed by the Manager under this section.
- G. Termination of Services: Services to property shall be terminated when the owner of the property subject to suspended services under Section 218 fails to reinstate the same within thirty (30) calendar days of the effective date of the suspension. When services are terminated, the Manager may disconnect the property being served from the District. When service is terminated, the permit fees determined to be due the District for unauthorized service, costs, and any penalties assessed by the Manager shall become a lien on the property served.
- H. Denial of Permits and Certificates: The Manager may deny any application for a permit or certificate authorized by Article II if the applicant fails to satisfy the applicable conditions of Article II. The Manager may also deny an application for an Industrial Permit if the applicant fails to satisfy the conditions found in Article IV of these Regulations.
- I. Suspension or Revocation of Certificates: The Manager may suspend or revoke any certificate authorized by Article II by following the procedure for the same found in this Article II.
- J. Interpretative Decisions: The Manager is authorized to issue any order or decision interpreting this Article II necessary to discharge his duties hereunder. The authority granted under this paragraph specifically includes the authority of the Manager to

determine whether or not any conditions or requirements of this Article II have been satisfied. The authority of the Manager under this paragraph includes the authority to issue any order or decision interpreting Article IV of these Regulations necessary to discharge his duties thereunder.

- K. Injunctive Relief: The Manager is authorized to commence a civil action in the name of the District to obtain temporary and permanent injunctive relief when, in his opinion, such action is necessary to achieve any of the following:
 - 1. Prevent an actual or imminent violation of Article II.
 - 2. Compel compliance with Article II.
- L. Civil Actions: The Manager is authorized to commence a civil action in the name of the District, upon approval of the Board, in the following cases:
 - 1. To obtain a judgment for all fees, costs and penalties provided by Article II.
 - 2. To obtain a judgment for any damages (whether actual, consequential, special or exemplary) caused by a violation of Article II.
 - 3. To foreclose a lien created by Article II.
 - 4. To obtain any relief necessary to enforce Article II of these Regulations authorized by State law, Federal law or the Colorado Rules of Civil Procedure as they now exist or are amended.
- M. Authority to Enter and Inspect Property: In addition to the authority at paragraphs (J) and (K) above, the Manager is authorized to commence any other action necessary to obtain legal authority to enter on property located within the District for the purpose of implementing and enforcing compliance with the requirements and conditions of Article II.
- N. Costs and Penalties: The Manager is authorized to assess the following costs and penalties:
 - 1. The actual cost of disconnecting the property from the services of the District;
 - 2. The actual cost of any corrective action necessary to remedy a violation of Article II of these Regulations, including any fines, penalties, awards, court costs or the like assessed against the District due to the violation;
 - 3. All costs incurred in any court action instituted under the authority granted by this Section;
 - 4. All sums expended by the District (including employee wages) to perform the duties of an owner of property under Article II.
 - 5. All costs paid by the District which are to be paid or reimbursed by an owner of property under Article II. The Manager is authorized to assess the following penalties. In setting the penalties the Board has carefully considered the cost to the public when District funds are used to enforce these Regulations and the desirability of setting penalties of sufficient magnitude to discourage and deter violations against the public health, safety and welfare. The following penalties are cumulative:
 - 6. In the case of a permit suspended under the authority of Section 218(B): (1), (2), (3), (4), (5), (6) or (11) a penalty of \$100 or 10% of the applicable SDF, whichever is greater.

7. In the case of a permit suspended under the authority of Section 218(B): (7), (8), (9) or (10) a penalty of \$250 to \$26,000 per day.
 8. In the case of a permit suspended under any other provision of Section 218(B), the penalties found at Article IV.
 9. In the case of a revoked permit a penalty of 50% of the applicable SDF.
 10. In the case of a suspension of services for any reason other than violation of the District's approved Industrial Pretreatment Program, a penalty of 30% of the applicable SDF.
 11. In the case of terminated services a penalty of \$250.
 12. When setting a penalty authorized by the preceding paragraphs, the Manager shall consider the following factors:
 - a. The costs of repair or replacement, or both, of the facilities of the District;
 - b. The amount of any penalty imposed on the District by any other governmental entity;
 - c. The amount expended by the District for equipment, employee compensation and payments to independent contractors (including attorney's fees) to determine the existence and locate the source of, or to correct or terminate the violation;
 - d. Any other incidental expenses related to the violation.
 - e. The quarterly equivalent of the capital costs the violator would have had to incur for compliance and debt service thereof over a normal amortization period of not longer than ten (10) years;
 - f. Any operation or maintenance costs foregone as a result of noncompliance;
 - g. The amount of any additional financial benefit accruing to the violator due to the lack of or delay in compliance;
 - h. The maximum penalty permitted by Section 29-1-1102, C.R.S., as amended. (*per Res. 2000-08*)
 13. A continuing violation may be treated as a separate violation for each day during which it continues, and penalties therefor assessed in accordance with the above for each such day.
 14. In the event a past due account is certified to the County Treasurer under the authority of Article II of these Regulations, a penalty of \$30.00 shall be added to the account.
- O. Lien: When a permit is suspended or revoked, or service is suspended or terminated, the unpaid permit fees determined to be due, together with costs and penalties assessed by the Manager, shall become a lien on the property served.

SECTION 219 - NOTICE AND APPEALS

- A. Notice of any action authorized by Article II shall be in accordance with this section. Notice of any legal or court action authorized by Article II of these regulations shall be in accordance with applicable statutes and court rules.
- B. Format: The format of any notice shall comply, as applicable, with the forms set forth at Appendix A of these Regulations.

- C. Delivery of Notice: Except as set forth at Section 217(M), any notice required under this Article II of these regulations shall be delivered to the owner(s) and occupant(s) of property subject to the notice by mailing the same, by first class mail, postage prepaid, to their address as shown by the ad valorem tax records for Fremont County, Colorado and the records of the District. Notice to the holder of a Certificate for Construction under Section 217(M) shall be accomplished by mailing the same, by first class mail, postage prepaid, to the address of the holder as shown by his application for a Certificate of Construction.
- D. The Manager shall retain a signed copy of all notices sent by him as part of the permanent records of the District.
- E. Notice is complete when it is mailed in compliance with this section.
- F. Any action by the Manager shall become final fifteen (15) calendar days after the date notice is delivered except:
1. The Manager may shorten the period in which an action is effective if for reasons of health or safety such action must become effective earlier. If the Manager exercises his option under this paragraph, he shall state his reasons in the notice.
 2. If the action proposed by the Manager includes termination of services or disconnection, the person receiving the notice shall have the right to have a telephone conference or face-to-face meeting at the District office with the Manager or his designated agent to present any information he may have which disputes the allegations in the notice. The conference or meeting can occur any working day up to but not including the date the action is to become final. As a result of the meeting, the Manager may affirm his action, withdraw the action or extend the date on which his action shall become final. The decision of the Manager after a meeting or conference shall be mailed to the person requesting the meeting or conference by first class mail, postage prepaid. The form to be used by the Manager is included in Appendix A of these Regulations. If the manager has exercised his option under (1) above the meeting shall occur as soon as practicable after the decision is made.
- G. If an action has become final and the Manager intends to disconnect services, he shall provide notice of his decision to the following at least ten (10) working days before disconnecting the services:
1. The health officer for the municipal authority with jurisdiction over the property; and,
 2. The Department of Health for the State of Colorado; and,
 3. Environmental Protection Agency at its regional office in Denver, Colorado, if applicable.
- If the manager has exercised his option under F-1 above manager shall mail notification within 24 hours of the initiation of the action.
- H. Appeals of any final action by the Manager authorized by this Article II of these Regulations shall be in conformity with Article VII of these Regulations.

ARTICLE III

BILLING PROCEDURES AND RATES

SECTION 301 - RESPONSIBILITY FOR PAYMENT

(Amended per Res. 2020-10, 2022-45)

- A. The owner of any property receiving services from the District is responsible for payment of all monthly or other charges assessed for the services provided. The responsibility of the owner to pay all monthly and other charges is not affected by the failure of the District to present a bill for the same or the mailing of a bill to the incorrect address or person.
- B. Bills for services shall be sent to the address of the owner of the property receiving the services as shown by the ad valorem tax records of Fremont County or the records of the District. An owner may direct that bills be sent to the occupant(s) of the property receiving services by completing a written request for such alternate mailing on a form provided by the District; such request shall not relieve the owner of his primary responsibility for payment of all charges as provided herein. It is the responsibility of the owner to advise the District of all address changes.
- C. Monthly charges, costs and fees shall begin to accrue on the date services are received from the District, a Certificate of Occupancy is issued by any municipal authority, or 180 days after the issuance date of the connection permit, whichever is earlier, and continues until services are terminated by District action in conformity with these Regulations. Costs, fees, and penalties for reconnection to the facilities of the District are governed by Articles II and IV of these Regulations.
- D. After July 1, 1987, any building or other use which is found to be connected to the Sanitary Sewer Collection System of the District and which is not currently paying the monthly service fee applicable to the use or uses receiving sanitary sewer service shall be required to pay a System Development Fee for such use or uses in an amount equal to the fees set forth in Article II of these Rules and Regulations. If a System Development Fee was previously paid for a different use, only the difference between the previously paid fee and the current fee is required to be paid. No refunds or reimbursements will be provided by the District, if the previously paid fee is higher than the current fee.
 - 1. Additionally, any such user shall be required to comply with all other appropriate portions of the District's Rules and Regulations, in particular, Section 213, dealing with the inclusion of property into the District to receive service.

SECTION 302 - CLASSIFICATION OF USERS

(Amended per Res. 2007-09; 2015-13; 2017-08)

- A. The Board shall create classifications based on use, and those classifications shall be the basis for charges assessed under the authority of this Article III. Classifications based on use are distinct from classification of the constituent parts of sewage for purposes of determining compliance or non-compliance with the District's Industrial Pretreatment Program (See Article IV).
- B. The owner of any property receiving services or requesting services from the District shall provide the Manager with all information necessary to determine the proper use classification for the property.

- C. The Manager shall be responsible for determining the proper use classification of each property receiving services or requesting services from the District. In making this determination, the Manager shall utilize the criteria adopted by the Board in connection with Section 302(A) of these regulations. Appeals from a decision of the Manager under this paragraph shall be governed by Article VII of these Regulations.
- D. To determine the proper use classification of a property the Manager may consult the following sources:
1. The District's records.
 2. The records of any predecessor district.
 3. The records of any municipal authority with jurisdiction over the property.
 4. The telephone directory.
 5. The Chamber of Commerce.
 6. The records of the State of Colorado and the United States.
 7. The owner(s) and/or occupant(s) of any building or structure on the property.
 8. The District's approved Industrial Pretreatment Program. (See Article IV of these Regulations.)
 9. Any other source reasonably likely to generate relevant information concerning use of the property.
- E. To determine the proper use classification of a property the Manager may request that the owner(s) of the same consent to any testing, sampling or other activity necessary to make the determination required of the Manager. Refusal to consent to such a request shall be a basis for termination of services. The cost of any procedures requested under this paragraph shall be paid by the owner of the property receiving services or requesting services from the District, and shall be assessed as a charge or cost against the property receiving or requesting services. The requirements and procedures for assuring compliance with the District's Industrial Pretreatment procedures are set forth at Article IV of these Regulations and shall control the identification of Industrial Users for purposes of compliance with the District's Industrial Pretreatment Program.
- F. The use classification for property receiving services from the District may be changed by the Manager upon the occurrence of any of the following:
1. A determination that the existing use classification was in error.
 2. A change in the use of the property receiving services from the District as such use is defined by the criteria adopted by the Board in connection with Section 302(A) of these Regulations.
 3. A determination that the information on which the existing use classification was based was false or incorrect.
 4. A change in State or Federal laws or regulations applicable to the District which requires reclassification of the use.
 5. Amendment of the use classification standards adopted by the Board as set forth at Section 302(G) of these Regulations.

- G. In connection with any reclassification of use authorized by this paragraph the Manager shall have the powers set forth in Section 302(D) and (E) of these Regulations. Appeals from a decision of the Manager under this paragraph shall be governed by Article VII of these Regulations.
- H. In connection with Section 302(A) of these Regulations the Board has adopted the following use classifications:
1. Residential: This classification includes all dwellings and living units occupied for residential purposes whether the same are used as a primary or accessory use. The Residential classification is further divided into two subgroups:
 - a. Single-Family: Which means a detached dwelling or living unit, except a mobile home in a mobile home park, used by no more than one family as an independent living space. Single-family dwellings will be charged a flat rate equal to the minimum rate.
 - b. Multi-Family: Which means all other dwellings or living units, including mobile homes in a mobile home park, used by two or more families or individuals living independently of each other in an independent living space. This definition includes apartments, townhouses, condominiums, and any other residential use not specifically included in the single-family classification. Each living unit will be charged the minimum rate for each unit or space, in the case of trailer courts, whether or not continuously occupied.
 2. Contract Users: Which means a person receiving services from the District pursuant to a written contract with the District. The use classification of contract users shall be specified in the written contract with the District.
 3. Commercial Users:
 - a. Commercial Users: Includes any enterprise that is not included in any classification above, is not served by a contract, and does occupy a detached principal building served by a single water meter. Each building on a separate lot that is served by its own water meter shall be classed as a separate single-unit commercial user, even if all of the buildings are occupied by a single enterprise. Rates for single-unit commercial users will consist of a minimum charge for the first 5,000 gallons plus an additional charge for every 1,000 gallons used beyond the monthly minimum, as measured by monthly water meter readings.
 4. Commercial Users With Irrigation Allowance: Commercial users as defined above which have more than 1,000 square feet of irrigated landscaping, the water for which is metered through the same water meter as the water for uses with ultimate disposal in the sewerage system, may request that they be billed based on the water used during December, January and February.
 - a. If no billing history exists for a particular user then the manager will use his/her best judgement in calculating an irrigation allowance. The following April the manager will calculate an irrigation allowance based on the winter quarter water usage just established and shall credit or charge any difference between actual and estimated irrigation usage to the property.

- b. To qualify for this billing procedure, the wastewater produced by a commercial activity cannot be significantly dependent upon the number of units produced or of a seasonal nature. Specifically excluded from using this billing method are restaurants, motels, hotels, laundries and car washes.

5. Outside Users

Any person who is receiving services from the District but whose property is not within the boundaries of the District and for which service is not being provided in accordance with a written contract shall be deemed to be an outside user.

Outside Residential Users - shall be charged two times the residential user rate inside the District boundaries.

Outside Multi-Residential Users - shall be charged two times the residential user rate inside the District Boundary multiplied times the number of living units.

Outside Commercial Users - shall be charged two times the monthly minimum for commercial users inside the district plus an additional 50% of the standard excess usage fee per 1,000 gallons of water usage.

SECTION 303 - RATES

- A. Rates for services shall be determined annually by the Board and shall be in an amount sufficient to cover the anticipated costs and expenses of the District, except for debt service which may be covered by ad valorem tax receipts.
- B. The Board may set minimum rates for services according to use classification.
- C. The following factors to be considered in setting rates are set forth at Appendix D of these Regulations.
- D. The minimum rates and other rates set by the Board shall be set forth on a written schedule of rates which shall be kept and be available for public inspection at the District offices.

SECTION 304 - BILLING

(Amended per Res. 2012-28; 2015-18, 2021-02, 2022-22)

- A. A bill for services shall set forth the rates and charges for all services received by a property during the billing period represented by it. If two or more uses are conducted on a property receiving services, it is the responsibility of the owner to allocate liability for payment among the users.
- B. The Manager has the authority to determine the billing frequency and to establish administrative procedures for billing which will promote efficiency and reduce costs.
- C. A bill is due on the day it is mailed by the District. If a bill is not paid in full by the due date printed on the bill, the District shall assess a delinquency charge at the maximum rate allowed by the Colorado Revised Statute (C.R.S. §29-1-1101 and §29-1-1102) on the unpaid balance.
- D. At reasonable times, the District Manager may send notices to all past due accounts informing them of amounts owed. The fee for letters sent via certified mail shall be

\$25.00. In addition, at an appropriate date each year, the District Manager shall cause a final letter to be sent to all past due accounts meeting the requirements of C.R.S. § 32-1-1101(1)(e), which are currently:

1. A minimum past due balance of \$150.00, and
2. At least six months past due.

The fee for the final letter sent via certified mail shall be \$25.00. The letter will notify the property owner, as shown at the records of the County Assessor's Office, that it is the intent of the District to certify the account to the County Treasurer for collection, and it will also notify the owner that a penalty of \$30.00 will be added to recover the associated costs of certification.

SECTION 305 - INSTALLATION OF SANITARY SEWAGE FLOW METERS

- A. In those cases where it is practical, economical, and desirable to install sanitary sewage flow meters, then the Manager may require or shall permit the installation of sanitary sewage flow meters. The quantity of sewage measured by such meters shall be used to determine the sewage service charge, according to provisions of the ordinance or resolutions of the District.
 1. Installation by order of the Manager of the District. If the Manager of the District determines that it is both practical and economical and it is desirable to measure sewage by means of a sewage flow meter, the Manager may issue an order to a customer requiring the installation of such meter, or meters. The order shall contain the following information:
 - a. Name and address of the person being ordered to install the meter.
 - b. Location of the building that the installation would serve.
 - c. Minimum criteria to be followed in the design of the meter.
 - d. Minimum specifications to be followed in the design of the meter.
 - e. Time limit for the submission of plans and specifications to the Manager of the District for approval.
 - f. Time limit for the completion of the construction of the facility.
 - g. Statement of reasons for the installation requirement by the Manager.
 - h. Statement of penalty for non-compliance with the order.
 2. Installation at the Request of the Owner or Customer. If the owner, or customer, desires to install a sanitary sewage flow meter and have his sewage service charge calculated on the basis of the measurement by that meter, he shall apply to the Manager of the District for a permit for such installation after obtaining information from that Manager relative to minimum criteria for design and specification. The application shall contain the following information:

- a. Name and address of owner.
 - b. Location of building to be served.
 - c. Statement of reasons for the installation.
 - d. Plans and specifications of the proposed facility.
 - e. Schedule for construction.
3. Permits for the installation of a sewage flow meter shall contain the following:
 - a. Name and address of owner.
 - b. Location of the building to be served.
 - c. Conditions of the permit.
 4. Denial of a permit for the installation of a sewage flow meter shall contain the following:
 - a. Name and address of the owner.
 - b. Location of the building for which the permit was requested.
 - c. Reasons for the denial.

SECTION 306 - INSTALLATION OF WATER METERS

- A. In the event that a customer has a water supply separate from that of a public water supply, then the Manager may require that the user install a water meter in order to measure the quantity of water from that source, some part of which may be entering the sewerage system of the District. The Manager may issue an order to implement this requirement that contains the following information:
 1. Name and address of person being ordered to comply with the requirement of installing the meter.
 2. Location of the building that the installation would serve.
 3. Minimum specifications of the meter.
 4. Time limit for the submission of specifications for the Manager's approval.
 5. Time limit for the completion of the installation.
 6. Statement of reasons for the requirement by the Manager for the installation.
 7. Statement of penalty for non-compliance with the order.

SECTION 307 - OWNERSHIP AND MAINTENANCE

- A. Meters which are read for billing purposes by the District shall be owned by, and installed and maintained at the expense of, the owner of the premises served by such meter(s).
- B. Maintenance of any sewage meter is the responsibility of the owner of the premises.

SECTION 308 - LOCATION

- A. All meters must be so located as to allow free and non-hazardous access at reasonable times for reading, removal, inspection, verification and replacement, and so that, in the case of water meters, the entire supply of water to the premises will at all times be accurately measured. If, at any time, an existing meter location does not conform to the standards enumerated in this section, such installation shall be modified so that it does conform. A remote reading device must be installed when such device is reasonably necessary to eliminate reading estimates.

SECTION 309 - TERMINATION OF SERVICES, COSTS AND PENALTIES

(Amended per Res. 2000-08, 2022-22, 2022-37)

- A. The District may terminate services to any property for nonpayment of a bill.
- B. If a bill remains unpaid thirty (30) days after it is mailed the Manager shall notify the owner of the property, on a form approved by the Board, that services will be terminated if the bill, together with accrued interest, is not paid in full within 30 days.
- C. If the bill remains unpaid, or if arrangements for its payment have not been made within the period set forth in the notice sent pursuant to Section 309(B), the District

shall terminate services and the Manager may undertake any steps authorized by law to collect all bills, costs and penalties due to the District including without limitation certifying delinquent amounts to the County Treasurer for collection.
- D. When services are terminated under the authority of this Article III, no further services shall be provided to the property receiving the same until all bills, costs and penalties are paid and a permit for the property is obtained by the owner in compliance with Article II of these Regulations. The Manager may take any action necessary, including disconnection from the District, to terminate services until all bills, costs and penalties are paid and a permit obtained.
- E. If services are terminated under the authority of this Section 309, the Manager is authorized to assess the following costs:
 - 1. All costs incurred by the District in any court action instituted to collect the amount due.
 - 2. The actual cost of disconnecting the property from the services of the District.
 - 3. The actual cost of later reconnecting the property to the services of the District.

4. An amount equal to any amount expended by the District for equipment, testing, monitoring, sampling, employee compensation and payments to independent contractors (including attorney fees) to enforce any provision of or collect any sum authorized by Article III.
- F. The penalties and costs authorized by this section shall constitute a lien on the property served which shall continue until the same is paid in full.

