

CLEAR CREEK VALLEY WATER & SANITATION DISTRICT

RULES AND REGULATIONS

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RULES AND REGULATIONS

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**RULES AND REGULATIONS
OF THE
CLEAR CREEK VALLEY WATER & SANITATION DISTRICT**

ARTICLE I - PURPOSE & GENERAL REGULATIONS

Section 1.01. Declaration of Policy. It is hereby declared that the following Rules and Regulations will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants of the Clear Creek Valley Water & Sanitation District, hereinafter "District", and that the same are necessary to ensure and protect the health of the inhabitants within the District and to promote sanitation. In all instances, these Rules and Regulations shall be subject to the limitations and provisions of any contract or agreement existing between the District and any other governmental unit and also to any superior law, rule or regulation.

Section 1.02. Purpose of Sanitary Sewer System. It is hereby declared that the sanitary sewer system of the District is for the purpose of the disposal of domestic wastes and is not for the purpose of disposing of commercial, manufacturing or industrial wastes, except as provided within these Rules and Regulations. It is further declared that the sanitary sewer system of the District was not designed nor intended to be used other than for the purposes before declared and the District was not intended to provide, nor is it able to provide, for the disposal of flood waters, surface drainages, nor receiving the discharge of water from underground or above ground sources, except as contaminated by human, domestic, commercial, industrial and manufacturing uses as herein provided.

Section 1.03. Definitions.

(a) Altered Sewer Connection or Altered Connection. Means any sewer connection which serves a premise or building in which the number of single family household units is increased or where there is an increase in the size of the water service tap.

(b) Board. The word "Board" and phrase "Board of Directors" as used herein shall mean the Board of Directors of the Clear Creek Valley Water & Sanitation District.

(c) Connection. See "Tap".

(d) District. The word "District" or "Clear Creek" as used herein shall mean the Clear Creek Valley Water & Sanitation District.

(e) District Engineer or Engineer. A professional engineer, registered in the State of Colorado, appointed by the Board of Directors to act in such capacity.

(f) Dwelling Unit. One or more habitable rooms arranged, occupied or intended or designed to be occupied by not more than one family with facilities for living, sleeping, working and eating.

(g) Facilities. "Facilities" means the public sewer system and all appurtenances and accessories.

(h) Family. Any number of individuals living together as a single housekeeping unit.

(i) Fixture Unit. A "fixture unit" is a design factor so chosen that the load producing values of a plumbing system can be determined. The table, as set forth in the Colorado Department of Health Plumbing Regulations, shall be utilized in determining any such values.

(j) Inspector. The "Inspector" shall be that person appointed by the Board from time to time who shall inspect all sewer connections, excavation, installations of and repairs to the public sewer system and facilities of the District to ensure compliance with the Rules and Regulations of the District.

(k) Interior Lot. An "interior lot" is a parcel of land in single or common ownership, adjacent to not more than one public road or street.

(l) License. Written permission of the Board of Directors, as evidenced by the completion of a form prescribed by the Board, to construct or repair a service line or repair a public sewer.

(m) Licensed Drainlayer. A "licensed drainlayer" is that person performing services within the District physically affecting the facilities of the District, the public sewer or a service line, and having a license so to do issued by the District as herein required.

(n) Multiple Dwelling. A building or group of buildings arranged, intended or designed for occupancy, or which is occupied, by more than one family living independently of each other in separate housekeeping units or apartments. The term "multiple dwelling" shall include, but is not limited to, such dwellings known as apartment homes, condominiums, duplexes, bungalows, hotels and motor inns or motels.

(o) One Ownership. "One ownership" means a separate fee simple estate in real property and the structures thereon.

(p) Parcel of Land. A description of real property, formally indicated by legal description in recorded title to the property, together with boundaries thereof, used for general identification of the property.

(q) Permit. Written permission of the Board of Directors, as evidenced by the completion of the form prescribed by the Board, to connect a service line to the public sewer.

(r) Person. A "person" shall refer to either the singular or plural and shall include a firm, a partnership or a corporation.

(s) Public Sewer. The words "public sewer" as used herein shall mean any sewer line or portion thereof owned by the District. This definition specifically does not include service lines.

(t) Separate Building. A structure enclosed under a single roof system, said structure housing a system of pipes, fittings and fixtures for the collection and discharge of domestic wastes.

(u) Service Line. "Service line" shall mean that part of a sewer line receiving domestic, commercial, industrial or manufacturing wastes connected with the facilities of the District and commencing at a point located approximately five (5) feet from the outside building wall from which such wastes are discharged into the facilities of the District and terminating at the public sewer connection.

(v) Shall. Wherever the word "shall" is used, it shall be construed as mandatory.

(w) Single Family Dwelling. A separate building arranged, intended or designed to be occupied, or which is occupied, by not more than one family and which has not more than one kitchen.

(x) Single Family Residential Equivalent (SFRE) or Equivalent Residential Unit. Means the capacity of sewer service or water service required for a single family household.

(y) Stub-In. "Stub-in" means the physical connection to the public sewer system using sewer pipe or similar device which, until a future time, shall be capped in a manner to not allow sewage to be discharged into the public sewer system. When service is required, the cap or stopper can be removed to allow the physical connection to the public sewer system.

(z) Superintendent. The "Superintendent" shall be the person as appointed by the Board from time to time, under the direction of the Board, who shall manage the affairs of the District and shall be charged with the responsibility of the enforcement of these Rules and Regulations.

(aa) Tap. "Tap" or "connection" is the junction fitting at any connection of a sewer service line to the public sewer systems of the District.

Section 1.04. Use of Public Sewer Required. From and after the enactment of these Rules and Regulations, no sewage disposal system other than municipal in character shall be constructed within the District, unless the same is connected with the public sewer or unless otherwise specifically authorized by the Board by special permit.

Section 1.05. Independent Connections.

(a) Each parcel of land in separate ownership shall have an independent connection to the facilities of the District and shall not be interconnected with any other sewage disposal system, unless specifically authorized by the Board.

(b) Where a parcel of land has more than one separate building thereon, each separate building shall be independently served, except as provided in (c) and (d) herein.

(c) Where a parcel of land has more than one separate building thereon, under conditions of a unified development and under one ownership, application may be made to the Board of Directors for a single service line to such development. The Board will determine initially whether single service will be permitted and upon what conditions, and may then enter into an agreement setting forth such conditions. Such agreement shall run with the land and shall be recorded in the records of the Clerk and Recorder of the county where the parcel of land is located.

(d) Where a parcel of land has one or more separate multi-unit building or buildings thereon, which building or buildings can be or are physically divided into multiple ownerships, application shall be made to the Board for the unified development of such facility and, if desired, for a single service line to each multi-unit building. The Board will determine initially whether single service will be permitted and upon what conditions and may then enter into an agreement with the property owner setting forth such conditions. Such agreement shall run with the land and shall be recorded in the records of the Clerk and Recorder of the county where the parcel of land is located.

Section 1.06. Requisites. Before any connection is made to the public sewer, a permit therefor shall be obtained from the District and the required fees therefor paid as established by the Board. Application for such permit shall be made to the District on the form or forms furnished by

the District, which shall give a full description of the work to be done, the address of the unit to be served, and the name of the licensed drainlayer to perform the work under the permit.

Section 1.07. Disconnection. No service line connected with the public sewer shall be disconnected therefrom without a permit to do so and without inspection by the Inspector for this District.

Section 1.08. Service Limitations. Prohibitions and limitations which may be contained within any contractual agreement of the District with any other governmental body shall also constitute prohibitions and limitations by any user of the facilities of the District, except as may be provided by special permit.

Section 1.09. Service Line Maintenance. It shall be the responsibility of the property owner to keep the sewer service line between the building connected and the public sewer clean and clear of any obstructions and to keep said service line in good repair at all times, so that exfiltration and infiltration are kept to an allowable minimum and so that there shall be no accumulation of septic sewage therein. The District shall have no responsibility to maintain or protect service lines.

Section 1.10. Industrial Service Agreements. Industrial users shall be subject to certain additional regulations and requirements as determined by the Board to promote the best interests of the District and the general health, safety and welfare of its inhabitants. Such regulations and requirements shall be contained in and form a part of the industrial service agreement entered into with each industrial user. For purposes of this section, an industrial user shall mean any non-governmental business, commercial or industrial use which does contribute, or is likely to contribute, sewage to the public sewer system requiring special handling and/or extra treatment works capacities. Industries so classified shall be those identified in the Standard Industrial Classification Manual under Division A (Agriculture, Forestry, Fishing); Division B (Mining); Division D (Manufacturing); Division E (Transportation, Communications, Electrical, Sanitary Services); and Division I (Services). Any such classified user may be excluded from such class if the Board determines that such user's normal sewage contribution is representative of the type contributed by a domestic commercial user. In such instances, the facility shall be considered a commercial user and the provisions of this section shall not be applicable to such user. Notwithstanding this paragraph, the provisions of Article III shall control in all circumstances.

Section 1.11. Metering, Sampling and Pretreatment. Industrial users shall install such facilities as the Board finds necessary for measurement of flows and sampling of quality. Industrial users contributing sewage in volumes substantially equal to metered use of a water supply shall only provide for sampling; all others shall install sewage flow meters of the type which provide for continuous totalizing and recording in addition to facilities for sampling. An industrial user may be required to provide for pretreatment of sewage contribution before discharging into the public sewer system.

ARTICLE II - LIMITATIONS & PROHIBITIONS OF USE

Section 2.01. Source of Effluences. In addition to all other limitations herein prescribed, in no instance shall effluences be discharged into the public sewer system, unless the same are from domestic, commercial, industrial, or manufacturing establishments and by such use the effluent is rendered unsanitary.

Section 2.02. Manufacturing and Industrial Uses. Manufacturers, meat processors, film processors, commercial processors and industries are specifically prohibited from using the facilities of the District unless the same have first obtained a special permit granted by the Board of Directors

defining the conditions, limitations, and the restrictions prescribed by the District therefor, and the amount, category and classification of fees and charges as to each of the same determined by the Board to be for the best interest of the District.

Section 2.03. Connection of Old Facilities. No sewer service line may be connected to any public sewer system, if that service line is connected to either a septic tank or cesspool. If an existing service line shows an excessive infiltration, in the sole discretion of the Board, the line shall not be connected to the public sewer system.

Section 2.04. Swimming Pools. No public or private swimming pool shall be connected with the public sewer system without first obtaining a special permit therefor from the District, which permit shall define and specify the hours during which waters may be discharged from such pools into the public sewer system and the size of the outlet, traps, and other facilities, and prescribe the fees and charges therefor, if any.

Section 2.05. Wash Racks. No drain accepting discharge from any garage or commercial wash racks for vehicles shall be connected to any service line, or otherwise discharged into the District's system, without specific written approval from the Board. Any application to connect such a facility shall include plans for an approved oil and sand interceptor and a storage tank as specified in Appendix 1.

Section 2.06. Disposal. No person shall cause any waste or materials to be discharged into the public sewer system, unless such discharge is through a properly connected sewer service line.

Section 2.07. Requirements Regarding Deleterious Wastes. Sewage delivered into the facilities of the District shall not:

(a) Be of such a quantity, quality, or other nature as to create flammable or explosive conditions in such facilities.

(b) Have a flash point lower than 187°F, as determined by the Tagliabue (Tag.) close cup method.

(c) Have a pH value lower than 5.0 or greater than 10.0, or have any chemical properties which are hazardous or capable of causing damage or hazard to any part of the system or to humans.

(d) Include any radioactive substance, except as otherwise hereinafter set forth, unless the District shall have given written consent to its inclusion.

(e) Include any garbage other than that received directly into the public sewer system from domestic and commercial grinders in dwellings, restaurants, hotels, stores and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the public sewer, with no particle greater than onehalf inch (1/2") in any dimension.

(f) Include night soil or septic tank pumpage, except by special permission in writing from the District, at such points and under such conditions as the District may stipulate in each permit.

(g) Notwithstanding any provisions of Article II, Sections 2.01 and 2.07 inclusive, the provisions of Article III shall control in all circumstances.

ARTICLE III - PROHIBITED SEWAGE & WASTES

Section 3.01 - General Provisions

3.01.1 Purpose and Policy

This Industrial Pretreatment Resolution (Article III) sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Clear Creek Valley Water and Sanitation District and enables the District to comply with all requirements of the Metro District, applicable state laws and the General Pretreatment Regulations issued pursuant to the Clean Water Act of 1977.

The objectives of this Resolution are:

- (a) to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) to prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) to prevent the introduction of pollutants into the municipal wastewater system which may pose health or safety hazards to workers in the sewer system or at a facility providing treatment.
- (d) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (e) to provide for the equitable distribution of the cost of operating the municipal wastewater system.

This Resolution provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, [and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.]

This Resolution shall apply to the Clear Creek Valley Water and Sanitation District and to persons outside the District who are Users of the District POTW. Except as otherwise provided herein, the Board of Directors of the Clear Creek Valley Water and Sanitation District shall administer, implement, and enforce the provisions of this Resolution.

3.01.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Resolution, 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. 1251, et seq.
- (b) Administrator. The Administrator of the Environmental Protection Agency.

- (c) Approval Authority. The Director of the Water Quality Control Division of the Colorado Department of Health, or the Regional Administrator of the EPA.
- (d) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) a responsible officer if the Industrial User is a corporation, specifically the president, secretary, treasurer, or vice president in charge of principal business activity or any other person who performs similar policy or decision making functions for the corporation, or the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) a general partner if the Industrial User is a partnership, or by the proprietor if the Industrial User is a sole proprietorship; (3) a duly authorized representative of the individual designated in (1) or (2) above having overall responsibility for the facility from which discharge originates if the authorization is made in writing.
- (e) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).
- (f) Building Sewer. A sewer conveying wastewater from the premises of a User.
- (g) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standards.
- (h) Colorado Discharge Permit System Permit or CDPS Permit. A permit issued pursuant to the Colorado Water Quality Control Act (25-8-101 et. seq., CRS 1973 as amended)
- (i) Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- (j) District. The District of Clear Creek Valley Water and Sanitation District or the Board of Directors of Clear Creek Valley Water and Sanitation District.
- (k) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency.
- (l) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (m) Industrial User. Any non-domestic source discharging pollutants into a POTW.
- (n) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources both: (1) inhibits or disrupts the POTW treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the Clear Creek Valley Water and Sanitation Metro District's NPDES or CDPS Permit(s) (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more

stringent state or local regulations): Section 405 of the Act, (33 U.S.C. 1345), 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 Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(o) Metro District. The Metro Wastewater Reclamation District, a political subdivision of the State of Colorado.