SECTION 310 - GENERAL AUTHORITY OF THE MANAGER

- A. The Manager has the authority to correct errors in billing.
- B. The Manager has the authority to test sewage and water meters to determine their accuracy. If a test is requested by the owner of property receiving service from the District, he shall pay all costs and charges incurred in connection with the testing.
- C. The Manager has the authority to undertake any activity necessary to implement the classification, billing and strength index requirements of this Article III. Fees and costs incurred by the District in connection with this paragraph may be assessed against property receiving services from the District if the activity is undertaken at the request of the owner of the property or is necessary because of the refusal of the owner to comply with this Article III.

SECTION 311 - ESTABLISHMENT OF STRENGTH INDEXES

- A. The Manager is charged with the responsibility of establishing strength indexes of BOD and SS for the purpose of determining the surcharge to be made against Industrial Waste Class customers. In addition to the methods set forth in this section, the Manager may implement any tests or procedures authorized by the District's Industrial Pretreatment Program. (See Article IV of these Regulations.)
 1. Methods. One or more of the following methods will be used for a specific user, depending upon the configuration of the sewer facilities of that user, and upon the judgment of the Manager.
 - a. Sampling and Testing
 - b. Comparison
 - c. Best Judgment
 2. Procedures.
 - a. Sampling and Testing. This method involves the collecting of samples of the wastewater discharged by the customer and the conducting of laboratory tests of that sample to determine the BOD and SS contents, which are respective strength indexes.
 - b. Comparison. This method involves the comparison of the operation, business, product, etc., of a customer that cannot be sampled or has not been sampled with a similar customer that has had its strength index established by sampling. The strength indexes of the sampled and tested customer are then established for the customer that has not been sampled. The order of preference in obtaining comparable industries is as follows:

- (1) Similar industry in the District's 201 Planning Area.
- (2) Similar industry in Denver, Colorado Springs, or Pueblo area.
- (3) Similar industry in a major metropolitan area in the United States.
- (4) National average for the class of industries.

c. Best Judgment. In those cases where sampling and testing or comparison methods cannot be used, or where it is impractical for either of these methods to be used, the Manager may use his/her best judgment in the establishment of strength indexes.

3. Criteria.

a. Sampling and Testing. This method is limited to those customers that have inspection chambers or control manholes on the building sewer connection that can be used by the Manager for sampling the wastewater discharged from the building under consideration. The Manager may determine that it is not economically feasible to sample and test, even if the building sewage facilities lend themselves to this method.

b. Comparison. This method is dependent upon test data available from another customer that, due to its operation, business, product, etc., it would be proper to assume the two customers would have similar wastewater.

c. Best Judgment. This method is dependent upon knowledge of the characteristics of a wastewater discharged from a specific type of operation, business, process, etc.

SECTION 312 - INSTALLATION OF INSPECTION CHAMBERS OR CONTROL MANHOLES

A. In order that the Manager may establish strength indexes by sampling and testing in order to monitor sewage for deleterious wastes, he/she may find it necessary to require some customers to install inspection chambers or control manholes. The following Rules and Regulations are established relative to this requirement.

1. So far as requiring an inspection chamber or control manhole for the purpose of determining strength indexes by sampling and testing, the Manager shall first be satisfied that the strength indexes cannot adequately be established by either the comparison method or the best judgment method.
2. So far as requiring an inspection chamber or control manhole for the purpose of monitoring sewage for deleterious wastes, the Manager shall first be satisfied that such monitoring cannot be accomplished by inspection and observation of the operations or processes that produce the sewage that he suspects contains deleterious wastes.
3. After the Manager has determined the need for an inspection chamber or control manhole, he shall issue an order to the customer affected to have the facility installed at that customer's expense. The order shall contain the following information:

- a. Name and address of person ordered to comply with the requirement of installing the facility.
 - b. Location of building that the installation would serve.
 - c. Minimum criteria to be followed in the design of the facility.
 - d. Minimum specifications to be followed in the construction of the facility.
 - e. Time limit for the submission of plans to the Manager for review and approval.
 - f. Time limit for the completion of the installation.
 - g. Statement of reasons for the requirement by the Manager of the installation.
 - h. Statement of penalty for non-compliance with the order.
4. In establishing time limits for the design and construction of inspection chambers or control manholes, the Manager shall weigh the potential hazard to life, limb, and property so far as monitoring deleterious wastes, and shall weigh the economical aspects relative to inability to establish strength indexes without testing.

SECTION 313 - SAMPLING, MEASURING, OBSERVATIONS AND TESTING

- A. Sampling of customer's wastewater flow by the Manager is necessary to determine strength indexes or to determine if deleterious wastes are being discharged into the District's sewage system. The following Rules and Regulations shall apply relative to this duty of the Manager.
- 1. Duly authorized agents or employees of the District, having proper credentials and identification, shall be permitted to enter all permit premises for the purpose of sampling and testing wastewater discharge.
 - 2. While performing the necessary work on private property relative to sampling, measuring, observing and testing, all duly authorized agents or employees of the District shall observe all safety rules applicable to the premises established by the owner or tenant.
 - 3. Sampling shall be carried out by accepted and approved laboratory methods to reflect the effect of the constituents upon the sewage system and to determine the existence of hazards to life, limb and property, or to determine the strength indexes.
 - 4. The particular analyses involved will determine whether a twenty-four hour composite of all building sewers of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and SS analyses are obtained from twenty-four hour composites of all building sewers.
 - 5. All measurement, testing and sampling of wastewater shall be determined in accordance with E.P.A. approved methods. In this regard, the Manager may use any method of testing or sampling authorized by the District's Industrial Pretreatment Program. *(See Article IV of these Regulations.)*

6. Upon request, the Manager will submit a copy of the results of the testing and analyses of samples to the customer from which the sample was obtained.
7. If a customer considers that the results obtained from the sampling of his wastewater are not representative, he may request that the procedure of sampling and testing be repeated. The Manager may honor such a request, provided:
 - a. The customer submits valid reasons as to why he feels that the previous results are in error.
 - b. The customer agrees to bear all costs of the additional sampling, testing and analyses.
 - c. The employees and equipment required to perform the additional work can be conveniently scheduled.
8. If the Manager elects to establish the strength index by the comparison method, the customer may elect to arrange for his own sampling and testing, at his expense, by a recognized laboratory acceptable to the District. Upon certification of the strength index by that laboratory, and execution of a signed agreement by the customer to pay for semi-annual retesting by that laboratory at times to be specified by the Manager, that strength index shall be substituted for the one determined by the comparison method, and replaced by each new determination as it becomes available. The right of the customer under this paragraph is subject to the requirements of the District's Industrial pretreatment program. (*See Article IV of these Regulations.*)

SECTION 314 - SUBMISSION OF PRODUCTION UNIT DATA

- A. In order that the Manager may evaluate test results of wastewater obtained by sampling and to enable him to develop a data base for the establishment of strength indexes by the comparison method, the Manager may require that a customer submit a tabulation of the number of production units produced during sampling and billing periods, or he may require this tabulation during any other period or periods that he deems desirable and important. The following Rules and Regulations will apply relative to this requirement.
 1. The information obtained shall be confidential and shall not be released as information to any person or persons without written release from the manufacturer or processor. The confidentiality requirements of this paragraph shall be as set forth at Article IV of these Regulations.
 2. The Manager will specify the format for tabulating the required data.
 3. The Manager will notify the manufacturer, or processor, when the tabulation is to commence and when it is to cease.
 4. The manufacturer or processor will report to the Manager any deviations from normal production operations that occur during specified periods of tabulation.

SECTION 315 - NOTICE AND APPEALS*(Amended per Res. 2007-09)*

- A. Notice of any action authorized by Article III of these Regulations shall be in accordance with this section. Notice of any legal or court action authorized by Article III of these regulations shall be in accordance with applicable statutes and court rules.
- B. Format: The format of any notice shall comply, as applicable, with the forms set forth at Appendix A of these Regulations.
- C. Delivery of Notice: Any notice required under this Article III shall be delivered to the owner(s) and occupant(s) of property subject to the notice by mailing the same, by first class mail, postage prepaid, to their address as shown by the ad valorem tax records for Fremont County, Colorado and the records of the District.
- D. The Manager shall retain a signed copy of all notices sent by him as part of the permanent records of the District.
- E. Notice is complete when it is mailed in compliance with this section.
- F. Any action by the Manager shall become final fifteen (15) calendar days after the date notice is delivered except:
 - 1. The Manager may shorten the period in which any action is effective if for reasons of health or safety such action must become effective earlier. If the Manager exercises his option under this paragraph, he shall state his reasons in the notice.
 - 2. If the action proposed by the Manager includes termination of services or disconnection, the person receiving the notice shall have the right to have a telephone conference or face-to-face meeting at the District office with the Manager or his designated agent to present any information he may have which disputes the allegations in the notice. The conference or meeting can occur any working day up to but not including the date the action is to become final. As a result of the meeting, the Manager may affirm his action, withdraw the action or extend the date on which his action shall become final. The decision of the Manager after a meeting or conference shall be mailed to the person requesting the meeting or conference by first class mail, postage prepaid. The form to be used by the Manager is included in Appendix A of these Regulations.
- G. If an action has become final and the Manager intends to disconnect services, he shall provide notice of his decision to the following at least ten (10) working days before disconnecting the services:
 - 1. The health officer for the municipal authority with jurisdiction over the property;
 - 2. The Department of Health for the State of Colorado, and;
 - 3. Environmental Protection Agency at its regional office in Denver, Colorado, if applicable.
- H. Appeals of any final action by the Manager authorized by this Article III shall be in conformance with Article VII of these Regulations.

Fremont Sanitation District

PRETREATMENT REGULATION

Draft: February 20, 2007
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ARTICLE IV**PRETREATMENT REGULATIONS****SECTION 401 - GENERAL PROVISIONS****401.1 Purpose and Policy**

This Article IV sets forth uniform requirements for Industrial Users of the Publicly Owned Treatment Works for the Fremont Sanitation District and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this regulation are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This regulation shall apply to all Industrial Users (IUs) of the Publicly Owned Treatment Works. The regulation authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Industrial User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

401.2 Administration

Except as otherwise provided herein, the District Manager shall administer, implement, and enforce the provisions of this regulation. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other District personnel.

401.3 Abbreviations

The following abbreviations, when used in this regulation, shall have the designated meanings:

BOD - Biochemical Oxygen Demand

BMP - Best Management Practice
 CFR - Code of Federal Regulations
 CIU - Categorical Industrial User
 EPA - U.S. Environmental Protection Agency
 FOG – fats oil and grease, from animal or vegetable sources
 gpd - gallons per day
 IU – Industrial User
 mg/l - milligrams per liter
 NPDES - National Pollutant Discharge Elimination System
 POTW - Publicly Owned Treatment Works
 RCRA - Resource Conservation and Recovery Act
 SIU - Significant Industrial User
 TSS - Total Suspended Solids
 U.S.C. -United States Code

401.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- B. Approval Authority. The Regional Administrator of the Environmental Protection Agency in Region 8 or the Director of the Colorado Department of Public Health and Environment (CDPHE) at such time as EPA authorizes the State pretreatment program.
- C. Authorized or Duly Authorized Representative of the Industrial User.
 1. If the IU is a corporation:
 - a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. If the IU is a partnership or sole proprietorship: a general partner or proprietor respectively.
 3. If the IU is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 4. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the entity, and the written authorization is submitted to the District.

- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter using standard laboratory procedures for five (5) days at 20 degrees centigrade, expressed as a concentration (e.g., mg/l).
- E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 402.1 A and B [40CFR 403.5(a)(1) and (b)]. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- H. Control Authority. The Fremont Sanitation District or the District.
- I. Daily Maximum Limit or Daily Maximum. The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- J. District. The Fremont Sanitation District.
- K. Enforcement Response Plan. A document that details specific actions the District will take in response to violations of pretreatment regulations.
- L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- M. Existing Source. Any source of discharge that is not a "New Source".
- N. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- O. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.
- P. Industrial User or IU. A source of Indirect Discharge.
- Q. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- R. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Districts NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the

following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- S. **Local Limit.** Effluent limitation developed for Industrial Users by the Manager to specifically protect the “Publicly Owned Treatment Plant” (POTW) from “Interference” and “Pass-through” based on site-specific design and disposal limits and conditions of the POTW. Local limits are developed to assure that IU discharges to POTWs do not cause the POTW to violate its permit limits, upset the POTW’s biological, chemical or physical treatment processes, prevent the disposal of biosolids (sludge), impact worker health and safety or harm the collection system infrastructure. Local Limits shall be deemed Pretreatment Standards pursuant to 40 CFR 403.5(d).
- T. **Manager or District Manager.** The person designated by the District’s Board of Directors to administer and supervise the affairs, operations and maintenance of the facilities of the District, and who is charged with certain duties and responsibilities by this regulation. The term also means a duly authorized representative of the Manager.
- U. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- V. **Monthly Average Limit or Monthly Average.** The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period.
- W. **New Source.**
 - 1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- X. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- Y. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.
- Z. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- AA. pH. The base 10 logarithm of the reciprocal of the hydrogen ion concentration in moles per liter of solution.
- BB. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- CC. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- DD. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a Pretreatment Standard.
- EE. Pretreatment Standard or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to § 403.5, including prohibited discharge standards, Categorical Pretreatment Standards, and local limits.
- FF. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 402.1 of this regulation.

- GG. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- HH. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- II. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- JJ. Significant Industrial User (SIU). Except as provided in paragraphs (3) and (4) of this section, a Significant Industrial User is:
1. A user subject to Categorical Pretreatment Standards; or
 2. A User that:
 - a. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
 3. The District may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. the Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
 - b. the Industrial User annually submits the certification statement required in Section 406.14 B (see 40CR 403.12(q)), together with any additional information necessary to support the certification statement; and
 - c. the Industrial User never discharges any untreated concentrated wastewater.
 4. Upon a finding that an Industrial User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such IU should not be considered a Significant Industrial User.
- KK. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 402.1 of this regulation. A slug

discharge is any discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

- LL. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- MM. Suspended Solids. The total suspended matter, as measured in milligrams per liter, that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering using standard methods.
- NN. User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.
- OO. Wastewater. Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- PP. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 402 - GENERAL SEWER USE REQUIREMENTS

402.1 Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass-Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than five (5.0) standard units, or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one half inch (1/2") in any dimension;
 4. Pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 5. Wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass-Through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 403.5 of this regulation;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Manager;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity testing;
15. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW;
16. Fats, oils, or greases of animal or vegetable origin in concentrations greater than two hundred fifty (250) mg/l.
17. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

402.2 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated herein and made a part of these regulations by this reference.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Manager may impose equivalent concentration or mass limits in accordance with Section 402.2E and 402.2F (See 40 CFR 403.6(c)).
- B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. (See 40 CFR 403.6(c)(2))

- C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Manager. The District may establish equivalent mass limits only if the Industrial User meets all of the conditions set forth in Sections 402.2E(1)(a) through 402.2E(1)(e) below.

1. To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 402.2E(1)(c) of this section. Upon notification of a revised production rate, the Manager must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 402.2E(1)(a) of this section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the Manager:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 402.6. The Industrial User must also be in compliance with Section 413.3 regarding the prohibition of bypass.
- F. The Manager may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Manager. When converting such limits to concentration limits, the Manager must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 402.6 of this ordinance. (See 40 CFR 403.6(d)).
- G. The Manager must document how the equivalent limits were derived for any changes from concentration to mass limits or vice versa and make this information publicly available. (See 40 CFR 403.6(c)(7))
- H. Once incorporated into its permit, the Industrial User must comply with the equivalent limitations developed in this Section (402.2) in lieu of the promulgated categorical standards from which the equivalent limitations were derived. (see 40 CFR 403.6(c)(7))
- I. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. (see 40 CFR 403.6(c)(8))
- J. Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Manager within two (2) business days after the IU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any IU not notifying the Manager of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate. (see 40 CFR 403.6(c)(9))

402.3 State Pretreatment Standards

Colorado State Pretreatment Standards located at 5CCR 1002-63, Regulation Number 63, are hereby incorporated herein and made a part of these regulations by this reference.

402.4 Local Limits

- A. The Manager is authorized to establish local limits pursuant to 40 CFR 403.5(c).

- B. The following pollutant limits are established to protect against Pass-Through and Interference. No Significant Industrial User shall discharge wastewater containing in excess of the following daily maximum limits.

226	mg/l total ammonia
0.076	mg/l arsenic
918	mg/l BOD5
0.055	mg/l cadmium
1.279	mg/l chromium
0.738	mg/l hexavalent chromium
3.032	mg/l copper
0.079	mg/l lead
0.0076	mg/l mercury
0.610	mg/l molybdenum
0.490	mg/l nickel
0.055	mg/l selenium
0.079	mg/l silver
1212	mg/l total suspended solids
0.880	mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations are for total metals unless indicated otherwise. The Manager may impose mass limitations in addition to the concentration based limitations above.

- C. Mass Limitations for Commercial Users. The Manager may impose daily maximum mass limitations on commercial users. The total daily maximum mass of pollutants allocated to all such IUs shall not exceed the level specified below. Non-permitted IUs may be required to monitor and report daily flows. Allocations may be revoked by the Manager and shall not be considered property rights.

10188	lbs total ammonia
3.4064	lbs arsenic
41229	lbs BOD5
2.4838	lbs cadmium
129.2113	lbs chromium
74.5980	lbs hexavalent chromium
51.0642	lbs copper
0.8878	lbs lead
0.0858	lbs mercury
61.6181	lbs molybdenum
48.4559	lbs nickel
0.6127	lbs selenium
1.3282	lbs silver
54440	lbs total suspended solids
9.8703	lbs zinc

- D. The Manager may develop Best Management Practices (BMPs), by regulation or in wastewater discharge permits, to implement local limits and the requirements of Section 402.1.

402.5 District's Right of Revision

The District reserves the right to establish, by regulation or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this regulation

402.6 Dilution

No IU shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Manager may impose mass limitations on IUs who are using dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 403 PRETREATMENT OF WASTEWATER

403.1 Pretreatment Facilities

Industrial Users shall provide wastewater treatment as necessary to comply with these regulations and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 402.1 of these regulations within the time limitations specified by EPA, the State, or the Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this ordinance.

403.2 Fats, Oil and Grease Management

- A. Applicability. This section shall apply to all commercial food service establishments and any other discharger that has the potential to release significant quantities of fats, oil and grease (FOG).
1. New food service establishments. All new and relocated food service establishments shall be required to install an adequate grease interceptor prior to commencing discharge to the District.
 2. Existing food service establishments.
 - a. Unless otherwise exempted under subsection A.2.b, all food service establishments in existence prior to the enactment of this regulation shall install a grease interceptor within 90 days after notice that such a device is required. A grease interceptor shall be required if:
 - i. The food service establishment does not have an adequate grease interceptor and has applied best management practices but is still discharging wastewater containing FOG in quantities sufficient to cause sanitary sewer line restriction or necessitate increased District maintenance.
 - ii. The food service establishment changes in nature or is renovated in such a manner as to increase the likelihood of discharging FOG in quantities sufficient to cause sanitary sewer line restriction or necessitate increased District maintenance.

- b. Existing food service establishments that are unable to comply with this section due to site or plumbing constraints which make compliance exceptionally difficult or financially impracticable shall apply in writing to the Manager for an exemption, which may be granted by the Manager at his discretion. All such requests shall detail the potential difficulties and associated costs involved as well as any proposed alternate actions such as adoption of best management practices to reduce the discharge of FOG. A fee may be assessed to compensate the District for the additional expense of handling and processing such untreated wastewater. An exemption is non-transferable to any future owner or other location, and may be reevaluated in association with any remodel or process change.

B. Grease Interceptor Requirements

Interceptor sizing shall be determined by the District, but in no case will be less than 500 gallons. Plans are to be submitted to the District for approval prior to installation. The plans must indicate the size of the unit, its relative site location, the waste streams being routed to the unit, and the inlet/outlet pipe routing. All FOG-bearing wastewaters must be routed through the unit. No domestic wastewater may be routed through the unit. The unit must be installed in accordance with the manufacturer's instructions, District requirements, and all applicable guidelines. Where requirements vary, the most stringent requirement will apply. The District will perform a site inspection of all grease interceptor installations prior to their covering. Grease interceptors shall be baffled with access to both compartments, shall be vented and shall be located to provide easy access for cleaning and inspection.

C. Maintenance and Recordkeeping

1. Grease interceptors shall be maintained in proper working order at all times. Food service establishments shall be responsible to inspect and repair or replace the unit as necessary to ensure proper functioning.
2. Grease interceptors shall be cleaned at intervals so as to prevent the unit from exceeding 25% of its capacity with the combination of settled solids and captured FOG. A minimum cleaning frequency of six months is required unless extended by District inspection. Cleaning frequency may not be extended beyond one year.
3. With each cleaning the food service establishment is responsible to inspect the unit and document that:
 - a. The contents of the unit have been fully removed and that nothing remained in the unit after cleaning, and
 - b. The body and interior components of the unit are in proper working order.

District staff will be available, with a 24-hour notice, to assist in the evaluation and documentation of cleaned grease interceptors and may require the food service establishment to provide such notice.

4. Food service establishments shall keep records documenting all maintenance and cleaning activities. Such records will include the date and time of service, name of service provider, description of the service rendered, and the date, time and results of all inspections performed. Records must be kept for a period of three (3) years.

D. Prohibited Actions

1. Discharging wastewater to a grease interceptor in excess 140 degrees Fahrenheit (60 degrees Centigrade).

2. Altering or tampering with a grease interceptor so that it does not function as designed.
3. Discharging or permitting another to discharge any liquid or solid material back into a grease interceptor in association with maintenance or cleaning operations.
4. Use of hot water, chemicals, enzymes, bacteria or other products to emulsify or mobilize FOG in the interceptor so that it leaves through the discharge line. Such actions may be taken to clear internal drain lines provided that any products are used according to their labels and they do not interfere with the operation of the grease interceptor. Use of such products shall be documented and labels or other instructions kept on file.

E. Best Management Practices

Best management practices are designed to reduce the amount of FOG released through kitchen activities. These include:

1. Implement an employee training program designed to educate workers on the problems associated with FOG and the methods available for its control.
2. Scrape waste food into garbage can/minimize garbage disposal use.
3. Pour all liquid grease and oil from pots and pans into a waste grease bucket stored at the pot washing sink. Empty congealed contents to a garbage can.
4. Use “dry” clean up methods, including scraping or soaking up FOG from plates and cookware before washing.
5. Install and maintain mesh screens over all sink and floor drains.
6. Prewash plates by spraying them off with cold water over an in-sink catch basin that can be emptied to a garbage can.
7. Use an outside waste oil and grease disposal/recycling bin.
8. Maintain any existing grease traps.

Use of best management practices shall be required for all food service establishments that do not have an adequately sized grease interceptor. The District will perform periodic inspections to verify their use. Failure to implement required best management practices is a violation of this regulation that can result in fines or other penalties. If the use of best management practices alone is not enough to prevent the discharge of FOG in quantities sufficient to cause sanitary sewer line restriction or increased District maintenance, then installation of an approved grease interceptor will be required.

403.3 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Manager may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the IU's compliance with the requirements of this regulation.
- B. The Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

- C. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter at their own expense. The records generated by this meter shall be retained for three (3) years and shall be made available to the Manager upon request.
- D. Industrial Users performing pH adjustment of wastewaters may be required to install and maintain an approved continuously recording pH meter at their own expense. The records generated by this meter shall be retained for three (3) years and shall be made available to the Manager upon request.
- E. Oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of petroleum oils and/or sand; except that such interceptors shall not be required for residential users. Interceptors will be required for all new construction and relocation of service stations, auto repair shops, car washes and other facilities with the potential to discharge excessive amounts of oil and sand. All interceptors shall be of a type and capacity approved by the Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired per the Manager's requirements, by the IU at their expense, with records being kept for a period of at least (3) years.

403.4 Accidental Discharge/Slug Discharge Control Plans

The Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Manager may require any IU to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Manager may develop such a plan for any IU. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Manager of any accidental or slug discharge, as required by Section 406.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

403.5 Hauled Wastewater

- A. Septic tank and chemical toilet wastes may be introduced into the POTW only at locations designated by the Manager, and at such times as are established by the Manager. Such wastes shall not violate Section 402 of this regulation or any other requirements established by the District. The Manager may require septic tank and chemical toilet waste haulers to obtain wastewater discharge permits and may set record keeping requirements.
- B. The Manager shall require haulers of non-domestic waste to obtain wastewater discharge permits. The Manager may require generators of hauled non-domestic waste to obtain wastewater discharge permits. The Manager also may prohibit the acceptance of hauled non-domestic waste. The discharge of hauled non-domestic waste is subject to all other requirements of this regulation.

- C. Non-domestic waste haulers may discharge loads only at locations designated by the Manager. No load may be discharged without prior consent of The Manager. The Manager may collect samples of each hauled load to ensure compliance with applicable standards. The Manager may require the waste hauler to provide a waste analysis of any load prior to discharge.
- D. Non-domestic waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of business or activity, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 404 WASTEWATER DISCHARGE PERMITS

404.1 Wastewater Analysis

When requested by the Manager, an Industrial User must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Manager is authorized to prepare a form for this purpose and may periodically require IUs to update this information.

404.2 Wastewater Discharge Permit Requirement

- A. No Significant Industrial User or Non-Significant Categorical Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Manager, except that an IU that has filed a timely application pursuant to Section 404.3 of this regulation may continue to discharge for the time period specified therein.
- B. The Manager may require other IUs to obtain wastewater discharge permits as necessary to carry out the purposes of this regulation.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 410 through 412 of these regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

404.3 Wastewater Discharge Permitting: Existing Connections

Any IU required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this regulation and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Manager for a wastewater discharge permit in accordance with Section 404.5 of these regulations, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of these regulations except in accordance with a wastewater discharge permit issued by the Manager.

404.4 Wastewater Discharge Permitting: New Connections

Any Industrial User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 404.5 of these regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

404.5 Wastewater Discharge Permit Application Contents

- A. All IUs required to obtain a wastewater discharge permit must submit a permit application. IUs that are eligible may request a general permit under Section 404.6. The Manager may require IUs to submit some or all of the following information as part of a permit application.
1. Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - a. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the IU. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes and any unregulated flows.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees/workers, hours of operation, and proposed or actual hours of operation;
 - d. Each product produced by type, amount, processes, and rate of production;
 - e. Type and amount of raw materials processed (average and maximum per day);
 - f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 4. Time and duration of discharges.
 5. The location(s) for monitoring all wastes covered by the permit.
 6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula per Section 402.2C (40 CFR 403.6(e)).
 7. Measurement of Pollutants.
 - a. The Categorical Pretreatment Standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Manager, of regulated pollutants in the discharge from each regulated process.

- c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 406.10 of this regulation. Where the standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the Manager or the applicable standards to determine compliance with the standard.
- e. Sampling must be performed in accordance with procedures set out in Section 406.11 of this regulation.
- 8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).
- 9. Any request to be covered by a general permit based on Section 404.6.
- 10. Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision.

404.6 Wastewater Discharge Permitting: General Permits (See 40CFR403.8(f)(1)(iii)(A))

- A. At the discretion of the Manager, the Manager may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - 1. Involve the same or substantially similar types of operations;
 - 2. Discharge the same types of wastes;
 - 3. Require the same effluent limitations;
 - 4. Require the same or similar monitoring; and
 - 5. In the opinion of the Manager, are more appropriately controlled under a general permit than under individual control mechanisms.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location(s) for monitoring all wastes covered by the general permit, any requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Manager has provided written notice to the SIU that such a waiver request has been granted.
- C. The Manager must retain a copy of the general permit documentation to support the POTW's determination that a specific SIU meets the criteria in Section 404.6A(1) to (5) (40 CFR 403.8(f)(1)(iii)(A)(1) through (5)) and applicable State regulations, and a copy of the SIU's written request for coverage for 3 years after the expiration of the general control mechanism.

- D. The Manager may not control an SIU through a general permit where the facility is subject to production based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula (Section 402.2C (40CFR403.6(e)) or net/gross calculations (Section 402.2 D (40 CFR 403.15)).

404.7 Application Signatories and Certifications

- A. All wastewater discharge permit applications and IU reports must be signed by an authorized representative of the IU as defined in Section 401.4.C and contain the certification statement in Section 406.14 A.
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the Manager prior to or together with any reports to be signed by an authorized representative.
- C. A facility determined to be a Non Significant Categorical Industrial User by the Manager pursuant to 401.4 JJ(3) (see 40CFR403.3(v)(2)) must annually submit the signed certification statement in Section 406.14 B.

SECTION 405 WASTEWATER DISCHARGE PERMIT ISSUANCE

405.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

405.2 Wastewater Discharge Permit Contents

Wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits (both individual and general permits) must contain:
 1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 405.4 of this regulation, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 4. Self-monitoring, representative sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with 40CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual permit.
 6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 7. Requirements to control slug discharge, if determined by the Manager to be necessary.
 8. Requirements for additional reporting as specified in Section 406.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
 7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
 8. Other conditions as deemed appropriate by the Manager to ensure compliance with these regulations, and State and Federal laws, rules, and regulations.

405.3 Wastewater Discharge Permit Modification

The Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
- B. To address significant alterations or additions to the IU's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- D. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 405.4.

405.4 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the Manager approves the wastewater discharge permit transfer. The notice to the Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

405.5 Wastewater Discharge Permit Revocation

The Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Manager of significant changes of 20% or more to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Manager of changed conditions pursuant to Section 406.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;

- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this regulation.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular IU are void upon the issuance of a new wastewater discharge permit to that IU.

405.6 Wastewater Discharge Permit Reissuance

An IU with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 404.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the IU's existing wastewater discharge permit.

SECTION 406 REPORTING REQUIREMENTS

406.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the Manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Manager a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Categorical Users described above shall submit the information set forth below.
 - 1. All information required in Section 404.5A(1)(a), Section 404.5A(2) and Section 404.5A(3)(a). [40 CFR 403.12(b)(1)-(7)]
 - 2. Measurement of pollutants.
 - a. The IU shall provide the information required in Section 404.5A(7)(a) thru (d).
 - b. The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the IU should measure the flows and concentrations necessary to allow use of the combined waste stream formula of § 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with Section 406.11 and 406.10.

- e. The Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. Compliance Certification. A statement, reviewed by the IU's authorized representative as defined in Section 401.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 406.2 of this regulation.
 5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 406.14 A of this regulation and signed by an authorized representative as defined by Section 401.4C.

406.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 406.1(B)(4) of this regulation:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The IU shall submit a progress report to the Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the IU to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

406.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any IU subject to such Pretreatment Standards and requirements shall submit to the Manager a report containing the information described in Section 404.5A(6) and (7) and 406.1(B)(2) of this regulation. For IUs subject to equivalent mass or concentration limits established in accordance

with the procedures in Section 402.2 (see 40CFR 403.6(c)), this report shall contain a reasonable measure of the IU's long term production rate. For all other IUs subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the IU's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 406.14 A of this regulation. All sampling will be done in conformance with Section 406.11.

406.4 Periodic Compliance Reports

- A. All Significant Industrial Users must, at a frequency determined by the Manager, submit no less than twice per year (January-June by July 31 and July-December by January 31) reports indicating the nature, concentration, and flow of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the IU must submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the IU.
- B. All periodic compliance reports must be signed and certified in accordance with Section 406.14 A of this regulation.
- C. All wastewater samples must be representative of the IU's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an IU to keep its monitoring facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of its discharge.
- D. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at a regulated sampling location more frequently than required by the Manager, using the procedures prescribed in Section 406.11 of this regulation, the results of this monitoring shall be included in the report. (See 40CFR403.12(g)(6))

406.5 Reports of Changed Conditions

Each Industrial User must notify the Manager of any significant changes (20% or more) to the IU's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Manager may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 404.5 of this ordinance.
- B. The Manager may issue a wastewater discharge permit under Section 405.6 of this regulation or modify an existing wastewater discharge permit under Section 405.3 of this regulation in response to changed conditions or anticipated changed conditions.

406.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that may cause potential problems for the POTW, the IU shall immediately telephone and notify the Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the IU.

- B. Within five (5) days following such discharge, the IU shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to these regulations.
- C. A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Manager immediately of any changes at its facility affecting the potential for a slug discharge.

406.7 Reports from Unpermitted Industrial Users

All Industrial Users not required to obtain a wastewater discharge permit or general permit shall provide appropriate reports to the Manager as the Manager may require.

406.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a IU indicates a violation, the IU must notify the Manager within twenty four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the IU's facility at least once a month, or if the District performs sampling at the IU between the time when the initial sampling was conducted and the time when the IU or the District receives the results of this sampling. (See 40CFR 403.12(g)(2))

406.9 Notification of the Discharge of Hazardous Waste

- A. Any IU who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the IU discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the IU: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 406.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by IUs subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 406.1, 406.3, and 406.4 of this regulation.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU must notify the Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this regulation, a permit issued thereunder, or any applicable Federal or State law.

406.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures approved by the Manager.

406.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The Manager shall specify the frequency of monitoring necessary to assess and assure compliance by the IU with applicable Pretreatment Standards and Requirements.

- A. Except as indicated in Section B and C below, the IU must collect wastewater samples using 24 hour flow proportional composite sampling techniques to determine compliance with daily maximum limits specified in the permit, unless time proportional composite sampling or grab sampling is authorized by the Manager. Where time proportional composite sampling or grab sampling is authorized by the Manager, the samples must be representative of the discharge. Using protocols specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits. (See 40CFR 403.12(g)(3))
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- C. For sampling required in support of baseline monitoring and 90 day compliance reports required in Section 406.1 and 406.3 (40CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Manager may authorize a lower minimum. For the reports required by paragraphs Section 406.4 (40CFR 403.12(e) and 40CFR 403.12(h)), the Manager shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. (See 40 CFR 403.12(g)(4))

406.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

406.13 Record Keeping

Industrial Users subject to the reporting requirements of this regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the IU independent of such requirements, and documentation associated with Best Management Practices established under Section 401.4 E. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the IU and the District, or where the IU has been specifically notified of a longer retention period by the Manager.

406.14 Certification Statements

- A. Certification of Permit Applications, Industrial User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 404.7; IUs submitting baseline monitoring reports under Section 406.1 B (5) (See 40 CFR 403.12 (I)); IUs submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 406.3 (See 40 CFR 403.12(d)); IUs submitting periodic compliance reports required by Section 406.4 A – B (See 40 CFR 403.12(e)), and IUs submitting an initial request to forego sampling of a pollutant based on 40 CFR 403.12(e)(2)(iii). The following certification statement must be signed by an authorized representative as defined by Section 401.4 C:

I 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 who manage the system, or those persons directly 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 and imprisonment for knowing violations.

- B. Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non Significant Categorical Industrial User by the Manager pursuant to 401.4 JJ(3) and 404.7 C (See 40CFR403.3(v)(2)) must annually submit the following certification statement signed in

accordance with the signatory requirements in 401.4 C (See 40CFR 403.120(l)). This certification must accompany an alternative report required by the Manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ (months, days, year):

- (a) The facility described as _____
(facility name) met the definition of a Non Significant Categorical Industrial User as described in 401.4 JJ (3) (40 CFR 403.3(v)(2));
- (b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information.

SECTION 407 COMPLIANCE MONITORING

407.1 Right of Entry: Inspection and Sampling

The Manager shall have the right to enter the premises of any Industrial User to determine whether the IU is complying with all requirements of these regulations and any wastewater discharge permit or order issued hereunder. IUs shall allow the Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where an IU has security measures in force which require proper identification and clearance before entry into its premises, the IU shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Manager will be permitted to enter without delay for the purposes of performing specific responsibilities. The District may sample and inspect without notice and at monitoring locations other than that specified in the permit to determine compliance independent of information supplied by the IU. This sampling may be performed at locations on the IU's property and outside of any security measures.
- B. The Manager shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.
- C. The Manager may require the IU to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per the manufacturer's specifications to ensure their accuracy. The Manager may opt to assume control and responsibility for the operation and/or maintenance of any or all sampling or monitoring equipment.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be born by the IU.

- E. Unreasonable delays in allowing the Manager access to the IU's premises shall be a violation of this regulation.

407.2 Search Warrants

If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with these regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of a search warrant from the Fremont County District Court.

SECTION 408 CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Manager's inspection and sampling activities, shall be available to the public without restriction, unless the IU specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the IU furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 409 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District, a list of the Industrial Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term significant noncompliance shall be applicable to all Significant Industrial Users and any other IU that violates paragraphs (C), (D) or (H) of this section and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six (6) month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 402 (40 CFR 403.3(l));
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Section 402 (40 CFR 403.3(l)) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 402 (40 CFR 403.3(l)), (daily maximum, long term average, instantaneous limit, or narrative standard), that the Manager determines has caused, alone or in combination with other discharges, Interference or Pass-Through, including endangering the health of POTW personnel or the general public;

- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Manager's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 410 – ENFORCEMENT RESPONSE PLAN (ERP)

410.1 Notification of Violation

When the Manager finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that IU a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the IU to the Manager. Submission of this plan in no way relieves the IU of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

410.2 Consent Orders

The Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any IU responsible for noncompliance. Such documents will include specific action to be taken by the IU to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 410.4 and 410.5 of this regulation and shall be judicially enforceable.

410.3 Show Cause Hearing

The Manager may order an IU which has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the IU show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the IU as defined in Section 401.4 C and required by Section 404.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the IU.

410.4 Compliance Orders

When the Manager finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Manager may issue an order to the IU responsible for the discharge directing that the IU come into compliance within a specified time. If the IU does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the IU of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

410.5 Cease and Desist Orders

When the Manager finds that an IU has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the IU's past violations are likely to recur, the Manager may issue an order to the IU directing it to cease and desist all such violations and directing the IU to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

410.6 Administrative Fines

- A. When the Manager finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may fine such IU in an amount not to exceed one thousand dollars per day (\$1000.00/day). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Such assessed fines may be added to the IU's next scheduled sewer service charges and if not paid, may be collected as other delinquent utility charges under these rules and regulations.
- C. Industrial Users desiring to dispute such fines must file a written request for the Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Manager may convene a hearing on the matter. In the event the IU's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the IU. The Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

410.7 Emergency Suspensions

The Manager may immediately suspend an Industrial User's discharge, after informal notice to the IU, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of

persons. The Manager may also immediately suspend a IU's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any IU notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an IU's failure to immediately comply voluntarily with the suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager may allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings in Section 410.8 of these regulations are initiated against the IU.
- B. An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under Sections 410.3 or 410.8 of these regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

410.8 Termination of Discharge

In addition to the provisions in Section 405.5 of these regulations, any Industrial User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 402 of this ordinance.

Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 410.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Manager shall not be a bar to, or a prerequisite for, taking any other action against the IU.

SECTION 411 JUDICIAL ENFORCEMENT REMEDIES

411.1 Injunctive Relief

When the Manager finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may petition the Fremont County District Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this regulation on activities of the IU. The Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the IU to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a IU.

411.2 Civil Penalties

- A. An Industrial User who has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of one thousand dollars (\$1000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the IU's violation, corrective actions by the IU, the compliance history of the IU, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

411.3 Criminal Prosecution

- A. If any Industrial User discharges sewage, industrial wastes or other wastes into the District's POTW contrary to the provisions of these Rules and Regulations, or any orders or permits issued hereunder, the District's attorney may commence an action for appropriate legal relief. In cases of possible criminal action, the District shall make a referral to an appropriate law enforcement agency.

411.4 Remedies Nonexclusive

The remedies provided for in this regulation are not exclusive. The Manager may take any, all, or any combination of these actions against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the Manager may take other action against any IU when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant IU.

SECTION 412 SUPPLEMENTAL ENFORCEMENT ACTIONS**412.1 Performance Bonds**

The Manager may decline to issue or reissue a wastewater discharge permit to any IU who has failed to comply with any provision of this regulation, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such IU first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

412.2 Liability Insurance

The Manager may decline to issue or reissue a wastewater discharge permit to any IU who has failed to comply with any provision of this regulation, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the IU first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

412.3 Payment of Outstanding Fees and Penalties

The Manager may decline to issue or reissue a wastewater discharge permit to any IU who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this regulation, a previous wastewater discharge permit, or order issued hereunder.

412.4 Contractor Listing

Industrial Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by an IU found to be in significant noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Manager.

SECTION 413 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

413.1 Upset

- A. IUs may claim upset as a defense in accordance with 40 CFR 403.16.

413.2 Prohibited Discharge Standards

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 402.1(A) of these regulations or the specific prohibitions in Sections 402.1(B)(3) through (7) and (9) through (17) of these regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass-Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the IU was in compliance with each limit directly prior to, and during, the Pass-Through or Interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the IU's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements; and
- C. In the case of an IU required to apply for a permit or an IU holding a permit, disclosed the pollutant(s) in its application for a permit.

413.3 Bypass

- A. IUs may claim bypass as a defense in accordance with 40 CFR 403.17.

SECTION 414 MISCELLANEOUS PROVISIONS

414.1 Pretreatment Charges and Fees

The Manager may set reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and

analyzing an IU's discharge, and reviewing monitoring reports submitted by IUs;

- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 414.1 B) associated with the enforcement activity taken by the Manager to address IU noncompliance; and
- F. Other fees as the Manager may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this pretreatment regulation and are separate from all other fees, fines, and penalties chargeable by the District.

414.2 Severability

If any provision of this regulation is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

414.3 Cost Recovery

The District may recover damages, reasonable attorney fees, court costs, and other expenses of litigation by appropriate suit at law against the person found to have violated these regulations or any permits issued hereunder which violation causes damages to the POTW or additional enforcement or operations and maintenance expenses to the District.

414.4 Leased/Rental Property

In situations involving leased or rented property, not resolved with the tenant, the owner or authorized representative of the property shall be notified of continued violations and is responsible for assuring compliance with the standards and requirements of this regulation.

SECTION 415 EFFECTIVE DATE

This regulation shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

ATTACHMENT A

FSD ENFORCEMENT RESPONSE PLAN

**FREMONT SANITATION DISTRICT
ENFORCEMENT RESPONSE PLAN**

February 20, 2007

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INTRODUCTION

On July 24, 1990 (55 Fed. Reg. 30082), the Environmental Protection Agency promulgated regulations to require all Publicly Owned Treatment Works (POTWs) to adopt an enforcement response plan (ERP) as part of their approved pretreatment programs. The regulation as stated in 40 CFR '403.8(f)(5) is as follows:

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which the responses will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTWs primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR '403.8(f)(1) and (f)(2).

The ERP outlines the procedures that will be used to identify, document, track and respond to noncompliance. The ERP also provides guidance for selecting the enforcement action most appropriate for a given violation.

PURPOSE

The purpose of the ERP is to provide consistent enforcement responses for similar violations and circumstances. The ERP describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identifies personnel responsible for finalizing enforcement responses.