(p) National Categorical Pretreatment Standard or Pretreatment 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. 1317) and set forth and defined in 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N which applies to a specific category of Industrial Users.

(q) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(r) New Source. 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 provided that: (1) the building, structure, facility or installation is constructed at a site at which no other source is located; or (2) the building, structure facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

(s) Pass Through. A discharge which exits the facilities of 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 POTW's NPDES or CDPS permit(s) (including an increase in the magnitude or duration of violation).

(t) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, including any person or entity contracting with the District for sewage service. The singular shall include the plural where indicated by the context.

(u) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

(v) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(w) 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 by other means, except as prohibited by 40 CFR Section 403.6(d).

(x) Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

(y) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Clear Creek Valley Water and Sanitation District or the Metro District. This definition includes any sewers that convey wastewater to a facility providing treatment, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Resolution, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the District who are, by contract or agreement with the District, Users of the District's POTW.

(z) Significant Industrial User. Any Industrial User who (1) is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (2) is designated as such by the District or the Metro District on the basis that the Industrial User has a reasonable potential for adversely affecting POTW operations or for violating any pretreatment standard or requirement; or (3) discharges an average of 25,000 gallons per day or more of process wastewater to the sanitary sewer system (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or (4) discharges a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of a facility providing treatment. The Metro District may delete a non-categorical Industrial User from the list of Significant Industrial Users if the Industrial User has no potential for adversely affecting the Metro District's operation or for violating any deleterious waste standards as set forth in this resolution.

(aa) Significant Noncompliance. An Industrial User whose violations meet one or more of the following criteria is considered to be in Significant Noncompliance with pretreatment standards and requirements:

(1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC is 1.4 for BOD; TSS; and fats, oil and grease; and 1.2 for all other pollutants except pH. TRC for pH is one pH unit above the upper limit or one pH unit below the lower limit);

(3) Any violation of a pretreatment effluent limit (daily maximum or longer-term average) that the District 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);

(4) Any discharge that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its

emergency authority under Section 4.1 of this ordinance to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) 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 compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the pretreatment program.

(bb) Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

(cc) State. State of Colorado.

(dd) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

(ee) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ff) Suspended Solids (TSS). 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 according to standard laboratory procedure.

(gg) Toxic Pollutant. Including, but not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other acts.

(hh) User. Any person who contributes, causes, or permits the contribution of wastewater into the District's POTW.

(ii) Wastewater. The liquid and water-carried industrial and domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(jj) Wastewater Contribution Permit. As set forth in Section 3.1 of this Resolution.

(kk) Superintendent. The person designated by the District to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article, or the Superintendent's duly authorized representative.

3.01.3 Abbreviations

The following abbreviations shall have the designated meanings:

- * BOD - Biochemical oxygen demand.
- * CDPS - Colorado Discharge Permit System
- * CFR - Code of Federal Regulations.
- * COD - Chemical oxygen demand.
- * EPA - Environmental Protection Agency.
- * L - Liter.
- * mg - Milligrams.
- * mg/L- Milligrams per liter.
- * NPDES - National Pollutant Discharge Elimination System.
- * O&M - Operations and Maintenance.
- * POTW- Publicly owned treatment works.
- * SIC - Standard Industrial Classification.
- * SWDA- Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- * USC - United States Code.
- * TSS - Total suspended solids.

SECTION 3.02 - REGULATIONS

3.02.1 General Discharge Prohibitions

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A User may not contribute the following substances to the POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Standard.

(e) Any wastewater containing 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;

(f) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause Pass Through or Interference. In no case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(g) Petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin, each in amounts that will cause interference or pass through.

(h) Any trucked or hauled pollutants except at discharge points approved by the District and the Metro District.

(i) Sewage of such a nature and delivered at such a rate as to impair the hydraulic capacity of the system, normal and reasonable wear, and usage excepted;

(j) Sewage of such a quantity, quality or other nature as to impair the strength or the durability of the sewer structures, equipment, or treatment works, either by chemical or mechanical action;

(k) Sewage having a flash point lower than 187 degrees Fahrenheit, as determined by test methods specified in 40 CFR 261.21.

(l) Any radioactive substance the discharge of which does not comply with section RH 4.18 of the Colorado Rules and Regulations Pertaining to Radiation Control;

(m) Any garbage other than that received directly into the POTW from domestic and commercial garbage grinders in dwellings, restaurants, hotels, stores, and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension;

(n) Any night soil or septic tank pumpage, except by permit in writing from the Metro District at such points and under such conditions as the Metro District may stipulate in each permit;

(o) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants, except such sludge or other material, the discharge of which to

the POTW shall be governed by the provision of this resolution or otherwise authorized by the Metro District;

(p) Water which has been used for cooling or heat transfer purposes without recirculation, discharged from any system of condensation, air conditioning, refrigeration, or similar use;

(q) Water accumulated in excavations or accumulated as the result of grading, water taken from the ground by well points, or any other drainage associated with construction;

(r) Any water or wastes containing grease or oil and other substances that will solidify or become discernibly viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit;

(s) Any wastes that contain a corrosive, noxious or malodorous material or substance which, which either singly or by reaction with other wastes, are capable of causing damage to the POTW, a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(t) Any wastes that contain concentrated dye wastes or other wastes that are either highly colored or could become highly colored by reacting with other wastes, except by permission of the Metro District;

(u) Any wastes which are unusual in composition, i.e., contain an extremely large amount of Suspended Solids or BOD; are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; contain substances conducive to creating tastes or odors in drinking water supplies; otherwise make such water unpalatable even after conventional water purification treatment; or are in any other way extremely unusual, without permission of the Metro District.

(v) Any substance which may cause the POTW's effluent or any other product of the POTW (such as residues, sludges or scums) to be unsuitable for reclamation processes. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(w) Any substance which will cause the POTW to violate its NPDES or CDPS permits or the receiving water quality standards.

When the Superintendent determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall: 1) Advise the User of the impact of the contribution on the POTW; and 2) Develop effluent limitations for such User to correct the interference with the POTW.