ADMINISTRATION AND JURISDICTION

All entities discharging nondomestic waste to the POTW are subject to the provisions of the ERP. The Control Authority consistently administers and implements all elements of the ERP. The ERP does not preclude the Control Authority from taking any, all, or any combination of actions against a noncompliant industrial user.

ABBREVIATIONS

AO, Administrative Order
 CA, Control Authority
 ERG, Enforcement Response Guide
 ERP, Enforcement Response Plan
 IU, Industrial User
 NOV, Notice of Violation
 POTW, Publicly Owned Treatment Works
 WL, Warning Letter

DEFINITIONS

Control Authority, The entity directly administering and enforcing Pretreatment Standards and requirements against industrial users. The Fremont Sanitation District.

Domestic Wastewater, 1) Wastewater from normal residential activities including, but not limited to, wastewater from kitchen, bath and laundry facilities, or 2) wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, non-commercial sinks, and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically excluded from this definition is wastewater from commercial, industrial or institutional laundries or food preparation facilities.

Industrial User, Any source that introduces pollutants into a POTW from any non-domestic source.

Publicly Owned Treatment Works, Devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

PERSONNEL RESPONSIBILITIES

Industrial Pretreatment Coordinator – The Industrial Pretreatment Coordinator (IPC) is responsible for the day to day implementation and enforcement of the industrial pretreatment program. The enforcement responses carried out by the IPC are as follows:

- informal notices (verbal and written)
- notices of violation
- informal meetings
- referrals to the state or EPA for criminal action

District Manager – The District Manager has the responsibility to monitor the IPC's actions and to initiate the following enforcement actions at the recommendation of the IPC:

- show cause hearings
- administrative orders
- consent agreements
- referrals to POTW attorney for civil litigation
- referrals to the state or EPA for criminal action

POTW Attorney – The POTW attorney will provide legal consultation as requested by the District Manager on consent agreements and administrative orders and will take the lead on all referrals for civil litigation and POTW initiated criminal investigations.

IDENTIFYING AND INVESTIGATING INSTANCES OF NONCOMPLIANCE

There are many activities associated with the identification and investigation of noncompliance. A brief description of these activities is provided in this ERP. Detailed discussions and procedures for the activities can be found in other relevant sections of the approved pretreatment documents. The activities that facilitate the identification and investigation of noncompliance are as follows:

Industrial User Inventory – An essential step for identifying noncompliance is knowing who is discharging nondomestic waste to the POTW, where they are located and the nature of the nondomestic waste being discharged. The Industrial Pretreatment Coordinator maintains a current inventory of all nondomestic sources of waste to the POTW.

Monitoring and Inspection Plan – The Industrial Pretreatment Coordinator prepares an annual monitoring and inspection plan. The Control Authority monitors the wastewater from each Significant Industrial User (SIU) at least once per year. The Control Authority requires all sampling and analysis to be performed in accordance with 40 CFR Part 136. Control Authority sampling procedures, including Quality Assurance/Quality Control procedures, are followed to maximize sample integrity.

A comprehensive inspection of each SIU is conducted by the Control Authority at least once per year. The Control Authority follows inspection procedures to ensure consistent, thorough, and well documented inspections.

Information gathered during Control Authority industrial user monitoring and inspections is used to verify industrial user compliance status and to determine if enforcement response must be initiated or continued.

Compliance Screening – All reports from Industrial Users and reports generated by the Control Authority are carefully reviewed, on an “as-received” basis for timeliness, completeness and accuracy. The screening process includes an evaluation of compliance with report due dates, numerical standards, sample handling and analysis requirements, signatory/certification requirements, monitoring frequency, etc.

All violations are clearly documented and addressed in accordance with the Enforcement Response Guide.

DESCRIPTION OF ENFORCEMENT ACTIONS**Informal Notice**

Verbal Notification – Verbal notification by telephone or in person provide an immediate notification of violations. In general, verbal notifications are used for minor isolated violations or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement or the investigation of suspected violations are documented in writing and placed in the respective Industrial User file.

Warning Letter – Warning letters are issued under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications.

Informal Meeting – An informal meeting is used to gather information concerning noncompliance, discuss steps to alleviate noncompliance, and determine the level of commitment of the industrial user. All informal meetings are documented.

Notice of Violation – A notice of violation (NOV) is a written notice to the noncompliant industrial user that a pretreatment violation has occurred. A NOV includes a statement detailing the legal authority under which the Control Authority issued the NOV, a description of the violation(s) and the date(s) the violation(s) occurred. The NOV requires a response from the Industrial User that details the causes of the violation(s) and the corrective actions taken to correct the violation and prevent similar violations from occurring. In general, NOVs are considered to be more stringent enforcement responses than warning letters.

Administrative Order – Administrative Orders (AOs) are enforcement documents that direct Industrial Users to undertake and/or cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with Industrial Users. AOs may incorporate compliance schedules, administrative penalties, termination of service and show cause orders. An AO is the minimum level of enforcement used to address Significant Noncompliance.

Show Cause Hearing – A show cause hearing is a formal meeting requiring the Industrial User to appear, explain its noncompliance, and show cause as to why more severe enforcement actions against the user should not go forward. The meeting may also serve as a forum to discuss corrective action and compliance schedules.

Termination of Service – Termination of service is the revocation of an Industrial Users privilege to discharge nondomestic wastewater into the sewer system. Termination of service is used when the discharge from an Industrial User presents imminent endangerment to the health or welfare of persons, or the environment, or threatens to interfere with the POTW's operations or as an escalating enforcement action to a significant violation when a noncompliant industrial user fails to respond adequately to previous enforcement actions. Termination of service may be accomplished by physical severance of the industrial user's connection to the collection system, issuance of an AO (cease and desist order) which compels the IU to immediately terminate its discharge, revocation of the IU's discharge permit, or a court ruling.

Administrative Fines – An administrative fine is a punitive monetary charge assessed by the Control Authority rather than a court. The penalty must be authorized in the POTW's local legal authority. The purpose of the fine is to recover the economic benefit of noncompliance and to deter future violations. When assessing an administrative fine, the following factors are considered:

- type and severity of the violation
- number of violations cited

- duration of noncompliance
- impact of the violations on the receiving water, sludge quality and POTW operation
- whether the violation threatened public health
- the economic benefit or savings the IU gained from the noncompliance
- compliance history of the IU
- whether the IU is making a good faith effort to comply

Civil Litigation – Civil litigation is the formal process whereby the Control Authority files a lawsuit against the Industrial User to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs to the POTWs for the noncompliance. Civil litigation also includes enforcement measures which require involvement or approval of the court, such as injunctive relief.

Referral to EPA or the State – Where a POTW does not rely on criminal prosecution for its enforcement authority, referral to the State or EPA may be made. For violations that may warrant criminal prosecution, the Control Authority will refer the case to the EPA or State for further action. Circumstances that trigger EPA or State referrals include evidence of willfulness, evidence of negligence, and bad faith shown by the Industrial User.

ENFORCEMENT RESPONSE GUIDE

The Enforcement Response Guide (ERG) designates several enforcement options for each type (or pattern) of noncompliance. The intent of the ERG is to provide direction for appropriate enforcement response and to ensure consistent enforcement for similar violations and circumstances. Factors that will be evaluated when determining the appropriate response are as follows:

- good faith of the industrial user
- compliance history of the industrial user
- previous success of the enforcement actions against the IU (e.g. If historically, NOVs have not been effective in returning the user to compliance in a reasonable period of time, an administrative order would be a more appropriate response.)
- violation's effect on the environment and/or public health
- violation's effect on the POTW

Violations resulting in Significant Noncompliance – Any violation that results in Significant Noncompliance (SNC) will be addressed through formal enforcement action regardless of the enforcement response otherwise dictated by the Enforcement Response Guide. The minimum level of enforcement used to address SNC is an administrative order.

Escalating Enforcement Response – Escalating enforcement response will be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of noncompliance is shown.

Violations Falling Under More Than One Category – Violations that fall under more than one category in the enforcement response guide will be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.

Timeframe Goals for Enforcement Responses

All violations will be identified and documented within seven days of receiving compliance information.

Initial enforcement responses (informal and formal) will occur within 30 days of identifying a violation.

Follow up actions for continuing or recurring violation will be taken within 60 days of the initial enforcement response.

Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate response such as halting discharge or terminating service.

All violations meeting the criteria for significant noncompliance will be addressed through formal enforcement within 30 days of the identification of significant noncompliance.

Fremont Sanitation District Enforcement Response Guide Table

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Failure to apply for a permit as required	Any instance	Existing Permitted Users: NOV; AO; Fine; Termination of Permit
		New Dischargers: NOV; AO; Fine; Termination of Discharge
Unpermitted discharge (no permit or not transferred or amended)	Any instance	NOV; Meeting; AO; Fine; Terminate Discharge
Discharge of wastes specifically prohibited in a discharge permit or as defined in the District's Rules and Regulations. (Includes categorical standards, local limits, BMPs, and other prohibited discharges.	Any Instance Not SNC	NOV; Meeting; AO; Fine
	SNC or results in POTW or environmental damage or dangerous situation.	AO; Emergency Suspension; Fine; Cease and Desist; Terminate Service; Civil Action; Criminal Action
Reported accidental or slug load discharge.	Isolated, no known POTW or environmental damage, not SNC	NOV; AO to develop spill / slug control plan or revise to prevent recurrence.
	Isolated, known interference, pass through or other damage. SNC	AO and Fine; Terminate Service; Civil Action; Cost Recovery
	Recurring discharge, known POTW or environmental damage.	AO and Fine; Terminate Service; Civil Action; Cost Recovery; Criminal Action
Minor reporting deficiencies (computational or typographic errors; missing dates or missed or unauthorized signatures).	Isolated or infrequent	Telephone Call; Warning Letter; NOV; Corrections to be made on next submittal; Signatures must be corrected immediately.
	Frequent or continuing	AO; Fine
Reporting deficiencies not covered in other sections	Isolated or infrequent	NOV; Meeting
	Frequent or continuing	AO; Meeting or Show Cause; Fine; Terminate Service; Civil Action; Criminal Action

Fremont Sanitation District Enforcement Response Guide Table
(cont. 2)

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Failure to submit a required report more than 30 days after due date.	Over 30 days late in SNC	AO; Fine; Civil Action; Terminate Service
Failure to submit a required report within 30 days of due date.	< 30 days late once in a 12 month period	Telephone Call or NOV requiring reports to be submitted immediately.
	<30 days late more than once in a 12 month period	NOV; AO; Fine; Meeting or Show Cause
Failure to report effluent limit violation within 24 hours or slug/accidental discharge.	Isolated Incident; no known effect	Telephone Call; Warning Letter; NOV
	Frequent or continuing; no known effect.	NOV; Meeting or Show Cause; Fine
	Known damage to POTW or environment; SNC	AO and Fine; Terminate Service; Civil Action; Cost Recovery
Failure to accurately report noncompliance, including 24 hour reporting of violations	Any Instance – SNC	AO; Fine; Meeting or Show Cause; Civil Action; Cost Recovery; Terminate Service
Missed compliance schedule milestone within 90 days of deadline.	Any Instance – SNC	NOV; AO; Fine; Show Cause
Missed compliance schedule milestone by more than 90 days.	SNC	AO requiring documentation of factors causing violations and/or new Compliance Schedule; Fine; Suspend Discharge.
Failure to submit compliance schedule	Violation of Administrative Order	Civil &/or Criminal penalties of \$1,000/day until schedule is submitted.
Other violations of permit conditions not listed elsewhere.		NOV; AO; Fine; Cease & Desist Meeting or Show Cause; Termination of Discharge; Civil or Criminal Action.
Tampering with monitoring equipment	Any instance	Criminal Investigation

Fremont Sanitation District Enforcement Response Guide Table
(cont. 3)

NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Denial of access or refusal of entry	Any instance	Refer to proper authority to obtain & execute a search warrant; Fine; Terminate Service.
Failure to comply with requirements to cease discharge.	Any instance	Emergency Suspension; Fine; Terminate Service; Civil &/or Criminal Action

- 1) In addition to any Administrative Fines, the Fremont Sanitation District may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the violator. Such penalties shall be in addition to any actual damages the District may incur because of such violations. Where a violation is found to have caused interference or pass through, the maximum penalty may be increased as necessary to allow the District to recover any fines or penalties paid by the District for NPDES (CDPS) permit violations due to the interference or pass through.
- 2) Exceedance of discharge limits may result in the industry being found to be in Significant Noncompliance with Pretreatment Standards. See **Section 409** for more information.
- 3) Telephone calls will be followed up with warning letters if information is not received within the agreed upon time frame.

ATTACHMENT B

FSD GREASE INTERCEPTOR VIOLATION FINE SCHEDULE

The FSD Interceptor Inspection Report specifies necessary cleaning/pumping and repairs that must be made to the interceptor. Recommended cleaning/pumping of the unit must be completed within 10 days of the inspection and recommended repairs must be made within 30 days of the inspection.

Fines	\$250 Fine	\$500 Fine	\$1,000 Fine	Administrative Order
Cleaning/Pumping	If the requested cleaning/pumping of the interceptor has not been performed within 10 days of the request	If the requested cleaning/pumping of the interceptor has not been performed within 20 days of the request	If the requested cleaning/pumping of the interceptor has not been performed within 30 days of the request	If the requested cleaning/pumping of the interceptor has not been performed within 40 days of the request
Repairs	If the requested repairs of the interceptor have not been made within 30 days of the request	If the requested repairs of the interceptor have not been made within 40 days of the request	If the requested repairs of the interceptor have not been made within 50 days of the request	If the requested repairs of the interceptor have not been made within 60 days of the request

ARTICLE V
SANITARY SEWER MAINS
STANDARDS AND SPECIFICATIONS

SECTION 501 - SCOPE

- A. The purpose of the Sanitary Sewer Specification is to set forth the criteria to be used in the design and construction of the sanitary sewer mains for approval and acceptance by the District. Design and construction are also subject to control under Articles II and IV of these Regulations.

SECTION 502 - GENERAL PROVISIONS

- A. The provisions stipulated in this section are general in nature and shall be considered as applicable to all parts of these specifications, including any supplements and revisions. All sewer mains and appurtenances shall be designed by a Registered Professional Engineer, licensed to practice in the State of Colorado. Wherever the words, "as directed", "as required", "as permitted", or words of like meaning are used, it shall be understood that the direction, requirements or permission of the District Manager is intended. Similarly, the words "approved", "acceptable", "satisfactory" shall refer to approval by the Engineer. Whenever references are made to standard specifications, methods of testing materials, codes, practices and requirements, it shall be understood that the latest revision of said references shall govern unless a specific revision is stated.

Wherever any of the following abbreviations appear they shall have the following meaning:

AASHO - American Association of State Highway Officials
ASA - American Standards Association
ASTM - American Society for Testing and Materials
AWWA - American Water Works Association
APWA - American Public Works Association

Wherever the words "these specifications" or words of similar connotation are used it shall be understood that reference is made to this Article V and VI of these Rules and Regulations.

SECTION 503 - LOCATION

- A. Mains and laterals (Mains) may be installed only in dedicated public streets or ways or a similar area in which the District's rights of occupancy and use will be at least as good as if the area were dedicated public street or way. Mains will not be laid in any street or way unless it meets all Federal, State, City and/or County ordinances, rules and regulations.
- B. Where public streets or ways are not available or where the District agrees that placement in an available public street is not feasible, then the District may accept an easement. Any easement granted shall be in a form approved by the District. The following paragraphs describe the required widths for an easement granted under this provision:
1. Minimum easement width for new construction is 20 feet. To qualify for this minimum width the pipe shall be less than or equal to 15" in inside diameter, and shall be buried less than 9 feet deep as measured from the top of the pipe.

2. Pipes less than or equal to 15" in inside diameter which will be buried 9 to 12 feet deep shall have a minimum easement width of 25 feet.
3. Easements for any pipes less than or equal to 12" in inside diameter buried between 12 and 14 feet deep must be 30 feet wide.
4. The Manager shall determine the minimum easement widths for any situations not covered above. In making his determination, he shall take into consideration depth and size of the main to be installed, the slope and soil conditions at the site, appropriate safety requirements, and any other factor he deems appropriate. The Manager may also require easement widths greater than those specified when, in his opinion, such greater width is necessary to insure the safe and economical maintenance of the pipe contained in the easement.

The Manager shall make his decision in writing stating the reasons for the width required.

SECTION 504 - CONNECTIONS TO INTERCEPTORS

- A. For the purpose of this section, connections to an Interceptor will be approved only if the following criteria are met:
 1. Connections to the Interceptor must be made at a manhole, either an existing manhole or one provided by the person connecting to the Interceptor.
 2. No manhole will have more than two connections, one on either side of the Interceptor.
 3. Connections will be a minimum of 8" in diameter.
 4. Connections to serve less than ten (10) E.R.U.'s will not be allowed to any Interceptor except by special permission by the manager. Exceptions will normally be made only when no feasible alternative is available.

Any sewer line 21 inches or larger in diameter will be defined as an interceptor.

SECTION 505 - OWNERSHIP AND INSTALLATION

- A. Sewer mains are owned by the District. The installation of all public sewers shall be performed pursuant to the following general policies:
 1. All mains which are to be installed shall be large enough, as determined by the District, to provide service to the area for which they shall be installed to serve.
 2. All mains must be installed in trenches containing no foreign conduits unless otherwise specifically authorized in writing by the Manager.

SECTION 506 - MAINTENANCE

- A. The District operates and maintains all public sewers which it owns within its jurisdiction. Mains which are damaged by acts of individuals or entities other than the District will be repaired by the District at the expense of such individuals or entities.

SECTION 507 - AVAILABILITY OF SEWER SERVICE

- A. Prior to the issuance of a Sewer Use Permit, the Manager shall determine if sewer service is available either by a District-owned sewer or by a sewer in which the District has contractual rights. He shall also determine the conditions whereby the sewer service may be available or how the service may be made available.

1. Sewer service is available when an adequate sewer is within sixty feet of the property on which the building to be served can be connected, according to these Rules and Regulations.
2. Sewer service may be conditioned upon the release of rights that third parties have in the sewer that is available for connection.
3. Sewer service may be conditioned upon the acknowledgement of the owner of the property to be served that there will be or may be future assessments to that property for additional sewer service.
4. Sewer service may be made available by the extension of the existing Sewerage System to provide a sewer within sixty feet of the property to be served.
 - a. If immediate service is desired, the cost of the extension of the sewer shall be borne by the person or persons requesting the extension and the design, specifications, permits and construction requirements shall be in accordance with this Article V.
 - b. If immediate service is not desired, then the person or persons desiring the extension may petition the City to create a Local Public Improvement District to finance the proposed construction, and all properties that can be served by their extension will be assessed in proportion to their benefit due to the extension.

SECTION 508 - PLAN APPROVAL

A. General

Three copies of plans for proposed sanitary sewer main construction shall be submitted on 24 x 36 inch sheets to the Manager for approval. The plans shall show lots and blocks to be served, and the location of the sanitary sewer mains and their service lines with reference to property lines. The type, size, approximate location and number of all known underground utilities shall give dimensions, grade rim elevations, and invert elevations into and out of the manholes of the sewer to be constructed. The Manager shall return one copy of said plans with either a stamp of approval or a letter designating necessary revisions required to receive approval. Upon presentation of the plans revised as per this letter, the Manager will approve the plans without undue delay.

Approval of plans, specifications, and work performed does not relieve the owner, contractor, or any other person of the duty to comply with all Rules and Regulations of the District. If it is later determined that the plan, specification and/or work does not comply with Rules and Regulations of the District, the District reserves the right to enforce compliance with all Rules and Regulations of the District.

B. Effective Date

Construction plans approved by the Manager shall be effective for a period not to exceed twelve consecutive months from the official date of approval. After this period the plans shall be subject to further review by the Manager to bring those portions of the plans, unconstructed, into compliance with current Standards and Specifications. Should circumstances warrant changes to the approved plans or specifications, the proposed revisions must be submitted to the Manager for review and approval by the Developer's Engineer.

C. Plan Revisions

No work shall proceed on that portion of the project being revised until said revisions are submitted, approved and distributed. Minor deviations from the plans or specifications may be made with written permission from the Manager or his representative on the job. It shall be the responsibility of the Developer's Engineer to provide the Manager with a set of "as-built" plans at the completion of the project verifying all elevations, utility locations and service locations.

SECTION 509 - AUTHORITY OF THE MANAGER

- A. The Manager shall have the authority on behalf of the District to ascertain that all design and construction of facilities is equal to or better than the minimum requirements set forth in these specifications. The Manager shall have the additional authority to assign an inspector to check any and all work, including all materials to be incorporated in the work, excavation, bedding, backfill, and all construction methods and practice.

SECTION 510 - AUTHORITY OF THE INSPECTOR

- A. An Inspector will be assigned to assist the Contractor in complying with these specifications. Inspectors have the authority to reject defective materials or inferior materials, defective workmanship and to suspend work until such time as the Contractor shall correct the situation in question, subject to final decision by the Manager.

SECTION 511 - NOTICE BEFORE BEGINNING WORK

- A. The Contractor shall notify the Manager at least twenty-four hours before beginning any sewer main construction. If for any reason, work should stop on a project during any stage of construction for a period of more than twenty-four hours, it shall be the responsibility of the Contractor to notify the Manager at least twenty-four hours prior to any resumption of work on the project. If the Contractor intends to work extended shifts, double shifts or hours other than normal workdays of the District personnel, he shall notify the Manager at least twenty-four hours prior to such extension, except in the event of an emergency. Failure to provide notification may provide sufficient cause for suspension of the Contractor's permit.