3.02.2 National Categorical Pretreatment Standards

Upon the promulgation of a National Categorical Pretreatment Standard for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Resolution for sources in that subcategory, shall immediately supersede the limitations imposed under this Resolution. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

3.02.3 Specific Pollutant Discharge Standards

No User shall discharge wastewater containing any of the following materials and substances in excess of the limitations provided herein:

	<u>Limit mg/L</u>
1. Arsenic	0.33
2. Cadmium	3.4
3. Chromium	3.6
4. Copper	6.1
5. Lead	2.2
6. Mercury	0.13
7. Molybdenum	0.14
8. Nickel	5.6
9. Selenium	0.66
10. Silver	2.9
11. Tetrachloroethene	1.5*
12. Zinc	15.6

* Notwithstanding this numeric limitation, the discharge of dry-cleaning process wastes, including new and used tetrachloroethene (perchloroethene), still bottom oil, and separator water, is prohibited entirely. Where necessary, the Metro District may require that these wastes be physically prevented from discharging into the sanitary sewer system.

3.02.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Resolution.

3.02.5 District's Right of Revision

The District reserves the right to establish by resolution more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of this Resolution.

3.02.6 Excessive Discharge

No User 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 the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or State.

3.02.7 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Resolution. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. In the case of any accidental or unusual discharge, it is the responsibility of the User to immediately telephone and notify the District and the Metro District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Slug Discharge Determination At least every two years, the District may evaluate whether each Significant Industrial User needs a plan to control slug discharges. If a slug plan is needed, the plan shall contain, at a minimum, the following elements:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under Section 2 of this resolution, with procedures for follow-up written notification within five days;
- (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

3.02.8 Hazardous Waste Discharge Reporting

Industrial Users shall notify the District, the Metro District, the EPA regional waste management division director, and the state hazardous waste authorities in writing of any discharge into the POTW of any substance, which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. This notification does not apply to pollutants already reported under the reporting requirements in Section 3.2.2 of this Resolution. Specific information to be reported and the time frames in which it is to be reported are found at 40 CFR 403.12(p).

SECTION 3.03 - ADMINISTRATION

3.03.1 Wastewater Contribution Permits

3.03.1.1 General

All Significant Industrial Users proposing to connect to or to contribute to a facility providing treatment shall obtain a Wastewater Contribution Permit before connecting to or contributing to a facility providing treatment.

3.03.1.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete, and file with the District, an application on the form prescribed by the District, and accompanied by a fee as established by the Board of Directors. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address and location (if different from the address);
- (b) SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Time and duration of wastewater discharge;
- (d) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (e) Site plan, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (f) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- (g) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Resolution and any applicable State or National Pretreatment Standards, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (h) A statement regarding whether or not the discharge standards contained in Section 3.02 of this Resolution, and applicable State or National Pretreatment Standards, are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet the applicable standards.
- (i) If additional pretreatment and/or O&M will be required to meet the Pretreatment or discharge standards, the shortest schedule by which the User will provide such additional treatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress 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 User to meet the applicable Pretreatment or discharge standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.). In no case shall an increment of progress exceed nine months.

(2) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established.

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system;

(m) Any other information as may be deemed by the District to be necessary to evaluate the permit application.

The Superintendent shall evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Board of Directors may issue a Wastewater Contribution Permit subject to the terms and conditions provided herein.

3.03.1.3 Permit Issuance

The Board of Directors shall issue a Wastewater Contribution Permit to the applicant if the Board of Directors finds that all of the following conditions are met:

(a) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Section 2 of this Resolution.

(b) The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system; and

(c) The proposed discharge of the applicant would not result in a violation by the District or the Metro District of the terms and conditions of its NPDES and/or CDPS permit.

If the Board of Directors finds that the condition set out in subparagraph a) of this paragraph is not met, the Board of Directors may issue a Wastewater Contribution Permit to the applicant if the conditions set out in paragraphs b) and c)

of this paragraph are met and if the applicant submits, and the Board of Directors approves, a schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with the provisions of this Resolution.

3.03.1.4 Permit Denial; Hearing

In the event an application for a Wastewater Contribution Permit is denied, the Board of Directors shall notify the applicant in writing of such denial. Such notification shall state the grounds for denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a Permit.

Upon receipt of notification of denial of a Permit application, the applicant may request and shall be granted a hearing to be held by the Board of Directors. At such hearing the applicant shall have the burden of establishing that the conditions set out in Section 3.3.1.03 of this Resolution have been met and that a Permit should issue.

The Board of Directors may conduct the hearing and take the evidence or may designate a representative to:

(a) Issue in the name of the Board of Directors notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, to the Board of Directors together with recommendations for action thereon.

Testimony taken at any public hearing shall be under oath and recorded. The transcript as recorded shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

Upon review of the evidence by the Board of Directors, the Board of Directors shall make written findings of fact. Thereupon the Board of Directors may issue a Wastewater Contribution Permit, or direct that such Permit shall not be issued, or give such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the Board of Directors may appeal such order to the District Court in and for the County of Jefferson pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.]

3.03.1.5 Permit Conditions

Wastewater Contribution Permits shall be expressly subject to all provisions of this Resolution and all other applicable regulations, User charges and fees established by the District. Permits will contain, at a minimum, the following:

(a) Statement of duration;

- (b) Statement of non-transferability;
- (c) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
- (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling, frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law.
- (e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not extend the compliance date beyond federal deadlines.

Permits may also contain the following:

- (f) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
- (g) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (h) Requirements for installation and maintenance of inspection and sampling facilities;
- (i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (j) Requirements for notification of slug discharges as per Section 3.2.07 of this Resolution;
- (k) Other conditions as deemed appropriate by the District to insure compliance with this Resolution.

3.03.1.6 Permit Modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such Standard shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 3.1.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Board of Directors within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by paragraphs (h) and (i) of Section 3.1.2.

3.03.1.7 Permit Duration

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

3.03.1.8 Permit Transfer Prohibited

Wastewater Contribution Permits are issued to a specific User for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation.

3.03.2 Reporting Requirements for Permittee - Pretreatment Standards

3.03.2.1 Initial (90-day) Compliance Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Board of Directors a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for those process units in the User's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

3.03.2.2 Periodic Compliance Reports

(a) Any User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Board of Directors, a report covering the preceding six (6) months and indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes. At the discretion of the Board of Directors and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Board of Directors may agree to alter the months during which the above reports are to be submitted.

(b) Significant Noncategorical Industrial Users shall submit to the District at least once every six months (on dates specified by the District), a description of the nature, concentration, and flow of the pollutants required to be reported by the User.

(c) The Board of Directors may impose mass limitations on Users which are suspected of using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the reports required by subparagraphs a) and b) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Board of Directors, of pollutants contained therein which are limited by the applicable Pretreatment Standards.

(d) All reports submitted pursuant to this section shall be based on analyses performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

3.03.3 Monitoring Facilities

The User may be required to install and operate at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

3.03.4 Inspection and Sampling

The District may inspect the facilities of any User to ascertain whether the purpose of this Resolution is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representatives, or representatives of the Metro District, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying in the performance of any of their duties. The District, the Metro District, the Colorado Department of Health and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements with the security guards so that upon presentation of suitable identification, personnel from the District, the Metro District, the Colorado Department of Health, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the District, the Metro District, the Colorado Department of Health or the EPA upon request.

3.03.5 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Resolution and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense.

3.03.6 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this Resolution, the National Pollutant Discharge Elimination System (NPDES) Permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency, excepting the Metro District, or to the general public by the District until and unless a ten (10) day notification is given to the User.

SECTION 3.04 - ENFORCEMENT

3.04.1 Administrative Enforcement Remedies

3.04.1.1 Notification of Violation

Whenever the Superintendent finds that any User has violated or is violating this Resolution, Wastewater Contribution Permit, or any prohibition, limitation of requirements contained herein, the Superintendent may serve upon such person a written notice stating the nature of the violation. Where directed to do so by the notice, a plan for the satisfactory correction of the violation shall be submitted by the User.

3.04.1.2 Consent Orders

The Board of Directors is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Sections 4.1.3 and 4.1.4. below and shall be judicially enforceable.

3.04.1.3 Compliance Orders or Schedules

When the Board of Directors finds that a user has violated or continues to violate the resolution, wastewater discharge permits or orders issued hereunder, or any other pretreatment standards or requirement, it may issue a compliance order to the user responsible for the discharge directing that the user come into compliance within a specified period of time. If the user does not come into compliance within this time period, sewer service may be discontinued. Compliance orders may also 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 Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

3.04.1.4 Suspension of Service

The Superintendent may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Board of Directors or the Metro District in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Pass Through or Interference or causes the District or the Metro District to violate any condition of its NPDES or CDPS Permit.

Any Person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the Person to comply voluntarily with the suspension order, the Board of Directors shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Board of Directors shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen (15) days of the date of occurrence.

3.04.1.5 Revocation of Permit

Any permitted User who violates any conditions of this Resolution, or applicable state and federal regulations, is subject to having the permit revoked. Grounds for permit revocation include, but are not limited to:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of the discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

3.04.1.6 Liquidated Damages

Any User who is found to have violated an Order of the District's Board of Directors or who willfully or negligently failed to comply with any provision of this Resolution, and the orders, rules, regulations and permits issued hereunder, may be assessed liquidated damages not more than One Thousand Dollars for each breach. Each day on which a breach shall occur or continue shall be deemed a separate and distinct breach. In addition to the damages provided herein, the 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 person found to have violated this Resolution or the orders, rules, regulations, and permits issued hereunder. Further, the District shall have the right to specific performance of this Resolution.

3.04.1.7 Hearings

Users desiring to dispute liquidated damages or any other Administrative Enforcement Remedies must file a written request for the Board of Directors to reconsider the remedy within 10 days of being notified of the remedy. Where the Board of Directors believes a request has merit, the Board of Directors shall convene a hearing on the matter within (45) days of the receiving the request from the user.

3.04.1.8 Show-Cause Hearing

Upon a finding by the Board of Directors that a Person has caused or permitted an unauthorized discharge or that any such unauthorized discharge has not been corrected by timely compliance with a correction schedule, the Board of Directors may order any person who causes or allows such unauthorized discharge to show cause before the Board of Directors why an enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Board of Directors regarding the violation, the proposed enforcement action, and directing the offending party to show cause before the Board of Directors why the proposed enforcement action should not be taken. The notice

of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Board of Directors may conduct the hearing and take the evidence, or may designate a representative to:

(a) Issue in the name of the Board of Directors notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing to the Board of Directors, including transcripts and other evidence, together with recommendations for action thereon.

At any public hearing, testimony taken before the hearing authority or any person designated by it, shall be under oath and recorded. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

Upon review of the evidence by the Board of Directors the Board of Directors shall make written findings of fact. Thereupon the Board of Directors may:

(a) Issue an order stating that no unauthorized discharge has occurred and directing that service shall not be terminated therefor;

(b) Issue an order stating that an unauthorized discharge has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:

(1) Adequate treatment facilities, devices or other appurtenances shall have been installed, or

(2) Existing treatment facilities, devices or other appurtenances are properly operated or maintained; or

(c) Issue such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the Board of Directors may appeal such order to the District Court in and for the County of Jefferson, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

3.04.2 Legal Enforcement Remedies

If any person discharges sewage, industrial wastes or other wastes into the District's wastewater disposal system contrary to the provisions of this Resolution, federal or state Pretreatment Requirements or any order of the District, the District's Attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this county.

3.04.3 Publication of Significant Noncompliance

The District or the Metro District on behalf of the District shall annually publish in the newspaper with the largest daily circulation within the District, a list of the Users which were in significant noncompliance with applicable Pretreatment Standards or Requirements during the previous twelve (12) months.

SECTION 3.05 - FEES

3.05.1 Purpose

It is the purpose of this section to provide for the recovery of costs from Users of the District's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the District's Schedule of Charges and Fees.

3.05.2 Charges and Fees

The District may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the program described herein;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Resolution and are separate from all other fees chargeable by the District.

SECTION 3.06 - SEVERABILITY

3.06 If any provision, paragraph, word, section or article of this Resolution is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 3.07 - CONFLICT

3.07 All other Resolutions and parts of other Resolutions inconsistent or conflicting with any part of this Resolution are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3.08 - DELEGATION OF AUTHORITY

3.08 The Metro District shall have full authority to act and perform such functions as are provided for in Article IV of the Special Connector Agreement between the District and the Metro District.

SECTION 3.09 - EFFECTIVE DATE

3.09 This Industrial Pretreatment Resolution shall be in full force and effect on the 20th day of August, 1992.

ARTICLE IV - PERMITS

Section 4.01. Service Line. Services lines shall not be connected or disconnected with the facilities of the District until a permit therefor has been issued by the District.

Section 4.02. Performance of the Permit. No person other than a licensed drainlayer shall construct a service line or make connections with the facilities of the District as allowed by the permit.

Section 4.03. Separate Permit. Each permit shall specify the number of connections or disconnections allowed to be made to the public sewer system. The manner of connection shall be determined and all fees for connection to the public sewer system shall be calculated in accordance with the relevant rules of the District. A permit shall apply only to that property specified within the application and shall not be transferable to any other property. Any permit issued after the date of adoption of these rules shall expire six (6) months after the date of issuance of the permit. Connection to the facilities of the District must be made within a period of time not to exceed six (6) months from a date of issuance. The Board may, upon request made by the applicant, grant a 90-day extension of time for making said connection. If such connection is not made within the initial six-month period, or within the 90-day period of extension if such is granted by the Board, the permit is automatically null and void. Upon request of the applicant, the District shall return to the applicant all fees paid for said permit that has been rendered null and void, except that \$25.00 of such fees shall be retained by the District to offset administrative and other costs incurred in the issuance of the permit.

Section 4.04. Disconnection. No service line connected with the public sewer shall be disconnected therefrom without a permit from the District which shall specify how the same shall be properly sealed to prevent waters entering into the public sewer thereafter.