SECTION 512 - TRAFFIC CONTROL

- A. The builder is responsible for compliance with traffic control requirements of the appropriate Federal, State, City and/or County ordinances. Issuance of any permit by the District does not relieve the owner or builder of responsibility for obtaining any other permit required by other governmental entities.

SECTION 513 - REJECTED MATERIALS

- A. All materials installed shall be free of defects of manufacture. Any defective or damaged materials found on the construction site shall be marked and removed from the site. In the event the Contractor fails to remove rejected materials from the construction site within a reasonable length of time, the Manager may arrange for such removal at the expense of the Contractor.

SECTION 514 - CONTRACTORS

- A. A Contractor must be licensed with the appropriate authority(ies) where work is to be performed prior to the construction of sanitary sewer mains for acceptance by the District, and have posted a bond satisfactory to the City and/or the District.

- B. It shall be the responsibility of the Contractor to read and fully comply with all the provisions of these specifications.

SECTION 515 - SAFETY REQUIREMENTS

- A. It shall be the responsibility of the builder to comply with any applicable Federal, State, or local safety requirements.

SECTION 516 - PROTECTION OF EXISTING FACILITIES

- A. The Contractor shall notify all utility companies and interested parties prior to commencement of work in order to ensure that there will not be interruptions of services during construction. The Contractor shall be liable for all damages to existing structures, public or private, and he shall save the District harmless from any liability or expense for injuries, damages or repairs to such facilities.
- B. Should any utility be damaged in the construction operations the Contractor shall immediately notify the owner of such utility, and unless authorized by owner of utility, the Contractor shall not attempt to make repairs.
- C. In the event that, during construction, it is determined that any underground utility conduit, including sewers, water mains, gas mains and drainage structures, and any above-ground utility facilities are required to be relocated, the Contractor shall notify the utility owner well in advance of his approach to such utility so that arrangements with the owners of the affected utility can be completed without delay of the work.

SECTION 517 - TRENCH EXCAVATION

- A. This section covers excavations and trenching for the structures, pipelines and appurtenances.

1. General

Except where shown otherwise on approved drawings, and except when the Manager gives written permission to do otherwise, all trench excavation shall be made by open cut to depth required to construct the pipeline as shown on the drawings. Where depth of ditch and soil conditions will allow it, tunneling, boring or jacking may be required under sidewalks, curb and gutter, or other structures. Written permission from the Manager must be obtained prior to any tunneling or jacking. In no case will tunneling be permitted for distances greater than ten feet. When jacking is permitted, only persons experienced in that work, using suitable equipment, shall perform the jacking operation. The length of trench permitted to be open at any one time may be limited when, in the opinion of the Manager, such limitation is necessary for the safety and convenience of the public. Top soil shall be removed and piled separately for use in finish grading the grounds. During excavation, material suitable for backfilling shall be piled in an orderly manner, a sufficient distance from the banks to avoid overloading and to prevent slides or cave-ins. All excavated materials not suitable for backfill shall be removed from the site at the Contractor's expense.

2. Trench Widths

Trenches shall be excavated to the width necessary to permit the pipe to be laid and jointed properly and backfill materials placed as specified in paragraph 1. No trench shall have a width of less than the outside diameter of the pipe plus sixteen inches. The maximum clear trench width measured one foot above the top of the pipe barrel shall not be greater than that shown in the following table unless otherwise specified.

TRENCH WIDTH TABLE

<u>Pipe Dia. (Inches)</u>	<u>Maximum Trench (Inches)</u>	<u>Pipe Dia. (Inches)</u>	<u>Maximum Trench (Inches)</u>
8	28	30	56
10	30	33	60
12	33	36	68
15	36	42	75
18	40	48	82
21	44	54	89
24	48	60	96
27	52		

In the event the above-stated maximum trench widths are exceeded either through accident or otherwise, and if the Engineer determines that the design loadings of the pipe will be exceeded, the Contractor will be required to either cradle the pipe in concrete or to use a pipe of a stronger class. The cost of such remedial measures shall be entirely at the Contractor's expense.

3. Sidewall Sloping

In the event that sidewalls of the trench are sloped to meet safety requirements, the sloping shall terminate at a depth not less than one foot above the top of the pipe barrel, and from that point down the trench width shall be limited to that specified in paragraph 2.

4. Excavating the Trench Bottom

Unless otherwise specified by the Manager, the trench shall be excavated to the proper depth and the trench bottom shall be graded to provide uniform bearing and support for the entire length of the pipe. A continuous trough shall be excavated to receive the bottom quadrant of the pipe barrel and bell holes shall be provided at each joint to permit the jointing to be performed properly and so that the pipe will be uniformly supported on the barrel portion of the pipe only.

5. Over-excavation

When the excavation is in firm earth, care shall be taken to avoid excavation below the established grade plus the required specified overdepth to accommodate the granular bedding. All unauthorized excavation below the established depth made without the written authorization of the Manager shall be refilled with compacted, approved granular material by and at the expense of the Contractor.

6. Groundwater, Unsuitable Trench Bottoms

In case soft or otherwise unsuitable foundation material is encountered in the trench bottom, such soil shall be removed to a depth as directed by the Manager. It shall be replaced with Manager approved backfill material and compacted as specified in Section 518 to provide a suitable foundation for the pipe. If groundwater enters the trench as it is being excavated, only enough trench shall be opened so as to permit the laying of one joint of pipe.

7. Over-excavating for Rock

When rock or hard clay is encountered in the trench bottom, the trench shall be over-excavated six inches. The over-excavated material shall be replaced with Manager-approved material and compacted as specified in Section 522.

8. Pavement Cuts

Where excavation is required under paved areas, the pavement shall be cut in such a manner as to effect a smooth, straight cut edge and as a vertical face six inches minimum beyond the trench wall. The maximum width of pavement removed shall not exceed ten feet, except as may be otherwise allowed for large pipe diameters.

- a. Replacement of the sub-base and base shall be by the Contractor and shall be equal to or better than the materials removed. All replacement materials and procedures shall be subject to the inspection and approval of the Manager according to the provisions of Section 524 of these specifications.

9. Removal of Water

The Contractor shall provide and maintain at all times ample means and devices to promptly and properly dispose of all water entering the trench excavation. Water shall be disposed of in a suitable manner without damage to adjacent property or without being a menace to public health and convenience. Unless authorized in writing, trench water shall not be allowed to enter any sewer lines either by gravity or by pumping. All open ends of the pipe shall be tightly plugged at the end of each day's work to ensure that no water can flow into the sewer line in the event of a storm or a pump failure. All manholes under construction shall be sealed tightly to prevent flows from entering the system unless otherwise directed in writing.

SECTION 518 - BEDDING MATERIALS

- A. The minimum support for the pipe shall be directed by the Engineer to meet conditions as they are met in the field.

1. Classes of Bedding and Cradles

a. Class A Bedding (Concrete Cradle)

- 1) Class A Bedding shall be defined as that method of bedding in which the lower half of the pipe is set in concrete (3000 psi min.). The minimum thickness of concrete under the lowest part of the conduit shall be 1/4 of the outside pipe diameter, but not less than six inches. The concrete shall extend upward around the pipe to the spring of the pipe barrel. The width of the concrete cradle shall be at least equal to the outside pipe diameter plus eight inches.

b. Class B Bedding

- 1) Class B Bedding shall be defined as that method of bedding in which the pipe is set on compacted granular material. The trench shall be excavated to a depth below the established grade equal to 1/4 of the outside pipe diameter, but not less than four inches. In rock excavation, the minimum depth shall be six inches. Compacted granular material shall be placed under the pipe and around the sides of the pipe up to the

springline of the pipe barrel. The placing shall be done in a manner which will assure no separation or change in uniform gradation. The granular material shall be consolidated and compacted by hand-operated mechanical vibrators to 90% of maximum dry density as determined by ASTM D698, Standard Proctor.

c. Class C Bedding

- 1) Class C Bedding shall be defined as that method of bedding in which the pipe is set in compacted granular material supporting the lower quadrant of the pipe barrel. The trench shall be excavated to a depth below the established grade equal to 1/8 of the outside pipe diameter, but not less than four inches. Compacted granular material shall be placed under the pipe and around the sides of the pipe to a minimum of 1/6 of the outside pipe diameter from the bottom of the pipe barrel. The granular material shall be consolidated and compacted by hand-operated mechanical vibrators to 90% of maximum dry density as determined by ASTM D698, Standard Proctor.

d. Class D Bedding (Unacceptable)

- 1) Class D Bedding shall be defined as that method of bedding when the pipe conduit is placed on an earth foundation with little or no care being exercised to shape the foundation to fit the lower quadrant of the pipe barrel or to refill all spaces under and around the pipe. In no case will this type of bedding be acceptable.
- 2) Granular Bedding Material
 - (a) Granular bedding material shall be a well-graded gravelly material meeting the requirements of ASTM Designated D448, Size #67, "Standard Sizes of Coarse Aggregate", as follows:

SIEVE SIZE	TOTAL PASSING BY SIZE (% BY WEIGHT)
1.0 "	100%
3/4 "	90% to 100%
3/8 "	20% to 55%
#4	0% to 10%
#8	0% to 5%

3) Stabilizing Material

- (a) In the event unstable trench conditions are found at pipeline grade, 1-1/2" uniformly graded washed rock shall be used for trench stabilization.

SECTION 519 - PIPELINE DESIGN AND MATERIALS

- A. This section deals with the design, the furnishing of all labor, equipment and materials, and the performance of all operations in connection with the construction of sanitary sewer mains.

1. General

All sanitary sewer mains shall be constructed using a pipe with a minimum nominal inside diameter of eight inches. Only those pipe and joint materials and design criteria described in this section shall be approved for sanitary sewer design and construction.

2. Design

- a. The average flow shall be determined by the following:
 - 1) Residential Areas - on a basis of 2.8 people per residence and 125 gallons per day per person.
 - 2) Multi-family Area - on a basis of 300 gallons per day per living unit.
 - 3) Commercial Areas - on a basis of 4600 gallons per day per acre of actual usage, whichever is greater.
 - 4) Industrial Areas - on a basis of 5040 gallons per day per acre or actual usage, whichever is greater.
- b. The average flow shall be multiplied by a peak factor to obtain the peak flow. The peak factor is obtained from the table, located at the end of this article, which is based on the equation:

$$r = 1.80 + (1.9 \times 0.98^{(n-1)})$$
 where r = ratio of peak to average flow
 n = ten times the average daily flow in MGD
- c. The design flow shall be the sum of the peak flow (as computed in Section B above) and the flow due to infiltration. The flow due to infiltration shall be determined by one of the following methods, whichever is largest.
 - 1) A factor of 0.095 gallons per inch diameter per foot of pipe per day, multiplied by the total length of pipe in feet and the diameter in inches.
 - 2) 500 gallons per day per acre.
 - 3) Existing infiltration under worst conditions, if known.

3. Location and Cover

Sewer mains, generally, are placed along street centerlines and shall be located a minimum of ten feet horizontally from existing or proposed water mains. Depth of all sewer mains should be a minimum of three and one-half feet measured from the top of the pipe to the proposed grade at the surface of the ground.

4. Alignment and Slope

Sewer mains and appurtenances shall be located on the lines and grades shown on the plans of the work. The slope of the mains shall be such that the full flowing velocity is not less than two feet per second, nor greater than ten feet per second. Generally, sewer mains shall be designed so that the pipe line between any two adjacent manholes is on a straight line. Curved sewers of constant radius may be permitted if economically justified and approved by the Manager.

5. Grade Stakes

The Developer's Engineer shall provide grade stakes for all sewer main installation. These stakes shall locate the main both horizontally and vertically. The maximum distance between stakes shall be twenty-five feet, unless otherwise permitted by the Manager. All manholes shall be staked for centers, alignment and elevation.

6. Material Handling and Storage

All pipes, fittings and accessories shall be loaded and unloaded or otherwise

handled in such a manner as to minimize the possibility of damage prior to installation. All materials shall be stored at the construction site in such a way as to prevent damage and assure they are kept as clean as possible prior to installation.

7. Water Line Protection

Should the condition exist where a sewer main must be constructed crossing above or below a water main, the minimum clear distance vertically shall be six inches. When sewer lines cross above water mains, the crossing must be so designated on the plans and must be constructed so as to protect the water main. Minimum water main protection under these conditions shall consist of the installation of an impervious and structural sewer (e.g. vitrified clay, or PVC with concrete encasement, Schedule 40 PVC, cast iron, or ductile iron pipe) for a distance of ten feet each side of the water main. In all cases, suitable backfill or other structural protection shall be provided to preclude settling and/or failure of the higher pipe. These requirements for water line protection from sewer lines shall be equally applicable to all service connections.

8. Pipe, Fittings and Joints

a. Materials

(1) Vitrified Clay Pipe (VCP)

- (a) General - All materials, manufacturing operations, testing, inspection and marking of vitrified clay pipe shall conform to the requirements of ASTM Designation C-700.
- (b) Diameter - The diameter indicated on the drawings shall mean the inside diameter of the pipe.
- (c) Wall Thickness and Class of Pipe - All vitrified clay pipe shall be "Extra Strength Clay Pipe" and the minimum allowable wall thickness for a given diameter shall not be less than that set forth in ASTM Designation C-700.
- (d) Fittings and Specials - Fittings and Specials shall conform to the requirements set forth in ASTM Designation C-700 and shall have the same structural qualities as the adjoining pipe.
- (e) Joints - Only those joints described below will be acceptable, unless otherwise approved in writing by the Manager.
 - i. Factory Fabricated - Factory Fabricated joints shall conform to ASTM Designation C-425.
 - ii. Grouted Joints- Grouted Joints will not be acceptable.
- (f) Marking - The following shall be clearly marked by indentations on the exterior of the pipe near the bell.
 - i. "Extra Strength" or "ES"
 - ii. Name or Trademark of manufacturer
 - iii. ASTM Specifications

- (g) Acceptance - In addition to any deficiencies covered by ASTM Designation C-700, clay pipe which has any of the following visual defects will not be accepted.
- i. Improperly formed pipe such that pipe intended to be straight has an ordinate, measured from the concave side of the pipe, exceeding 1/16 inch per foot of length.
 - ii. Pipe which is sufficiently out-of-round to prohibit proper jointing.
 - iii. Improperly formed bell and spigot ends.
 - iv. Fractured, cracked, chipped, or other sufficiently damaged pipe which will result in improperly constructed pipeline.
 - v. Pipe that has been damaged during shipment or handling even if previously approved before shipment.

Acceptance of the pipe at point of delivery will not relieve the Contractor of full responsibility for any defects in material or workmanship of the completed pipeline.

- (h) Surface Finish - The interior and exterior surfaces of the clay pipe shall be free of large blisters and, unless otherwise specified, glazing of these surfaces will not be required.

(2) Rigid Poly Vinyl Chloride Pipe (PVC)

- (a) General - All PVC pipe shall meet the requirements of ASTM Designation D1784 "Rigid Poly (Vinyl Chloride) and Chlorinated Poly (Vinyl Chloride) Compounds" and ASTM Designation D3034 "Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings", latest revision. The maximum allowable length per section of pipe from bell to spigot shall not exceed twelve and one-half feet, unless otherwise permitted by the Manager.
- (b) Wall Thickness - The wall thickness of all PVC pipe shall meet ASTM Designation D3034: SDR35 or better.
- (c) Diameter - The diameter indicated on the drawings shall mean the inside diameter of the pipe. Pipe shall be so constructed that the initial vertical diameter does not decrease by more than 5%. Contractor's attention is called particularly to Section "Pipe Deflection".
- (d) Joints - Except as may be authorized by the Manager, pipe joint assemblies shall be bell and spigot with an o-ring rubber gasket conforming to ASTM Designation D3034.
- (e) Marking - All flexible conduit shall be marked with the following:
 - i. Name or Trademark of manufacturer

- ii. ASTM Specifications
 - iii. Nominal diameter
- (f) Acceptance - In addition to any deficiencies covered by ASTM D3034, PVC which has any of the following visual defects will not be accepted:
- i. Improperly formed pipe such that pipe intended to be straight has an ordinate, measured from the concave side of the pipe, exceeding 1/16 inch per foot of length.
 - ii. Pipe which is sufficiently out-of-round to prohibit proper jointing.
 - iii. Improperly formed bell and spigot ends.
 - iv. Fractured, cracked, chipped or otherwise sufficiently damaged pipe which will result in an improperly constructed pipeline.
 - v. Pipe that has been damaged during shipment or handling even if previously approved before shipment.
- Acceptance of the pipe at point of delivery will not relieve the Contractor of full responsibility for any defects in material or workmanship of the completed pipeline.
- (g) Surface Finish - The interior and exterior surfaces of all PVC pipe shall be uniform in color, smooth and free of scratches or blisters.

9. Installation

- a. Proper implements, tools, and facilities satisfactory to the Manager shall be provided and used by the Contractor for the safe and convenient prosecution of the work. Every precaution shall be taken to prevent foreign material from entering the pipe. If the pipelaying crew cannot put the pipe in the trench and in place without getting earth in it, the Manager may require that before lowering the pipe into the trench a heavy, tightly woven canvas bag of suitable size be placed over each end and left there until the connection is to be made to the adjacent pipe. Water shall not be allowed in the trenches while the pipes are being laid nor shall water be allowed to rise around the joint until it has set. When pipe laying is not in progress, the open ends of the pipe shall be closed by water-tight plug or other means approved by the Manager.
- b. The laying of pipe shall commence at the lowest point and proceed upgrade so that the pipe is laid with the bell ends facing in the direction of laying and at the correct grade and alignment. The pipe shall be placed in such a manner that the specified bedding provides a solid, uniform bearing surface for the full length of the barrel.
- c. Bell holes shall be provided at all joints. Equipment used in handling and jointing the pipe shall have adequate capacity to handle the pipe smoothly and assure the proper closure of joints.

- d. All pipe shall be carefully centered, so that when joined together they will form a conduit with a smooth, uniform invert. The pipe shall be laid accurately to the grade and alignment specified on the drawings. Blocking or wedging of the pipe to achieve proper positioning and grade will not be permitted, except where required for the proper construction of concrete cradles or encasement.
 - e. When batter boards are used to determine line and grade of the pipe being installed, the maximum spacing between batter boards shall be twenty-five feet. A minimum of three batter boards shall be set at all times while pipe laying is in progress.
 - f. At times when pipe laying is not in progress, the open ends of the pipe shall be closed by a water-tight plug or other means approved by the Manager. If water is in the trench, the plug shall remain in place until the trench is pumped completely dry.
10. Encasements
- a. Concrete for encasements shall have a minimum cement content of six sacks per cubic yard and maximum water content of six gallons per sack of cement, and shall have a minimum compressive strength of 3000 psi in 28 days.
 - b. Prior to placing the concrete for cradles or encasements, temporary supports consisting of concrete blocks or bricks shall be used to support the pipe in place. Not more than two supports shall be used for each pipe length, one adjacent to the shoulder of the bell and the other near the spigot end.
 - c. No encasements shall be poured until the Manager has inspected and approved the pipe to be encased and its support.

SECTION 520 - SEWER TAPS AND SERVICES

- A. Sanitary sewer mains which are designed for residential subdivisions shall have "WYES" included in the main for service lines which are to be located at approximately the middle of the lot to be served. The service lines are to be constructed in conjunction with mains and are to be installed to a point six feet inside the property line and plugged. The Developer's Engineer shall place a grade stake locating each sewer service before it is installed. Both the "WYES" and the end of the service shall be so staked. In the event there is the need for additional service line connections once the main has been installed, said connections shall be tapped to the main by a person Certified for Construction by the District under the supervision of the District Inspector only. Under no circumstances shall a Contractor be allowed to tap a sewer main without complying with the provision of these Rules and Regulations.

SECTION 521 - MANHOLES

- A. Manholes shall be installed wherever there is a change in elevation, size, direction, slope, at junctions, at the end of each main and at intervals of not more than four hundred feet apart. All dead-end manholes, where future sewer main extension is anticipated, shall have line laid through the manhole a minimum of one pipe-length and plugged with an approved plug provided by the pipe manufacturer.

1. Barrel Size

The internal diameter of the manhole barrel shall not be less than 48 inches for sewers sized 18 inches or less; 60 inches for pipes sized 21 to 48 inches; 72 inches for pipes sized larger than 48 inches.

2. Materials

The materials to be used in construction of manholes shall conform to the following requirements.

- a. Precast Manholes

Precast manhole risers and cones shall be manufactured in conformity with ASTM Designation C478 and shall be so marked by the manufacturer.

- b. Cast-in-Place Manholes

Concrete used in cast-in-place manholes, and manhole bases shall have a 28-day strength of 4000 psi and shall contain not less than six sacks of Portland cement per cubic yard.

- c. Concrete for Manholes

Concrete used in the construction of manholes and the manhole foundation shall have 28-day strength of 4000 psi and shall contain not less six sacks of Portland cement per cubic yard.

- d. Manhole Steps

Manhole steps shall be either aluminum or grey-iron and shall be cast into the manhole wall at the same time the manhole section is cast. The manhole steps shall be nine and one-quarter inches wide by twelve and three-quarter inches long and shall be no more than 24 inches from the top of the manhole nor more than 18 inches from the bench of the manhole.