Section 4.05. Stub-In Permit. A permit may be issued by the Board in its discretion allowing the partial connection of a service line to the facilities of the District so as to accommodate the installation of that service line within a public street, road or designated right-of-way without disturbing the future surfacing of same where a separate building has neither been, nor is in the process of being, constructed on that parcel of land. The Board may require maps, surveys or other documents fixing the location of such stub-in to the public sewer and parcel of land, as well as any additional terms and conditions which it deems necessary. A stub-in permit is not a guarantee of future service.

Section 4.06. Special Permits. A special permit must be obtained from the Board of Directors of the District for any use not specifically allowed defining the conditions, limitations and

restrictions prescribed by the District therefor and the amount, category and classification of fees and charges, if any, as to each of the same determined by the Board to be for the best interest of the District and the inhabitants thereof.

Section 4.07. Permits by Others. No permit by the District shall be taken as authority for the making of any cut in a road or street, or in lieu of any permit required by any other regulatory body.

ARTICLE V - DRAINLAYER'S LICENSE

Section 5.01. License Required. No person shall construct or repair a service line or repair a public sewer within the District without first obtaining a license to do so from the District.

Section 5.02. Application for License. Applications for licenses under these Rules and Regulations shall be filed at the office of the District on forms provided by the District.

Section 5.03. Requirements for Issuance of License. No drainlayer's license shall be issued by the District to any person until such person has made application for such license; has fully satisfied the Board or its duly authorized representative as to the adequacy of the applicant's experience, construction equipment and financial ability; has met each of the requirements of this Article V; and has paid the fee set by the Board.

Section 5.04. Certificate of Insurance. Before the issuance of any drainlayer's license, the applicant shall file with the District a Certificate of Insurance stating that applicant is covered by public liability insurance with limits of not less than \$50,000 per person-\$100,000 per occurrence for public liability and \$10,000 for property damage.

Section 5.05. Bond. Before the issuance of any drainlayer's license, the applicant shall furnish a good and sufficient bond in the amount of Ten Thousand Dollars (\$10,000.00) with a corporate surety approved by the Board of Directors. The bond shall be accompanied by the surety's power of attorney and shall be in a form to be approved by the Board of Directors.

Section 5.06. Workmen's Compensation Insurance. Before the issuance of any drainlayer's license, the applicant shall file with the District a certificate certifying compliance with the provisions of the Workmen's Compensation Act of the State of Colorado.

Section 5.07. Issuance of License. A drainlayer's license shall be granted by the action of the Board or its authorized representative and shall be valid for a period of one year, unless revoked as herein prescribed.

Section 5.08. Renewal of License. Licenses may be renewed by the District, upon application, if the work of the drainlayer, under a valid license, has been satisfactory to the Board or to its duly authorized representative, and upon the furnishing of a surety bond, certificate of liability insurance, certificate of compliance with the Workmen's Compensation Act of Colorado, and upon payment of the proper fee.

Section 5.09. Licensed Drainlayer Not to Allow Others to Use Name. No licensed drainlayer shall allow his name to be used, directly or indirectly, by any other person to obtain a permit to do any work within the District.

ARTICLE VI - SEWER LINE EXTENSIONS

Section 6.01. Application for Sewer Line Extension. Any person desiring extension of a sewer line shall submit a letter of application to the Board of Directors for its consideration at a regular meeting of the Board. (The Board meets regularly on the third Thursday of each month.) The application must contain a legal description of the property for which service is requested. A copy of the application shall be sent to the District Engineer. Where needed, the applicant shall make a commitment that rights-of-way or easements will be granted to the District without charge. Attached to the application shall be a check in the amount as prescribed by the Board as a preliminary deposit for engineering services related to the extension. The deposit will be applied toward the total cost of the extension. If the applicant elects not to proceed with the extension, the deposit will be forfeited.

Section 6.02. Bids for Construction. If the Board approves the requested extension, the District's Engineer will prepare the necessary plans, specifications, bidding form and contract for the construction of the proposed extension. The Engineer will solicit bids for the work or, pursuant to Board approval, the owner may negotiate his own proposal for construction.

Section 6.03. Engineering and Observation of Construction. All sewer line extensions constructed within the District which will connect into the public sewer shall be planned and designed by, and be constructed with material and workmanship specified by, the District's Engineer. All construction shall be under the general observation of the District's Engineer. The location, width, and extent of needed right-of-way not within the public streets shall be provided as specified by the District's Engineer.

Section 6.04. Cost of Construction. The applicant shall pay all costs of the construction of the line extension, including such engineering fees as prescribed by the Board; costs or deposits, if any, for the future raising of manhole ring and covers involved in the extension, as prescribed by the Board; and any costs or expenses of easements or rights-of-way as required by such line extension.

Section 6.05. Contract. Upon receipt of the funds necessary for the construction cost, contingency costs, and other incidental costs, the District shall enter into a contract with the successful bidder for the construction of the sewer facility. The successful bidder will provide to the District a certificate of public liability and property damage insurance, a certificate showing compliance with the Workmen's Compensation Act of Colorado, and a performance and payment bond equal to the contract price of the facility. The bond shall guarantee the faithful performance of the contract, the payment of all persons furnishing labor and materials under the contract, and the repair and/or replacement for the period of one (1) year of any faulty work or materials.

Section 6.06. Acceptance. No sewer line extension will be accepted by the District for ownership and maintenance until satisfactory evidence is furnished to the District reflecting full payment for all construction cost, required fees, and the assignment of all rights by the owner of the guarantee required as a part of the District's standard specifications.

Section 6.07. Sub-Area Designation and Charges. The Board may by resolution divide the District into areas in accordance with the sewer facilities furnished therein within a reasonable time. The sub-area designations may be made in conjunction with any area encompassed by a line extension agreement. Different fees or charges may be assessed in the sub-area by resolution of the Board and proceeds therefrom may be applied to reimbursements provided in recovery back and line extension agreements. Such fees or charges shall be known as "tap fee surcharges" or "special service charges" as provided in Article IX and shall be set in accordance with the provisions of Section 32-1-1006(1)(b)(II), C.R.S.

Section 6.08. Line Extension Agreements and Assessments. A line extension agreement may, at the option of the District, be entered into between the constructor and the District providing for reimbursement to the constructor of certain construction costs, whereby the District shall collect from all persons desiring to connect to a sewer main line or facility installed by a constructor, or installed by the District, a fee based on the connector's proportionate share of the usage of the line as compared to the estimated usage of the line extension as a whole. The District Engineer shall determine both the proportionate share and the estimated usage in relation to the total cost of the sewer line.

The assessments for line extensions against the benefitted properties shall not exceed the actual construction cost of the extension, plus legal, engineering, and administrative costs, and the costs of acquiring any easements or rights-of-way. Before charging any assessment, the District shall set a maximum charge per unit of line capacity. No assessment shall exceed the maximum figure. All assessments for line extensions shall be due and payable at the time the tap permit is issued. Until paid, all assessments shall constitute a perpetual lien on and against the property served.

Section 6.09. Reimbursements. If the line extension agreement between the constructor and the District provides for the reimbursement to the constructor of construction and other costs as stated above, the District shall reimburse to the constructor of sewer line or facility for assessments collected for a period to be determined in the line extension agreement not to exceed ten (10) years from the date of the execution of the line extension agreement. The constructor shall not be entitled to receive assessments for any portion of the total construction costs which was contributed by the District. The constructor's right to such charges shall cease at the end of the agreed period. In no case shall the reimbursement exceed the total construction cost of the line.