- e. Frames and Covers

Manhole frames and covers shall be 400 lb. cast iron, twenty-four inch I.D., as approved by the Manager. The cover shall fit the ring in accordance with the manufacturer's dimensions. Covers with more than one lifting hole will not be accepted. The lifting notch shall not allow surface water to enter the manhole.

- f. Mortar

Mortar used in laying brick and in jointing precast sections shall be composed of one part Portland cement and not more than three nor less than two parts of fine aggregate. Hydrated lime or masonry cement shall not be used. Portland cement shall meet the requirements of ASTM C-150, Type II. Fine aggregate shall consist of well-graded natural sand having clean, hard, durable, uncoated grains, free from organic matter, soft or flaky fragments or other deleterious substances. The fine aggregate shall be thoroughly washed and shall be uniformly graded from coarse to fine with a minimum of 95 percent passing a number 4 sieve and a maximum of 7 percent passing a number 100 sieve. All mortar shall be fresh for the work at hand. Mortar that has begun to set shall be thrown away.

- g. Cement

All cement used in concrete and mortar shall conform to ASTM Designation C-150 Type II.
 - h. Aggregate

Aggregate shall conform to Standard Specifications for Concrete Aggregates ASTM Designation C33.
3. Construction
- a. Manholes shall be constructed at the locations and to elevations indicated on the drawings. Manholes shall be so constructed so as to form a circle in a horizontal plane. The internal diameter of four foot manhole barrels shall be maintained to a distance of not more than four feet below finished grade, as shown on the Standard manhole drawings. From that point the manhole barrel shall be tapered to the 24-inch internal diameter for four-foot diameter manholes, as shown on the standard Manhole Drawings. The internal diameter of five foot manhole barrels shall be maintained to a distance of not more than six feet below finished grade. From that point the manhole barrel shall be tapered to the 24 inch internal diameter for five foot diameter manholes, as shown on the Standard manhole drawings. The internal diameter of six foot manhole barrels shall be maintained only to a distance of 6'-6" above the manhole base; then reduce the barrel to an internal diameter of five feet to a distance not more than five feet below the finished grade. From that point the manhole barrel shall be tapered to a twenty-four inch internal diameter as shown on the drawings. The manhole barrels shall be tight at all joints.
 - b. The cone section shall not extend closer than 8 inches to, nor more than 16 inches from, the top of the manhole cover. Brick, mortared in place, or precast concrete adjustment rings shall be used on top of the cone to support and adjust the manhole frame to the required final grade. The outside of the brick shall be covered by mortar, five-eighths inch thick troweled smooth.
 - c. The horizontal joints between precast manhole sections above the water table shall be plastered and troweled smooth, inside and outside, with Portland cement mortar. The mortar shall be not less than five-eighths of an inch in thickness over the joint, and shall extend at least four inches either side of the joint. The joint between the manhole base and the lowest precast section shall be grouted, inside and outside.
 - d. As an alternative, manhole sections may be joined using pre-formed plastic (elastomeric) gaskets. In this case the entire joint on both barrel sections should be primed prior to placement of the gasket material. This material should comply with Fed. Spec. SS-S-00210 (GSA-FSS), Type I, Rope form. Acceptable products include "Ram-nek", by K. T. Snyder Co., "Rub'r Nek", by K. T. Snyder Co.: "Kent Seal", by Hamilton-Kent Manufacturing Co., or equal.
 - e. Where the sewer main enters the manhole, necessary measures shall be taken to prevent any infiltration of groundwater into the system. When using the approved PVC pipe, a rubber gasket shall be installed on the outside of the pipe to facilitate concrete bonding and eliminate infiltration of groundwater.

4. Manhole Bases

Except as otherwise approved by the Manager, the manhole bases shall be constructed as shown on the Standard Manhole Detail drawing.

- a. Where the bottom of a manhole pit is stable and dry, the pit shall be dug and graded level wall-to-wall a minimum of fifteen (15) inches below the invert of the sanitary sewer pipe. A foundation consisting of one-and-one-half-inch washed, uniformly graded, fractured face rocks shall be placed to a minimum depth of six (6) inches and graded level wall-to-wall across the bottom of the pit to support the poured or precast manhole base.
- b. Soft or otherwise unsuitable material encountered in the pit bottom shall be removed to a depth specified by the Manager and replaced with foundation material (1-1/2" rock), or with another stabilizing material approved by the Manager.
- c. Changes in direction of flow through the manhole shall be made with a smooth curved channel having as large a radius as possible.
- d. The change in size of channels shall be made gradually and evenly and shall be formed directly in the concrete.
- e. The floor of the manhole outside of the channel shall be finished to a smooth surface and shall slope to the channel.
- f. Concrete in the base shall be a minimum of eight (8) inches under the invert of the manhole channel.
- g. The base shall be poured on a five-foot-by-five-foot grid of #4 (3/8ths inch) rebar tied on one-foot centers. The grid shall be positioned and supported midway between the bottom of the pipe and the foundation.
- h. The sewer should be laid continuously through manhole locations wherever grade and alignment permit, and the manhole built later.
- i. In such cases, the foundation shall be laid and carried up at least 2" above the top of the pipe. After the manholes are built, the upper half of the pipe shall be cut out and the bottom finished.

5. Connections to Existing Manholes

Sewer pipe connections to existing manholes, where there is no existing pipe stubbed out, shall be made in such a manner that the finished work will conform as nearly as practicable to the essential requirements specified for new manholes. The Contractor shall break out as small an opening in the existing manhole as necessary to insert the new sewer pipe. The existing concrete foundation bench shall be chipped to the cross-section of the new pipe in order to form a smooth continuous invert similar to what would be formed in a new concrete base. Cement grout shall be used as necessary to smoothly finish the new invert and to seal the new line so the junction is water-tight.

6. Outside Drop Manholes

- a. Whenever the elevation difference between the incoming sewer invert and the invert of the manhole is equal to or greater than thirty inches, an outside drop shall be indicated on the drawings and shall be constructed as shown. The diameter of the drop shall not be less than the diameter of the sewer main. This specification for outside drops shall apply equally to any service line where it enters a manhole.
- b. Construction of outside drops shall be in accordance with the Standard Detail Drawings.

SECTION 522 - BACKFILLING AND COMPACTION OF BACKFILL

- A. In general, backfill material shall be that material excavated from the pipeline trenches on the site that is free from frozen materials and large amounts of organic or other objectionable materials. When, in the opinion of the Manager, the excavated material is not satisfactory for use as backfill, or whenever there is a shortage of satisfactory backfill material, the Contractor shall furnish all necessary suitable backfill material and shall dispose of the condemned excavated material.
- B. Unless otherwise specified, all excess backfill material shall be disposed of off the right-of-way and public property by the Contractor at his expense.
- C. Backfilling should proceed immediately after each joint of pipe is laid in order to protect the line.
- D. Initial backfill material shall be free of rocks larger than two inches in diameter, clods, organic matter, frozen material, and debris. The initial backfill material shall be placed around the haunches and over the top of the pipe to a depth of at least one (1) foot and compacted as specified in Section 522 D. 2. The remainder of the trench shall be filled in one or more lifts with the backfill material specified by the Manager in such a manner so as not to damage the pipe or to cause any misalignment of the installed main.

- 1. **Materials**

Backfill materials will be specified by the Manager to meet conditions as they are met in the field.

- a. **Ordinary Backfill Material**

Ordinary backfill material shall consist of material which has been excavated from the trench except for rubbish, frozen material, broken pavement, other debris, stones or other consolidated material greater than three inches in diameter, organic or other materials considered deleterious by the Manager.

- b. **Stabilizing Materials**

In the event unstable trench conditions, as determined by the Manager, are found at pipeline grade, 1-1/2 inch uniformly graded, washed rock shall be used for trench stabilization and to assist in trench dewatering.

- c. **Granular Bedding Material**

Granular bedding material shall be a well-graded gravelly material meeting the following requirements:

SIEVE SIZE	TOTAL PASSING BY SIZE (% BY WEIGHT)
1.0 "	100%
3/4 "	90% to 100%
3/8 "	20% to 55%
SIEVE SIZE	TOTAL PASSING BY SIZE (% BY WEIGHT)
#4	0% to 10%
#8	0% to 5%

It will be the responsibility of the Contractor to locate material meeting the specifications, and to secure approval of the Manager before such material is delivered to the project.

d. Select Borrow Material

Select borrow material shall be a well-graded mixture of sound mineral aggregate particles containing sufficient, proper quality bonding material to secure a firm, stable foundation when placed and compacted in the trench. When tested with laboratory sieves the material shall meet the following gradation requirements:

SIEVE SIZE	TOTAL PASSING BY SIZE (% BY WEIGHT)
4"	100%
#10	80%
#200	5% to 15%

1) It will be the responsibility of the Contractor to locate material meeting this specification, and secure approval of the Manager before such material is delivered to the project.

2) Select borrow material may not be placed in the trench until the installed pipeline is covered with at least twelve inches of other specified compacted backfill materials to prevent pipeline damage from larger stones.

2. Compaction of Backfill

a. Compacting Granular Bedding Material

Granular bedding material shall be deposited in layers and compacted by surface or internal vibrators, or hand or power tampers. The material shall be compacted to a minimum of 90% of maximum density as determined by ASTM D698, Standard Proctor.

b. Compacting Ordinary Backfill and Select Borrow Material

Backfill material in trenches shall be compacted to 90% of maximum density, except for the top four feet of the trench, which shall be compacted to 95% of maximum density. Maximum density shall be defined by ASTM D698, Standard Proctor. The moisture content of the backfill material shall be +/- 2% of optimum.

c. Flooding and Jetting of Trenches

Flooding or jetting of trenches shall not be permitted unless approved by the Manager.

3. Maintenance of Backfill

All backfill shall be maintained in a satisfactory condition, and all places showing signs of settlement shall be filled and maintained at the Contractor's expense during all construction phases and for a period of one year following the date of final acceptance. When the Contractor is notified by the Manager that any backfill is hazardous, he shall correct such hazardous condition at once.

SECTION 523 - SURFACE RESTORATION

- A. Where pavement, curb and gutter, sidewalks, drainage culverts, headwalls, etc., or other improved surfaces have been removed during the course of the work, such items shall be restored to a condition equal to that prior to removal, to the same elevation and alignment. The subgrade for all restored surfaces shall be thoroughly compacted by mechanical or hand tampers weighing not less than 20 pounds, by vibratory rollers, or by other proposed means of compaction acceptable to the Manager. All restoration of existing structures and conditions shall be at the Contractor's expense and subject to all Rules and Regulations of the District.

SECTION 524 - TESTING, INSPECTION AND ACCEPTANCE

- A. The purpose of this section is to outline in chronological order the steps and necessary tests for approval and acceptance by the District of all newly installed sanitary sewer mains.
- B. In addition to any other testing or inspection requirements set forth elsewhere in these Specifications, testing, inspection and acceptance of the completed work will be specified below.

1. Compaction Tests

Backfill material in trenches shall be compacted as outlined in Section 522 "Backfilling and Compaction of Backfill".

a. Testing by Manager

The Manager may, at his option, determine optimum soil conditions (Standard Proctor) for compaction testing and make compaction tests on the trenches using ASTM Methods D2922 and D3017. The Contractor may be required to dig up portions of the trench to afford access for compaction tests below the top surface of the backfill material.

b. Private Testing

The Contractor is required to hire a private, licensed engineer to perform required compaction tests. Copies of all Proctor Curves and test results showing exact location of sample collection and test sites must be furnished to the Manager for approval. The Manager shall be informed before tests are run and he may designate areas he wishes to have checked for compaction.

c. Compaction Test Failure

If the required state of compaction is not obtained, it shall be the responsibility of the Contractor to recompact the material as specified in Section 522-D(2). In cases where there is repeated failure to achieve the required state of compaction, the Manager may require that the backfill be removed and recompact in six inch lifts.

2. Infiltration Test

After compaction of fill materials has been completed, tested and approved, the Manager will, if necessary, check infiltration of groundwater into the main. This check will begin at the furthest upgrade end of the system and proceed downgrade in the main from section to section. A section shall be defined as any portion of installed sewer line between two

adjacent manholes. No individual section with its connections and appurtenances shall leak under normal exterior ground water pressure more than two hundred gallons per inch of inside diameter per mile of sewer per twenty-four hours. The following table is based on that formula and lists allowable infiltration rates per foot of installed main:

SEWER MAIN LEAKAGE TABLE

Inside Pipe Diameter (Inches)	Allowable Leakage Per Foot Per Twenty-Four (24) Hours
8"	.30 GPD
10"	.38 GPD
12"	.45 GPD
15"	.57 GPD
16"	.61 GPD
18"	.68 GPD
20"	.76 GPD
21"	.79 GPD
24"	.91 GPD
27"	1.02 GPD
30"	1.14 GPD
36"	1.36 GPD
42"	1.59 GPD

3. Obstructions

After compaction of fill material has been completed and approved, and if infiltration rates are below specified maximums, the Manager will flash a light through the installed pipe between manholes to check for true alignment, obstructions and to see that no pipes are broken. All sewer mains must be cleaned and free of obstructions before acceptance by the District. Any obstructions shall be removed and unsatisfactory construction replaced as required by the Manager at the Contractor's expense. If visual inspection is not possible, the Contractor shall "ball" or televise such sewer lines under the supervision of the Manager to ensure that the lines are clear.

4. Repair of Broken Pipe

The method of repair of broken or misaligned sewer pipe will be specified by the Manager as conditions are met in the field. No encasements shall be placed on an installed sewer main until the Manager has inspected the unearthed joint to be repaired. If joints are to be repaired internally by television camera packing equipment, the Manager shall be notified at least twenty-four hours prior to this work and the Inspector shall be at the site of the repair work while it is being done unless otherwise specified.

5. Pipe Deflection

At least eight months after installation and final backfill, but no later than thirty days prior to final acceptance of the project, the Manager may require that any sewer pipelines constructed be measured for vertical ring deflection in a manner acceptable to the Manager. Maximum ring deflection of the pipeline under load shall be limited to five percent of the vertical internal pipe diameter. (All pipe exceeding this deflection shall be repaired or replaced by the Contractor at no expense to the District.)

6. Acceptance by the District

The pipeline system may be placed in operation after all required cleaning, testing and inspection have been completed and written permission has been granted by the Manager. However, final acceptance of the system by the District will not take place for a period of one year from the date written permission is granted. During this one-year period, any defects in the system resulting from defective materials, poor workmanship or any other cause attributable to the Contractor responsible for the construction of the system, shall be corrected at his expense and to the satisfaction of the Manager. The District may, at its option, internally photograph a line prior to final acceptance. Any defects revealed by this photography shall be corrected by the Contractor.

SECTION 525 - NOTICE AND APPEALS

- A. Notice of any action authorized by Article V of these Regulations shall be in accordance with this section.
- B. Format: The format of any notice shall comply, as applicable, with the forms set forth at Appendix A of these Regulations.
- C. Delivery of Notice: Any notice required under this Article V shall be delivered to the owner(s) and occupant(s) of property subject to the notice by mailing the same, by first class mail, postage prepaid, to their address as shown by the ad valorem tax records for Fremont County, Colorado and the records of the District.
- D. The Manager shall retain a signed copy of all notices sent by him as part of the permanent records of the District.
- E. Notice is complete when it is mailed in compliance with this section.
- F. Any action by the Manager shall become final fifteen (15) calendar days after the date notice is delivered except:
 - 1. The Manager may shorten the period in which any action is effective if for reasons of health or safety such action must become effective earlier. If the Manager exercises his option under this paragraph, he shall state his reasons in the notice.
 - 2. If the action proposed by the Manager includes termination of services or disconnection, the person receiving the notice shall have the right to have a telephone conference or face-to-face meeting at the District office with the Manager or his designated agent to present any information he may have which disputes the allegations in the notice. The conference or meeting can occur any working day up to but not including the date the action is to become final. As a result of the meeting, the Manager may affirm his action, withdraw the action or extend the date on which his action shall become final. The decision of the Manager after a meeting or conference shall be mailed to the person requesting the meeting or conference by first class mail, postage prepaid. The form to be used by the Manager is included in Appendix A of these Regulations.
- G. If an action has become final and the Manager intends to disconnect services, he shall provide notice of his decision to the following at least ten (10) working days before disconnecting the services:
 - 1. The health officer for the municipal authority with jurisdiction over the property;
 - 2. The Department of Health for the State of Colorado; and;
 - 3. Environmental Protection Agency at its regional office in Denver, Colorado, if applicable.

- H. Appeals of any final action by the Manager authorized by this Article V shall be in conformance with Article VII of these Regulations.

RATIO OF AVERAGE TO PEAK FLOWS

<u>Average 24 Hour Flow in M.G.D.</u>	<u>Conversion Factor</u>	<u>Peak Flow in M.G.D.</u>
0.1	3.70	0.37
0.2	3.66	0.73
0.3	3.63	1.09
0.4	3.59	1.44
0.5	3.55	1.78
0.6	3.52	2.11
0.7	3.48	2.44
0.8	3.45	2.76
0.9	3.42	3.08
1.0	3.38	3.38
1.5	3.23	4.85
2.0	3.09	6.18
2.5	2.97	7.43
3.0	2.86	8.58
3.5	2.76	9.66
4.0	2.66	10.64
4.5	2.58	11.61
5.0	2.51	12.55
5.5	2.44	13.42
6.0	2.38	14.28
6.5	2.32	15.08

<u>Average 24 Hour Flow in M.G.D.</u>	<u>Conversion Factor</u>	<u>Peak Flow in M.G.D.</u>
7.0	2.27	15.89
7.5	2.23	16.73
8.0	2.19	17.52
8.5	2.15	18.28
9.0	2.11	18.99
9.5	2.08	19.76
10.0	2.06	20.60
11.0	2.01	22.11
12.0	1.97	23.44
13.0	1.94	25.22
14.0	1.91	26.74
15.0	1.89	28.35
16.0	1.88	30.08
17.0	1.86	31.62
18.0	1.85	33.30
19.0	1.84	34.96
20.0	1.83	36.60
30.0	1.80	54.00

For Average 24 Hour Rates of Flow in excess of 30.0 MGD use a design factor of 1.8 times average 24 hour rate of flow.

ARTICLE VI
BUILDING SEWER
STANDARDS AND SPECIFICATIONS

SECTION 601 - SCOPE

- A. The purpose of the Building Sewer Specification is to set forth all aspects of the construction, maintenance, and ownership concerning building sewers except for Permits (Articles II and IV), and Billing (Article III).

SECTION 602 - GENERAL PROVISIONS

- A. The provisions stipulated in this section are general in nature and shall be considered as applicable to all parts of these specifications, including any supplements and revisions. Wherever the words, "as directed", "as required", "as permitted", or words of like meaning are used, it shall be understood that the direction, requirements or permission of the District Manager is intended. Similarly, the words "approved", "acceptable", "satisfactory", shall refer to approval by the Manager. Whenever references are made to standard specifications, methods of testing materials, codes, practices and requirements, it shall be understood that the latest revision of said references shall govern unless a specific revision is stated. Wherever any of the following abbreviations appear they shall have the following meaning:

AASHO - American Association of State Highway Officials
ASA - American Standards Association
ASTM - American Society for Testing and Materials
AWWA - American Water Works Association
APWA - American Public Works Association

Wherever the words "these specifications" or words of similar connotation are used, it shall be understood that reference is made to this Article VI of these Rules and Regulations.

SECTION 603 - OWNERSHIP

- A. The building sewer and fittings through which a permittee receives sewer service from the facilities of the Sewerage System shall be owned and installed at the expense of the permittee.
- B. When the procedures of proper management, operation or maintenance of the sewerage system and plant require, the District may relocate the building sewer and fittings through which a permittee receives sewer service at District expense. All building sewers and fittings so relocated shall be the property of the permittee. If such relocation is necessitated by failure of the permit, relocation costs shall be borne by the permittee.

SECTION 604 - INSTALLATION

- A. No connection between the Sewerage System and the sewer facilities of a permittee may be made except in a public street adequate to accommodate sewerage facilities, or in a similar place to which the District has as free a right of access as it would have in a public street.
- B. All building sewers, valves and appurtenances shall be installed as determined by the District, which shall prescribe such standards relating to the number, location, size and strength of pipes and the number, location, size and type of valves as to provide for District control over the sewerage service to the premises.

- C. All costs and expenses, incident to the installation and connection of the building sewer, shall be borne by the owner. The owner shall hold the District harmless from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate, independent and unextended building sewer shall be provided for every building, except where the building or buildings are in single ownership, and if the owner will covenant that the said property and improvements will remain as one ownership, and if he will record the covenant with the Recorder or where the building or buildings and the property occupied by the building or buildings are in multiple ownership, with a current and effective maintenance agreement, such as those commonly found in townhouses and condominiums, which specifies the share of any cost to be borne by each such property owner and a mechanism by which to collect such charges; and if he will record the covenant with the Recorder, then the Manager may issue an extended or multiple building connection permit.
- E. Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Manager, to meet all requirements of these Rules and Regulations.
- F. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the Manager, and discharged to the building sewer at the expense and cost of the owner.
- G. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater, to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 605 - UNUSED BUILDING SEWER

- A. Any building sewer which has not been used for a period of five consecutive years shall be cut off at the public sewer by the Manager, and the cost thereof charged to the premises.
- B. If the building sewer is to be replaced with one of a different size, replaced with one at a different location in order to service the same premise, or the premise it serves is to be demolished, the building sewer being abandoned or replaced must be cut off at the public sewer and a water-tight cap installed to prevent infiltration of ground water into the sewer system. In the case where the public main is located under a concrete, asphaltic or other hard paved road or alley, then the service line is to be capped six (6) feet inside of the property line unless there is reason to believe the line being abandoned has failed structurally between the property line and public main, in which case the service line is to be capped at the public main. A deposit shall be required at time of application for a Cutoff Permit and such deposit shall be retained to the extent that costs may be incurred by the District to rectify any failure by the applicant to perform such cutoff. Verification of actual cutoff by applicant must be made by an inspector of the District and, upon such verification, the deposit will be refunded.