ARTICLE VII - SERVICE CONNECTIONS

Section 7.01. Responsibility. After approval by the District of an application for connection of an individual sewer service line to the public sewer, the applicant shall, at his own expense, engage the service of a drainlayer licensed by the District, to construct a sanitary sewer service line in accord with these Rules and Regulations. A representative of the District shall inspect the completed service line installation before the sewer trench is backfilled, to guard the District against groundwater infiltration that might result from poor installation or workmanship.

Section 7.02. Size of Sewer Service Lines. The sanitary sewer service line shall not be less than four inches (4") in diameter and shall be sound throughout. The sewer service line shall in no instance be smaller than the building drain. At locations where the public sewer is less than four inches (4") larger than the service line and no appropriate fitting exists in the public sewer, the connection to the public sewer shall be made by constructing a manhole in compliance with the District's standards for such construction.

Section 7.03. Materials. Selection of service line materials shall be the responsibility of the properly licensed drainlayer. In all cases, the materials selected, when properly installed, shall result in a sound pipeline and connections which are resistant to groundwater infiltration. The following pipe and joint materials are commonly available and regarded as acceptable for service line construction:

- (a) Clay pipes and fittings, free from cracks, projections, blisters, chips or fractures, and otherwise conforming to the provisions of American Society for Testing and Materials (A.S.T.M.) Specification Designation C-700 for extra strength clay sewer pipe, except that the requirement for salt glaze may be deleted.

(b) Compression type joints between clay pipes and fittings conforming to the provisions of A.S.T.M. Specification Designation C-425 and to A.S.T.M. Specification Designation D-1784 when the compression type joints include a rigid poly (vinyl chloride) collar.

(c) Cast iron soil pipe conforming to the requirements of American Water Works Association (A.W.W.A.) Specification C-106, class 22 thickness, 100 pounds per square inch, with two (2) coats of asphalt or coal tar and oil preparation.

(d) Ductile iron pipe conforming to the requirements of A.W.W.A. Specification C-151, 200 pounds per square inch, with two (2) coats of asphalt or coal tar and oil preparation.

(e) Compression type joints between cast iron and ductile iron pipe and fittings conforming to A.W.W.A. Specification C-111.

(f) Rigid poly vinyl chloride (P.V.C.) pipe and fittings with a minimum dimension ratio of 35 (average outside diameter divided by minimum wall thickness) and conforming to provisions of A.S.T.M. Specification Designation D-3034.

(g) Integral compression type joints between P.V.C. pipes and fittings conforming to provisions of A.S.T.M. Specification Designation D-3212.

(h) Joints between dissimilar pipe materials using rubber, clay, or P.V.C. adapter fittings especially factory fabricated for joining the particular size and material pipes and secured by stainless steel compression bands or by epoxy cement as specified by the manufacturer of the adapter fitting.

(i) Fittings used at locations where the sewer main is tapped shall be factory fabricated of plastic, clay, or other materials and capable of being inserted into a mechanical drilled hole not exceeding four and one-half inches (4-1/2") in diameter for a four inch (4") service line and not exceeding six and one-half inches (6-1/2") in diameter for six inch (6") service line. The fitting used shall be made in such a manner as to ensure that no protrusion of the fitting into the main sewer pipe will result. The fitting shall fit perfectly the contour of the inside of the public sewer and shall be specifically designed to fit the particular size public sewer into which it is connected. The joint material connecting the fitting to the pipe shall be an epoxy cement capable of making a completely waterproof joint and capable of withstanding any condition of stress or strain likely to be encountered in normal sewer service construction or maintenance.

Section 7.04. Trenchless Sewer Service Pipeline Renovation. Where sewer service line repair and renovation is proposed by Pushed-In Place Liner (PIPL), said repairs must be conducted with conformance with guidelines established by the District's Engineer. Application for such repair must be made to the District's Engineer, at which time the Applicant will be supplied with required materials and procedures, as the same may be updated from time to time.

Section 7.05. Road and Street Cuts. The District has no responsibility for making any road or street cuts. Permits and licenses granted by the District do not authorize the making of any excavation through or under any street or road or any interference with the pavement. Permits for such road cuts shall be obtained from the appropriate city or regulatory body.

Section 7.06. Grade and Alignment. Service lines shall be laid on a uniform grade, free of ups and downs, to good alignment, and free of abrupt bends, unless appropriate fittings are used. Grade shall not be flatter than one percent (1%) or one-eighth inch (1/8") per foot.

Section 7.07. Installation. Sewer service line construction procedures and techniques shall be the responsibility of the licensed drainlayer and shall conform to American Society for Testing and Materials (A.S.T.M.) or American Water Works Association (A.W.W.A.) standard specifications applicable to the particular pipe and joint materials in use. The drainlayer's procedures and operations shall also conform to all requirements of any entities exercising jurisdiction over occupational safety and health.

Section 7.08. Connection to Public Sewer. Each connection to the public sewer shall be made at the wye designated for that property. If there is no wye designated, or if the wye cannot be located within three (3) feet of the point of measurement furnished by the District, or if the applicant does not wish to use the wye designated for that property, the public sewer may be tapped by mechanically drilling a smooth, round hole in the sewer main, inserting a fitting and joining the pipe to the sewer by the use of the joint material as specified. Tapping by breaking the pipe will not be permitted. The location of the tap on the circumference of the pipe shall be offset toward the side of the pipe at a distance equal to one-half (1/2) of the diameter of the pipe from the vertical axis of the pipe. In tapping the pipe, the machine drilled hole shall be of such size to provide one-eighth inch (1/8") clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the main sewer pipe shall be one-eighth inch (1/8") thick and this space shall also be completely filled with joint material.

Section 7.09. Inspection. No part of the completed sewer service line shall be backfilled, or otherwise covered, until final inspection and approval is made by the Inspector for the District. Arrangements shall be made for the District's Inspector to make his inspection of the completed construction prior to the start of backfill operations. In any case when the drainlayer and the Inspector for the District cannot agree upon the acceptability of the installation, the matter shall be investigated by the Engineer for the District and his decision shall be final. Connections made without inspection by the District shall void the tap permit and no refund shall be made of the permit fee.

Section 7.10. Interceptors (Traps). The District will review all plans for proposed connections to the public sewer to determine whether or not an interceptor will be required. If, in the opinion of the District's Engineer, an interceptor shall be necessary in order to prevent grease, fats, petroleum products, or deleterious substances from entering the public sewer system, the District shall have the right to specify the kind, nature and capacity of the interceptor to be installed on site before any permit shall be issued and to require the same to be installed prior to the connection to the public sewer system.