SECTION 606 - MAINTENANCE

- A. The maintenance and protection of privately owned piping, including building sewers and fittings, fixtures and water using devices, except meters, whether located in or upon public or private property, is the exclusive responsibility of the owner thereof. The District is not responsible or liable for damage from any cause whatsoever to such piping, fixtures and water-using devices, and no permittee is entitled to reimbursement for damages or payment of refunds by reason of pressure changes or stoppage of the flow of sewage through the sewerage system, except as provided for below.
- B. When a call or notification of a stoppage in the sanitary sewer is received by the District, a service crew will be dispatched as soon as possible to the location of the emergency. If the stoppage is in the sanitary sewer main work will start immediately to correct the problem. Claims resulting from backups in the main shall be filed by the user with the Manager and liability for any such claims shall be determined in accordance with State law.

SECTION 607 - INSPECTION OF PRIVATE SEWERAGE SYSTEMS AND PREMISES

- A. In order that the Manager may obtain knowledge of potential or actual discharges of deleterious wastes and in order that he may obtain knowledge of the establishment of strength indexes, he may inspect private sewerage systems and premises, as follows:
 - 1. Duly authorized agents or employees of the District, having proper credentials and identification, shall be permitted to enter all properties for the purposes of inspecting, observing and making inquiry relative to private sewerage systems and operations and processes pertaining to the disposal of sewage.
 - 2. While performing the work necessary to the functions outlined above, all duly authorized agents or employees of the District shall observe all safety rules applicable to the premises established by the owner or tenant.
 - 3. The Manager or his duly authorized representative shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or water courses or facilities for waste treatment.
 - 4. Inspections shall be made at reasonable times and hours.

SECTION 608 - SEPARATION

- A. Where two properties are owned by different individuals, separated by a common wall, and both are served by one building sewer, upon divestiture of ownership of a unit, a new building sewer must be installed to serve the separated unit as a separate permit premises. Such change shall not affect the basis of charging for sewer service, except where such connection has been allowed under Section 302 of these Rules.

SECTION 609 - PLAN APPROVAL

- A. District Manager may require submission of construction plans with the Application for Sewer Use Permit. In such cases plan approval shall be as in Article V, Section 508 of these Rules.

SECTION 610 - AUTHORITY OF THE MANAGER

- A. The Manager shall have the authority on behalf of the District to ascertain that all design and construction of facilities is equal to or better than the minimum requirement set forth in these specifications. The Manager shall have the additional authority to assign an inspector to check any and all work, including all materials to be incorporated in the work, excavation bedding, backfill, and all construction methods and practices.

SECTION 611 - AUTHORITY OF THE INSPECTOR

- A. An inspector will be assigned to assist the builder in complying with these specifications. The inspectors have the authority to reject defective or inferior materials, defective workmanship and to suspend work until such time as the builder shall correct the situation in question, subject to final decision by the Manager.

SECTION 612 - NOTICE BEFORE BEGINNING WORK

- A. The builder of a building sewer is not required to comply with the Rules regarding notice before beginning work which are detailed in Article V, Section 511 of these Rules. Notice is required for inspection of the completed work prior to connection to the sanitary sewer (Article II, Section 217 K), and/or the covering of any work. The person authorized to perform work under a District permit or Certificate for Construction shall notify the District when the work is ready for inspection. Notification shall occur during regular business hours which are Monday through Friday, 8:00 a.m. to 4:30 p.m., exclusive of observed State and Federal Holidays. Also see Section 217 K.

SECTION 613 - TRAFFIC CONTROL

- A. The builder is responsible for compliance with traffic control requirements of the appropriate governing authorities. Issuance of any permit by the District does not relieve the owner or builder of responsibility for obtaining any other permit required by other governmental entities.

SECTION 614 - REJECTED MATERIALS

- A. All materials installed shall be free of defects or damage of manufacture or handling. The Inspector may refuse to accept construction if damaged or defective materials have been installed.

SECTION 615 - BUILDERS

- A. A builder must be Certified for Construction by the District prior to construction of the building sewer as described in Article II, Section 217 of these Regulations.
- B. It shall be the responsibility of the builder to read and fully comply with all the provisions of these specifications.

SECTION 616 - SAFETY REQUIREMENTS

- A. It shall be the responsibility of the builder to comply with any applicable Federal, State, or local safety requirements.

SECTION 617 - PROTECTION OF EXISTING FACILITIES

- A. The builder shall notify all utility companies and interested parties prior to commencement of work in order to ensure that there will not be interruptions of services during construction. The builder shall be liable for all damages to existing structures, public or private, and he shall save the City, County, and District harmless from any liability or expense for injuries, damages or repairs to such facilities.

- B. Should any utility be damaged in the construction operations the builder shall immediately notify the owner of such utility, and unless authorized by the owner of the utility, the builder shall not attempt to make repairs.
- C. In the event that, during construction, it is determined that any underground utility conduit, including sewers, water mains, gas mains and drainage structures, and any above-ground utility facilities are required to be relocated, the builder shall notify the utility so that arrangements with the City and/or owners of the affected utility can be completed without delay of the work.

SECTION 618 - TRENCH EXCAVATION

- A. The trench shall not be less than 16 nor more than 20 inches wider than the diameter of the pipe to a level one foot above the top of the pipe. Further requirements for excavation are as in Article V, Section 517, of these Rules.

SECTION 619 - BEDDING MATERIALS

- A. Unless otherwise specified by the Manager at the time of issuance of the Sewer Use Permit, bedding shall be Class B bedding as specified in Article V, Section 518 of these Rules.

SECTION 620 - BUILDING SEWER DESIGN AND MATERIALS

This section deals with the design, the furnishing of all labor, equipment and materials, and the performance of all operations in connection with the construction of building sewers.

- A. General

All building sewers shall be constructed using pipe with a minimum nominal inside diameter as follows, based on the Equivalent Residential Units (ERU) assigned by the District to the building served:

One (1) to 15 ERUs	= 4"
Over 15 ERUs	Pipe must be sized by a registered professional engineer and approved by the District Manager.

- B. Location

At no time shall the building sewer be any closer than three feet to the side property line, and no building sewer shall be constructed through or in front of any adjoining property. While not required, the sewer would be optimally located ten feet toward the low side of the lot from the centerline of the lot. In all cases the building sewer must be located at least ten feet horizontally from the water service line.

- C. Minimum Depth

The building sewer shall be laid so that at its shallowest point the top of the pipe is covered by at least one foot of backfill.

- D. Slope and Alignment

1. Whenever possible the minimum slope of a building sewer shall be one-quarter inch per foot or .02%.

2. If local conditions will not permit this, the builder may petition the District Manager for a variance, which in no case shall be less than one-eighth inch per foot or .011%.
3. The maximum slope shall be such that expected velocity does not exceed ten feet per second.
4. Should the lateral main be so deep as to necessitate excessive trench depths, a drop pipe may be installed. The drop pipe shall have a minimum nominal inside diameter of six inches unless it is to be connected to a line smaller than six inches, in which case the drop pipe will be sized by the Manager.
5. The building sewer shall be constructed on the straightest and shortest route possible. Curved sewers are not acceptable without a variance from the Manager.

E. Pipe, Fittings and Joints

1. All specifications shall be as in Article V, Section 519 (A-8) of these Rules.

F. Installation

1. Every precaution shall be taken to prevent foreign material from entering the pipe. Water shall not be allowed in the trenches while the pipes are being laid nor shall water be allowed to rise around the joint until it has set. When pipe laying is not in progress, the open ends of pipe shall be closed by a water-tight plug or other means approved by the Manager. If water is in the trench, the plug shall remain in place until the trench is pumped completely dry.
2. All pipe shall be carefully centered, so that when jointed together they will form a conduit with a smooth, uniform invert. The pipe shall be laid accurately to the grade and alignment specified. Blocking and wedging of the pipe to achieve proper positioning and grade will not be permitted, except where required for the proper construction of concrete cradles or encasements.

G. Backflow Prevention

1. All buildings sewers serving a building with a drain in a basement or below grade room shall have a check valve as an integral part of the line. Optimally, this should be installed in the basement of the building to allow for easy maintenance.
2. It is suggested that all other installations have such a check valve. The District will not accept liability for property damage caused by lack of, or inadequate maintenance of a backflow prevention device.

SECTION 621 - SEWER TAPS

- A. In no case will a sewer tap be allowed without complying with the provisions of these rules. Sewer taps may be made only by persons Certified for Construction by the District Inspector.
- B. The only acceptable method of making a sewer tap is with a tapping machine designed for the purpose and equipped with attachments for the size pipe to be tapped and the size pipe being connected.
- C. The tap shall be made by means of a tapping saddle of a grade and specification equal to or better than the pipe. The saddle and connection shall be installed firmly and securely so as to prevent infiltration and inflow of water into the sewer. If the line to be tapped has been slip-lined, the District will provide the saddle and make the tap itself.

- D. In no case shall the building sewer extend to the interior of the main any measurable distance.
- E. In the event that the sewer main is broken or damaged in making a tap, the builder will repair the damage at his own expense. Such repair must follow these specifications:

The damaged section will be removed by making a vertical cut two feet either side of the furthest points of the damaged areas or at the joints. The removed section will be replaced with the appropriate length of rigid Poly Vinyl Chloride Pipe as specified in Article V, Section 519 of these Rules. This pipe shall be the same diameter as the pipe being replaced. All joints should be **wrapped** twice with rubber or butyl with at least twelve inch overlap on each pipe. The rubber or butyl should then be secured to each pipe with a stainless steel band.

SECTION 622 - CLEANOUTS

- A. Cleanouts shall be installed wherever there is a change in elevation, size, slope or a change in direction greater than 45 degrees of the building sewer. Any building sewer longer than one hundred feet shall have a cleanout at least every one hundred feet. Cleanouts will be provided with a water-proof cover and shall be maintained so as to prevent any infiltration or inflow of water.

- B. Manager Must Approve Buried Cleanouts

With approval from the Manager, cleanouts maybe buried no less than 12 nor more than 20 inches. Plans showing the precise location of such a cleanout must be filed with the District. Depending on local conditions, a thrust block may be required per the Standard District plans.

SECTION 623 - BACKFILLING AND COMPACTION OF BACKFILL

- A. Backfill and compaction shall be as specified in Article V, Section 522 of these Rules. Backfill shall generally be that excavated on the site unless specified otherwise by the Inspector at the time of inspection.

SECTION 624 - SURFACE RESTORATION

- A. The builder is responsible for compliance with the City and/or County regulations regarding surface restoration.

SECTION 625 - TESTING, INSPECTION, AND ACCEPTANCE

- A. Construction of Building Sewer must be inspected as detailed in Article II, Section 217-K, prior to making the tap. At that time the District will install, at its own expense, a tracer wire along the sewer. This wire may not be removed.
- B. Inspection will generally consist of a visual verification that the specifications of these Rules have been met. The Inspector may require testing as detailed in Article V, Section 524. The sewer may be placed in operation after all required cleaning, testing and inspection have been completed and written permission has been granted by the Manager. However, final acceptance of the system by the District will not take place for a period of one year from the date written permission is granted. During this one-year period, any defects in the system resulting from defective materials, poor workmanship or any other cause attributable to the builder responsible for the construction of the system, shall be corrected at his expense and to the satisfaction of the Manager.

SECTION 626 - NOTICE AND APPEALS

- A. Notice of any action authorized by Article VI of these Regulations shall be in accordance with this section.
- B. Format: The format of any notice shall comply, as applicable, with the forms set forth at Appendix A of these Regulations.
- C. Delivery of Notice: Any notice required under this Article VI shall be delivered to the owner(s) and occupant(s) of property subject to the notice by mailing the same, by first class mail, postage prepaid, to their address as shown by the ad valorem tax records for Fremont County, Colorado and the records of the District.
- D. The Manager shall retain a signed copy of all notices sent by him as part of the permanent records of the District.
- E. Notice is complete when it is mailed in compliance with this section.
- F. Any action by the Manager shall become final fifteen (15) calendar days after the date notice is delivered except:
 - 1. The Manager may shorten the period in which any action is effective if for reasons of health or safety such action must become effective earlier. If the Manager exercises his option under this paragraph, he shall state his reasons in the notice.
 - 2. If the action proposed by the Manager includes termination of services or disconnection, the person receiving the notice shall have the right to have a telephone conference or face-to-face meeting at the District office with the Manager or his designated agent to present any information he may have which disputes the allegations in the notice. The conference or meeting can occur any working day up to but not including the date the action is to become final. As a result of the meeting, the Manager may affirm his action, withdraw the action or extend the date on which his action shall become final. The decision of the Manager after a meeting or conference shall be mailed to the person requesting the meeting or conference by first class mail, postage prepaid. The form to be used by the Manager is included in Appendix A of these Regulations.
- G. If an action has become final and the Manager intends to disconnect services, he shall provide notice of his decision to the following at least ten (10) working days before disconnecting the services:
 - 1. The health officer for the municipal authority with jurisdiction over the property;
 - 2. The Department of Health for the State of Colorado; and;
 - 3. Environmental Protection Agency at its regional office in Denver, Colorado, if applicable.
- H. Appeals of any final action by the Manager authorized by this Article VI shall be in conformance with Article VII of these Regulations.

ARTICLE VII

APPEALS

SECTION 701 - RIGHT TO APPEAL

- A. Any person owning property in the District, requesting or receiving services from the District or subject to licensing by the District shall have the right to appear before the Board to challenge any final action taken by the Manager under the authority of these Regulations.

SECTION 702 - TIME LIMITS

- A. An appeal must be commenced within thirty (30) days of any final action by the Manager.
- B. To be commenced, an appeal must be in writing on a form provided by the District for that purpose.
- C. Failure to perfect an appeal within the time limits specified herein shall operate as an absolute bar to review of the final action by the Board.

SECTION 703 - RECORD ON APPEAL

- A. The Board shall review all regulations, documents and other material necessary to render a decision.

SECTION 704 - HEARING ON APPEAL

- A. The Board shall hear any appeal within forty-five (45) days of filing.
- B. The hearing on appeal shall be at a regular meeting of the Board or a special meeting called for that purpose.
- C. The person bringing the appeal must be personally present at any hearing. The person bringing the appeal may also be represented by an attorney.
- D. At the hearing the Manager and the person bringing the appeal shall have the right to present evidence, testimony, to examine and cross-examine witnesses and to make arguments in support of their positions. The hearing shall be transcribed electronically or by a certified shorthand reporter. The cost of providing a certified shorthand reporter shall be borne by the person bringing the appeal.
- E. At the hearing the District's attorney shall act as an adviser to the Board and shall not participate in the presentation of the Manager's position. If the Manager requests that the District's attorney represent him in any appeal under this Article VII, the attorney shall not act as an adviser to the Board.
- F. Testimony at any hearing shall be under oath.

SECTION 705 - ACTION BY THE BOARD

- A. At the conclusion of any hearing on appeal the Board may enter a ruling or adjourn the hearing to date certain for entry of a ruling.
- B. The decision of the Board shall be in writing, shall state the decision of the Board and set forth the findings on which the action of the Board is based. A copy of the Board's decision shall be mailed to the person bringing the appeal and his attorney.
- C. The Board may:
 - 1. Uphold the action of the Manager.
 - 2. Modify the action of the Manager.
 - 3. Reverse the action of the Manager.
- D. Action of the Board on any appeal shall become final on the date the written decision is mailed.

APPENDIX A

Appeal Forms / Notices

TABLE OF CONTENTS

	FORMS	DESCRIPTION
1	“Notice of Action by Manager – Certificate of Construction”	<i>Completed by District Manager for violation of Article II, Section 217 (M)</i>
2	“Notice of Action by Manager”	<i>Completed by District Manager for violation(s) of Article II, III, or IV</i>
3	“Decision of Manager Letter”	<i>Completed by District Manager after conference/meeting w/participants re: Notice which summarizes action to be taken.</i>
4	“Request to Appeal Manager Decision”	<i>Submitted by customer/company to appeal Decision of Manager Letter.</i>
5	“Notice of Hearing of Appeal”	<i>Completed by District Manager in response to timely filing of a Request for Appeal.</i>
6	“Notice of Denial of Appeal”	<i>Completed by District Manager in response to a late filing of a Request for Appeal.</i>

NOTICE OF ACTION BY MANAGER

Certificate of Construction
ARTICLE II / SECTION 217 (M)

TO:

(CERTIFICATE HOLDER)

You are notified that the Manager intends to take the following action with respect to the Certificate of Construction which you hold:

☐ Revoke Certificate

☐ Other: _____

The reasons for the action proposed by the Manager are as follows:

The sections of the regulations adopted by the District which authorize the actions proposed are:

The penalties and/or costs which may be assessed in connection with the action proposed are as follows:

THE ACTION PROPOSED BY THE MANAGER WILL BECOME FINAL ____/____, 20____.

OR

On _____, 20____, less than 15 days from the date this Notice is mailed for the following reasons:

Any appeal of a final action by the Manager must be commenced within 30 days of the date the decision becomes final as set forth above. Forms for initiating an appeal are available from the District and can be obtained as follows:

1) by calling the District at **(719) 269-9050** (Monday – Thursday, 8:00 a.m. – 4:30 p.m.)

OR

2) by writing the District at:

Fremont Sanitation District
107 Berry Pkwy
Canon City, CO 81212-3900

IT IS YOUR RESPONSIBILITY TO OBTAIN AND FILE THE PROPER APPEAL FORMS WITHIN THE TIME LIMITS NOTED ABOVE. FAILURE TO DO SO WILL RESULT IN A DISMISSAL OF YOUR APPEAL.

Date Mailed:

FREMONT SANITATION DISTRICT

BY: District Manager

NOTICE OF ACTION BY MANAGER

ARTICLE II, III, IV

TO: (ADDRESS TO APPLICABLE PARTY(s) FROM LIST BELOW:)

(OWNER)

(OCCUPANT)

(CERTIFICATE HOLDER)

ADDRESS OR LEGAL DESCRIPTION OF PROPERTY:

You have requested one or more of the following from the District:

☐ Reinstatement of Suspended Permit

☐ Reinstatement of Services

☐ Reinstatement of Revoked Permit

☐ Reinstatement of Revoked

Certificate of Construction

☐ Other: _____

To obtain the relief requested you must meet the following conditions:

The sections of the regulations adopted by the District which authorize the conditions imposed are:

The penalties and/or costs which must be paid prior to granting the relief requested are as follows:

THE ACTION PROPOSED BY THE MANAGER WILL BECOME FINAL _____/_____, 20____.

Any appeal of a final action by the Manager must be commenced within 30 days of the date the decision becomes final as set forth above. Forms for initiating an appeal are available from the District and can be obtained as follows:

1) by calling the District at **(719) 269-9050** (Monday – Thursday, 8:00 a.m. – 4:30 p.m.)

OR

2) by writing the District at:

Fremont Sanitation District
107 Berry Pkwy
Canon City, CO 81212-3900

IT IS YOUR RESPONSIBILITY TO OBTAIN AND FILE THE PROPER APPEAL FORMS WITHIN THE TIME LIMITS NOTED ABOVE. FAILURE TO DO SO WILL RESULT IN A DISMISSAL OF YOUR APPEAL.

Date Mailed:

FREMONT SANITATION DISTRICT

BY: District Manager

DECISION OF MANAGER

ARTICLE II, III, IV

TO: (OWNER) (OCCUPANT)

ADDRESS OR LEGAL DESCRIPTION OF PROPERTY:

On _____, 20____, at ____:_____.m., we held a ☐ telephone conference ☐ face-to-face meeting concerning this District's notice to you mailed on _____, 20____.

The persons participating in the conference/meeting were:

As a result of our conference/meeting the following action will be taken by the District:

The sections of the regulations adopted by the District which authorize the decision are:

The penalties and/or costs which may be assessed in connection with the decision are as follows:

<i>THE ACTION PROPOSED BY THE MANAGER WILL BECOME FINAL _____/_____, 20____.</i>

OR

On _____, 20____, less than 15 days from the date this Notice is mailed for the following reasons:

Any appeal of a final action by the Manager must be commenced within 30 days of the date the decision becomes final as set forth above. Forms for initiating an appeal are available from the District and can be obtained as follows:

1) by calling the District at **(719) 269-9050** (Monday – Thursday, 8:00 a.m. – 4:30 p.m.)

OR

2) by writing the District at:

Fremont Sanitation District
107 Berry Pkwy
Canon City, CO 81212-3900

IT IS YOUR RESPONSIBILITY TO OBTAIN AND FILE THE PROPER APPEAL FORMS WITHIN THE TIME LIMITS NOTED ABOVE. FAILURE TO DO SO WILL RESULT IN A DISMISSAL OF YOUR APPEAL.

Date Mailed:

FREMONT SANITATION DISTRICT

BY: District Manager

APPEAL
ARTICLE VII

NAME AND ADDRESS:

ADDRESS OR LEGAL DESCRIPTION OF PROPERTY AFFECTED:

I wish to appeal the decision of the Manager set forth in a Notice mailed to me on _____, 20____ .

I disagree with the decision of the Manager for the following reasons: *(Attach additional sheet if necessary)*

By submitting this request, I understand that I must be personally present at any hearing held to consider my appeal and that I am responsible for paying the cost of a certified shorthand reporter to transcribe the hearing if I request one. If I do not request a certified shorthand reporter, the proceedings will be electronically transcribed.

CHECK ONE: ☐ I do ☐ I do not request a certified shorthand reporter.

Date: _____.

Appellant

For District Purposes Only:

Date Notice Mailed: ____/____/____

Date Action Became Final: ____/____/____

Date Appeal Filed With District: ____/____/____

Is Appeal Timely Filed? (Article VII, section 802) ☐ Yes ☐ No

NOTICE OF HEARING ON APPEAL
ARTICLE VII

TO:

A Hearing on your appeal has been set for ____/____, 20____, at ____:____ ____m.

The Hearing will be held at _____.

The Hearing will be ☐ electronically transcribed ☐ transcribed by a certified shorthand reporter.

A copy of Article VII of the District's Regulations which govern appeals is set forth on the reverse side of this notice.

Date Mailed:

FREMONT SANITATION DISTRICT

BY:
District Manager

NOTICE OF DENIAL OF APPEAL
ARTICLE VII

TO:

The appeal you filed with the District on ____/____, 20____, has been denied.

The Notice which lead to your appeal was mailed by the District on ____/____, 20____. A timely appeal of that decision had to be filed no later than ____/____, 20____.

As a consequence of your late filing of an appeal, your request for review by the Board is barred. This action is final on the date this Notice is mailed as shown below.

Date Mailed:

FREMONT SANITATION DISTRICT

BY:

District Manager

APPENDIX C

Construction Details

(ARTICLES IV, V, VI)

	TABLE OF CONTENTS
1	<i>Requirements for Pretreatment Units</i>
2	<i>Colorado Dept. of Health Laws, Rules, Regs Section 11.4 – 11. 5</i>
3	<i>Sand & Oil Interceptors (Type “A” Commercial / Type “B” Industrial)</i>
4	<i>Grease Interceptors (Type “A” Commercial / “B” & “C” Industrial)</i>
5	<i>Acid Neutralization Unit</i>
6	<i>Sanitary Sewer Service Lines & Under Drains</i>
7	<i>Sanitary Sewer Service Detail</i>
8	<i>Typical Bore Construction</i>
9	<i>Manhole Step</i>
10	<i>Drop Manhole</i>
11	<i>Manhole Base Detail</i>
12	<i>24” & 30” Manhole Ring & Cover</i>
13	<i>Standard Manholes</i>
14	<i>Pipe Bedding Classes</i>
15	<i>Trench Patching</i>

APPENDIX D

FREMONT SANITATION DISTRICT

USER CHARGE SYSTEM

ADOPTED

DECEMBER 17, 1996

INDEX

Subject

I.	Introduction	Pg. 1
II.	Components of User Charge System	Pg. 1
III.	Method of Analysis	Pg. 1
IV.	Determination of Rates	Pg. 6

THIS DOCUMENT CONTAINS THE 1997 RATE SETTING INFORMATION INCLUDING DISTRIBUTION OF REVENUES AND EXPENDITURES. IT IS THE BASIS FOR RESOLUTION 1996-25 SETTING MONTHLY FEES FOR 1997.

I. Purpose of Policy

This policy is intended to provide the framework for establishing the various user charges required to fund the District. It is the District's intent that this policy comply with PL 92-500, which requires a uniform user charge system which meets applicable requirements as set forth in Subpart E (40 CFR Part 35).

II. Components of User Charge System

The following rate structures have been implemented to meet the requirements stated in Section of I of this report.

Residential Rates

Will be based on a flat rate for 5,000 gallons average monthly residential usage.

Commercial Rates

Rates will be based on a minimum rate for the first 5,000 gallons plus an additional usage charge for every 1,000 gallons used beyond the minimum based on monthly water meter readings.

High Strength Commercial Users

In addition to the normal charges for commercial accounts, these accounts will be charged a surcharge for every lb. of Biochemical Oxygen Demand and Suspended Solids in excess of 200 mg/l and 250 mg/l respectively.

There are no users of the District's facilities which fall under any of the definitions of an industrial user. Therefore, at this time no industrial cost recovery system is required.

Quantity discounts will not be allowed for any user class.

III. Method of Analysis

The following procedure will be used to develop the user charge rate for each year based on the previous year's flow, taking into consideration expected changes, and the coming year's approved budget.

Procedure

- 1.) Plant loading - The records for influent flow, B.O.D. and Suspended Solids, as reported to the Department of Health for the previous twelve months, along with best judgment estimates of new or increased loadings will be used to complete Table A.

Table A	Q	BOD	TSS
	Total MG/Yr	Total Lbs/Yr	Total Lbs/Yr
	1,527,190	2,525,554	2,734,279
	MGD Avg	Lbs/Day Avg	Lbs/Day Avg
	4.18	6,919	7,491

- 2.) Distribution of Expenses

a. Construction Costs

The percentages as determined by the engineering consultant for the cost of construction of each component by task in their estimate of probable cost dated 4/15/80, will be used. Although cost of the plant increased, the costs were spread out over the various tasks and would not materially affect the percentages.

Those percentages are flow 65%, Suspended Solids 13%, and B.O.D. 22%. These percentages will then be multiplied by the budget year's debt service, allocated to debt, between the pollutant loadings.

b. Operation and Maintenance Costs

Annually, the O & M costs will be allocated to the various components as outlined in Table B.

- 3.) Distribution of Non-Operating Revenues and Reserves

- a. Property and Personal Property Taxes Revenues collected shall be applied as a reduction in the revenues needed from the Base Rate.
- b. Reserve Account Transfers - Money from reserve accounts will be distributed so as to be credited towards Q, BOD, SS, or Administration Costs as designated by the Board of Directors. For example:
- c. System Development funds withdrawn to pay for main construction will be credited towards Q, while System Development Funds withdrawn for plant expansion will be credited to Q, BOD, or SS as appropriate.
- d. Reserves - funds withdrawn to pay for sludge hauling trucks will be credited to BOD and SS. While funds withdrawn to pay

for collection system equipment will be credited to Q.

(TABLE B) DIVISION OF OPERATION AND MAINTENANCE
EXPENSES INTO Q, SS AND BOD

Salaries:		
All But Truck Driver	All 3	\$450,259
Solids Disposal	SS & BOD	\$71,756
Total Power (\$)	\$190,000	
Influent Pumping 9.3%	Q	17,670
Return Sludge 4.8%	BOD	9,120
Aeration 60.3%	BOD	114,570
Digesters 25.6%	SS & BOD	\$48,640
All Other	All 3	
Utilities	All 3	
Chlorination/Dechlor.	Q	25,703
Wet Haul of Sludge	SS & BOD	\$236,801
Lab Supplies	All 3	\$20,554
Office Exp. & Supp	All 3	\$13,276
Maintenance Supplies	All 3	\$77,046
Buildings and Grounds	All 3	\$68,057
Reserve Accounts/Cont.	All 3	\$50,000
Capital Projects	All 3	\$0
	Q	371,250
	SS & BOD	\$50,000
Coll. Sys. Maint	All 3	\$38,584
	Q	361,266
Total O & M		2,024,552
Administrative Expenses	Base	714,607
Industrial Pretreatment	Comm. Base	54,428
Total Expenses		<u>\$2,793,587</u>

Note - Administrative Expenses are Board of Directors Costs and Finance Administration Costs.

These are then summed under their respective categories in the following table.

(TABLE C)					
PARAMETERS	TOTAL O & M	Q	SS	BOD	ADMIN.
Q	775,889	775,889			
BOD	123,690			123,690	
SS & BOD	407,197		203,598	203,598	
All Three	907,968	590,179	118,036	199,753	
Distribution %	100%	65%	13%	22%	
Administrative	524,415				524,415
TOTAL	\$2,739,159	1,366,069	321,634	527,041	524,415

Allocation Of Debt Expenses

The following table summarizes all of the costs, including O & M and Debt Service according to flow, B.O.D. & S.S.

(TABLE D) COST ALLOCATION AMONG
Q, S.S., & B.O.D.

	FLOW (Q)	Solids	BOD	TOTAL
% OF	65%	13%	22%	100%
Construction				
Debt Service	275,085	55,017	93,106	423,208
Operation & Maintenance	1,366,069	321,634	527,041	2,739,159
TOTAL ANNUAL COS	1,641,154	376,651	620,147	3,162,367

Distribution of Beginning Balance and Miscellaneous Income

Determine The percentage of the O & M Budget each of the four areas (Administrative, Flow, S.S., and B.O.D.) represents and fill in Table E:

(TABLE E) COST ALLOCATION AMONG
Q, S.S., & B.O.D.

	TOTAL	FLOW (Q)	Solids	BOD
% OF Construction	100%	65%	13%	22%
Pretreatment Costs	54,428	35,378	7,076	11,974
Less Fee Revenue	31,000	20,150	4,030	6,820
Operation & Maintenance	2,637,952	1,641,154	376,651	620,147
TOTAL ANNUAL COS	2,661,380	1,656,382	379,697	625,301

Determination of Needed Revenue

The final step is to determine the amount of revenue needed for each of the expense areas after subtracting the various non-operating sources of funds, from the planned expenditures. These funds are distributed in accordance with Paragraph III-3 (a-d). The values contained in the needed revenue row are used in the rate calculation formulas in Section IV.

(TABLE F) DETERMINATION OF NEEDED REVENUE

	Q	Solids	BOD	ADMIN	TOTAL
Annual Cost	1,656,382	379,697	625,301	524,415	3,185,795
Less:					
Beginning Balance	97,018	22,240	36,625	30,716	186,600
Non-operating					
revenues	52.0%	11.9%	19.6%	16.5%	100.0%
Tax Revenue				(216,412)	(216,412)
System Development	(221,250)	(25,000)	(25,000)		(271,250)
Cap. Replacement Res.		(65,000)	(65,000)		(130,000)
Grants	0	0	0	(92,000)	(92,000)
Total Non-Operating					
Revenue	(318,268)	(112,240)	(126,625)	(339,128)	(896,262)
Needed Revenue	1,338,113	267,457	498,676	185,287	2,289,533

IV. DETERMINATION OF RATES

Using the results from the above Table E. calculate the rates using the following formulas:

<u>Base Rate</u>	divided by # of	divided by 12			
Administrative N	Accounts	months	equals		/mo/unit
\$365,612	9,961	12		<u>\$3.06</u>	
	accounts	months			

<u>B.O.D. Charge</u>					
	divided by				
	annual lbs. of				
BOD Revenue N	BOD	Equals			
\$460,325	3,204,554		<u>\$0.14</u>	/lb BOD	
	annual lbs				

<u>S.S. Charge</u>					
	divided by				
	annual lbs. of				
SS Revenue Nee	TSS	Equals			
\$244,813	3,224,735		<u>\$0.08</u>	/lb TSS	
	annual lbs				

<u>Flow Charge</u>					
	divided annual				
	flow in				
FLOW Revenue	thousands	Equals			
\$1,318,783	1,527,190		<u>\$0.86</u>	/1,000 gals	
	million gals				

CALCULATION OF RESIDENTIAL RATES

Base Rate	\$3.06
Plus B.O.D. Charge at 5,000 gals./	\$1.20
Plus S.S. Charge for 5,000 gals./m	\$0.79
Plus Flow Charge for 5,000 gals	\$4.32
Equals Minimum Monthly Residenti	<u>\$9.37</u>

CALCULATION OF COMMERCIAL RATE

Base Rate	\$3.06
-----------	--------

Plus B.O.D. Charge at 5,000 gals./mo.	\$1.20
Plus S.S. Charge for 5,000 gals./mo	\$0.79
Plus Flow Charge for 5,000 gals./mo.	\$4.32
Equals Mininum Monthly Commercial Rate	<u>\$9.37</u>
<u>Excess Flow Rate Equals</u>	

B.O.D. times	\$0.14 /lb. BOD	\$0.24
Plus S. times	\$0.08 /lb. SS	\$0.16
Plus Flow	\$0.86 /1000 gals	\$0.86
Equals Excess Flow Rate of	/1,000 gals	\$1.26

APPENDIX E

FREMONT SANITATION DISTRICT PUBLIC RECORDS POLICY

1. PURPOSE:

The policy of the Fremont Sanitation District (the "District") is that the decision-making process is a matter of public business and may not be conducted in secret. All public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. However, computer-generated communication systems are frequently used by employees for the purposes of documenting and/or sending personal or private messages, or messages not intended to be viewed by the public. The District desires to implement a policy that will serve the public's right to access public records, while identifying to employees the inherent difficulties in ensuring privacy in the use of the District's computer system for personal use.

2. AUTHORITY:

The District enacts this Policy under the following authority: the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended ("CORA"); the Colorado Sunshine Law, C.R.S. § 24-6-401, *et seq.*, as amended; *Mountain Plains Investment Corp. v. Parker Jordan Metro, Dist.*, 312 P.3d 260 (Colo. App. 2013); *Black v. Southwestern Water Conservation Dist.*, 74 P.3d 462 (Colo. App. 2003); *Glenwood Post v. City of Glenwood Springs*, 731 P.2d 761 (Colo. App. 1986); and additional appropriate case law.

3. DEFINITIONS:

For purposes of this Policy, the following terms shall have the following meanings:

A. Correspondence: A communication that is sent to or received by one or more specifically identified individuals and that is or can be produced in written form, including, without limitation, communications sent via electronic mail, private courier, U.S. mail, modem or computer.

B. Custodian of Records: The individual who shall be responsible for compiling documents, scheduling appointments for inspection, and for responding to any such public records request. The Board of Directors hereby designates the District Manager as the Custodian of Records.

C. Electronic Mail ("E-mail"): An electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes electronic messages that are transmitted through a local, regional or global computer network.

D. Work Product: All advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include, but are not limited to: (a) Notes and memoranda that relate to or serve as background information for such decisions; and (b) Preliminary drafts and discussion copies of documents that express a decision by an elected official. "Work product" also includes a request by a District official for the preparation of such opinion or deliberative materials. For example, if the District Manager requests in writing that staff prepare material to assist the Board of Directors in a decision-making process, the written request shall also be considered "work product."

4. PROTECTED RECORDS:

Certain records are protected under law from public inspection under the CORA. These records fall into the following categories:

- Personnel files
- Ongoing investigations by law enforcement authorities
- Victim/witness information
- Social security numbers
- Juvenile criminal records
- Work product
- Correspondence sent to or received from the District's legal counsel
- Individual medical, mental health, sociological and scholastic achievement data
- Letters of reference
- Trade secrets
- Confidential commercial or financial data
- Names, addresses, telephone numbers, and personal financial information of past or present users of public utilities, facilities, or recreational or cultural services
- Records of sexual harassment complaints and investigations
- Library records and contributions
- Addresses and telephone numbers of students in any public elementary or secondary school

Records that are exempt from the CORA might still be accessible to other forms of inspection, such as subpoena.

5. E-MAIL:

A. The District's e-mail system is provided by the District to facilitate District work and is intended for business-related communications, including uses related to District-sponsored events and activities. The District recognizes that occasional personal use will occur, and such use is permitted as long as it does not interrupt the normal flow of District business. However, any improper use, as determined by the District, is prohibited and may result in: suspension or loss of e-mail access; disciplinary action up to and including termination of employment; and/or legal action.

B. E-mail correspondence of District employees and elected officials may be a public record under the CORA and therefore may be subject to public inspection. Exceptions to inspection may include e-mail which is covered by the attorney-client privilege, work product privilege or other privilege recognized by Colorado law. Most routine e-mail, however, will likely be considered public information. Employees and elected officials should have no expectation of privacy when using the District's e-mail system. All electronic communications sent or received on the District's e-mail system, regardless of the subject matter or e-mail address used, are District property and may be subject to disclosure under the CORA. The District reserves the right at any time, to monitor, access, view, use, copy and/or disclose all such e-mail messages.

C. E-mail users are responsible for safeguarding their passwords and may not disclose their passwords to others. However, the use of a password does not prevent the District from monitoring, accessing, viewing, using, copying or disclosing any e-mail messages sent or received on the District's e-mail system.

D. District employees may not access the computer account of another unless granted permission to do so by that user. This restriction does not apply to system administrators and others who are authorized to access the systems for legitimate business purposes.

E. Improper use of e-mail includes, but is not limited to:

1. Language which is offensive, obscene, or in poor taste, including jokes or messages which create an intimidating, hostile or offensive work environment;
2. Messages or information which conflict with the District's policies against discrimination or harassment in the workplace;
3. Messages or information which advertise or promote a business, political candidate, political or religious cause;
4. References or messages which give offense on the basis of race, color, religion, national origin, citizenship, ancestry, marital status, sex, disability, age, veteran's status or sexual orientation;
5. Frivolous use which interrupts the normal flow of District business, such as playing games, conducting betting pools, and chain letters;
6. Messages which violate any law; and
7. Messages urging electors to vote in favor of any statewide ballot issue, local ballot issue, referred measure, or recall, pursuant to C.R.S. § 1-45-117.

F. District employees and elected officials are expected to use common sense and good judgment in all official communications and to avoid any communication that is disrespectful, offensive, or threatening to others. Violation of this policy may result in any or all of the following: suspension or loss of e-mail access; disciplinary action up to and including termination of employment; and legal action.

G. E-mail is retained on the District's server for a designated period of time, so employees and elected officials should not assume that any e-mail that they personally delete is thereby deleted from the District's server. The District will retain, archive, or purge, as the District deems appropriate, any incoming or outgoing e-mail to or from any District employee.

H. Pursuant to the Colorado Sunshine Law, a meeting of three or more members of the Board of Directors at which any public business is discussed or at which any formal action may be taken is a public meeting. The term "discussion" as used in the Colorado Sunshine Law implies live, responsive communication between elected officials. Therefore, it is the District's policy that the mere receipt or transmission of e-mail in other than a live, communicative discussion format shall not constitute a public meeting and shall not be subject to the requirements of the Colorado Sunshine Law. For example, the receipt by one or more elected officials of e-mail sent earlier in the day or week by another elected official concerning public business shall not constitute a "public meeting." The e-mail may, however, constitute a public record otherwise subject to disclosure pursuant to the CORA and this Policy.

6. RETENTION OF DOCUMENTS:

All documents which constitute public records other than e-mail shall be retained pursuant to the Colorado State Archives record retention schedule. At the request of the District's Attorney, the Custodian of Records may retain certain records after the retention period expires, if those records are relevant to pending or imminent litigation involving the District.

7. INSPECTION:

A. General. Public records shall be open for inspection by any person at reasonable times, subject to the exceptions found in the CORA. All public records shall be inspected at the District's offices or at the offices of the District's Attorney.

B. Request Required. A request to inspect public records must be written, and sufficiently specific in scope to enable the Custodian of Records to identify the information desired. Requests for inspection of e-mail shall include the sender's name, the recipient's name and the approximate date and time of the transmission. If the Custodian of Records receives a request to inspect public records that is ambiguous or lacks sufficient specificity to enable the Custodian of Records to locate the records, the Custodian of Records shall, within three (3) working days, notify the requesting party in writing of the deficiencies in the request. Any clarified request shall be considered a new request for purposes of this Policy and the CORA.

C. Review and Response. Upon receipt of a request for inspection of public records, the Custodian of Records shall review the request and determine whether the requested records are voluminous, in active use, or otherwise not readily available. If so, the Custodian of Records, within three (3) business days, shall notify the requesting party in writing that the documents will be produced for inspection within seven (7) additional business days, pursuant to C.R.S. § 24-72-203(3). The notice shall state the reason(s) why the requested records are not readily available and shall ask the requesting party to schedule an appointment for inspection of the requested records. Notwithstanding the foregoing, based on the case of *Citizens Progressive Alliance v. Southwestern Water Conservation District*, 97 P.3d 308 (Colo. App. 2004), if it is physically impossible for the Custodian of Records to comply with a request for public records within the time periods established by CORA, the Custodian of Records shall comply with the request as soon as physically possible.

D. District's Attorney. Any of the notices required herein may be issued by the District's Attorney in lieu of the Custodian of Records. By written notice, the District's Attorney may further require that any requesting party contact the District's Attorney rather than the Custodian of Records.

8. FEES:

A. Copies, Printouts or Photographs. Pursuant to C.R.S. § 24-72-205(5)(a), the District shall charge a fee not to exceed twenty-five cents (\$0.25) per standard page for any copy of a public record or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record which is in a format other than a standard page. For purposes of this Policy, a black and white copy made on a single sheet of letter or legal sized white paper shall constitute a "standard page."

B. Research and Retrieval Time. Pursuant to C.R.S. § 24-72-205(6)(a), the first hour of research and retrieval time shall be free of charge; however, the District reserves the right to charge a fee of thirty dollars (\$30.00) per hour for any additional staff time devoted to researching and retrieving the requested information. Anyone submitting a request for electronically stored public records shall remit a deposit equal to fifty percent (50%) of the estimated costs for the search before any such search commences.

C. Board Meeting Packets. Notwithstanding subsections A and B above, one (1) copy of the packet for each Board of Directors meeting shall be made available to each resident free of charge, upon request in person at the District's offices. Only standard, black and white, 8½ x 11" pages shall be included in the free Board meeting packet; oversize documents shall not be included in the free Board meeting packet.