Section 7.11. Unauthorized Connections. Any connection made to a public sewer line without first obtaining (a) a permit, (b) a drainlayer's license, and (c) the approval and consent of the Superintendent or his designee, shall be disconnected by the District at the cost of the person making such unauthorized connection. If any person violates the Rules and Regulations of the District governing the installation, connection and repair of the service lines, such connections to the public sewer line shall be disconnected by the Superintendent or his designee at the cost of the person making such unauthorized connection. Such costs of disconnection until paid shall constitute a lien against the property upon which such unauthorized connection was attempted to be made. In the event that the unauthorized connection was made by a licensed drainlayer or contractor, he may, in

the discretion of the Board, be prohibited from doing any work within the District for a period not to exceed one year.

Section 7.12. Unauthorized Disconnections. Any disconnection from a public sewer line without first obtaining (a) a permit, (b) a drainlayer's license, and (c) the approval and consent of the Superintendent or his designee, or any violation of these Rules and Regulations by any person, shall permit the District or its designee to make a proper disconnection. All costs of disconnection until paid shall constitute a lien against the property upon which such unauthorized disconnection was attempted to be made. In the event that the unauthorized disconnection was made by a licensed drainlayer or contractor, he may, in the discretion of the Board, be prohibited from doing any work within the District for a period not to exceed one year.

Section 7.13. Use of Public Sewer Required. From and after the enactment of these Rules and Regulations, no sewage disposal system other than one municipal in character shall be constructed within the District, unless the same is connected with the public sewer or unless otherwise specifically authorized by the Board. The use of septic tanks may be permitted by the District only in severe cases and only upon application to the Board and subject to any terms or conditions which it may impose. In no case shall a septic tank be permitted where a sewer line is closer than four hundred feet (400') to the development.

Section 7.14. Miscellaneous Drains. Roof drains, footing drains, storm drains, sump pumps and similar connections designated to accommodate storm or sub-surface waters shall not be made to any service line or to the public sewer.

ARTICLE VIII - INCLUSION AND EXCLUSION OF PROPERTY

Section 8.01. Inclusion--General. Where it is desirable to provide sewer service to lands outside the District, the Board may require that such lands be included into the District before service will be provided. The costs of the inclusion will be paid by the person making application for such inclusion as hereinafter provided.

Section 8.02. Procedure for Inclusion. The procedure for inclusion is provided by statute. That procedure is abstracted here in order that the person seeking inclusion may be advised of the principal requirements:

(a) A property owner desiring to include lands outside the District should first contact the District Engineer in order to determine whether or not the District's facilities are capable of serving such property.

(b) Once it is determined that the District's facilities may be capable of serving such lands, the person making the application for inclusion (known as the petitioner) will provide a complete and accurate legal description of the property to be included to the Board on such forms as are prescribed by law. A sample form may be obtained from the attorney for the Board. The petition must be submitted by the fee owner or owners and acknowledged in the same manner as required for the conveyance of land. The petition shall be accompanied by an inclusion fee as provided in Section 9.04.

(c) The Board's attorney will review the petition to be certain it meets all legal requirements. The petition will be presented to the Board at its regular meeting and the

applicant may attend such meeting if desired to formally present the petition. Once presented to the Board, the Chairman will cause the petition to be published in a newspaper of local circulation in the District, setting forth the time and place for a formal hearing on the petition.

(d) Upon completion of the publication and payment of the required fees, the Board will consider the petition at a public hearing and, if the inclusion is approved, will cause the District's attorney to seek a Court decree ordering the petitioned property into the District. A certified copy of the Court order is then recorded in the County Clerk and Recorder's Office, at which time the property becomes included within the District's boundaries. The entire process takes approximately forty to sixty days after the petition has been initially submitted to the Board.

Section 8.03. Exclusion--General. Where fee owners of one hundred percent (100%) of any described property desire to have that property excluded from the boundaries of the District, they may file a petition for exclusion as set forth in procedures below. The cost of the exclusion shall be paid by the persons making application for exclusion as hereinafter provided.

Section 8.04. Procedure for Exclusion. The procedure for exclusion is provided by statute. That procedure is abstracted here in order that the person seeking exclusion may be advised of the principal requirements:

(a) The person or persons desiring to exclude land shall file a petition for exclusion with the Board of Directors of the District setting forth a legal description of the property, acknowledged by the fee owner or owners of 100% of the property in the same manner as required for conveyance of land. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings. Minimum deposit shall be Five Hundred Dollars (\$500.00).

(b) The Board's attorney will review the petition to be certain it meets all legal requirements.

(c) The Board shall hear the petition at a public hearing after publication of notice of the filing of such petition, which publication shall give the place, time, and date of the public hearing, the names and addresses of the petitioners, and notice that all persons interested shall appear at that time and place to show cause in writing why the petition should not be granted. There shall be no withdrawal from a petition after publication of notice by the Board without the consent of the Board. The failure of any person in the District to file a written objection shall be taken as an assent on his part to the exclusion of the property described in the notice.

(d) The Board, if it deems it not in the best interest of the District that the property mentioned in the petition or any portion thereof be excluded from the District, shall order that the petition be denied in whole or in part as the case may be.

(e) Upon granting of a petition for exclusion, the Board shall file a certified copy of the order of the Board making such alteration of District boundaries with the Clerk of the Court and the Court shall thereupon order the property to be excluded from the District.

ARTICLE IX - RATES, TOLLS, FEES & CHARGES

Section 9.01. Connection Fee. For each and every connection to the District's sewer system, there shall be paid to the District the following fees before a permit is issued to connect:

(a)	Each and every single family residential equivalent:	
(1)	Clear Creek Valley Water and Sanitation District	\$2750.00
(2)	Metro Wastewater Reclamation District (METRO) as may be established from time to time by the METRO Board	3310.00*
		<hr/>
	TOTAL FEE	\$6060.00

(b) Connections other than residential: for connection other than residential, the following fees shall be paid for each single family residential equivalent or portion thereof:

(1)	Clear Creek Valley Water & Sanitation District as determined by the Board	\$2750.00
(2)	Metro Wastewater Reclamation District (METRO), as determined from time to time by the METRO Board	\$3310.00*
		<hr/>
	TOTAL FEE	\$6,060.00

(c) The basis for determining the number of single family residential equivalents for this Article IX, Section 9.01(a)(2) and (b)(2) is set forth in Article X. The basis for determining the number of single family equivalents for this Article IX, Section 9.01(a)(1) and (b)(1) is set forth in Appendix 2.

* Effective January 1, 2012.

Section 9.02. Inspection Fees.

(a) For each connection made to or disconnection from the District's facilities, there shall be paid unto the District, before a tap or disconnection permit shall be issued, an inspection fee in the sum of \$50.00.

(b) For each stub-in connection of a service line to the District's facilities, where such service line is not physically connected to a building, there shall be paid unto the District, before a stub-in permit shall be issued, an inspection fee of \$25.00.

(c) The stub-in inspection fee shall not be in lieu of or reduce the inspection fee provided for in subsection (a) immediately supra. Any connection of such service line thereafter physically made to a separate building shall be at the then prevailing inspection fee.

Section 9.03. Service Fees. For each connection to the District's facilities there shall be a Service Fee paid to the District in the amount of \$120.00 annually, payable in two equal installments, the dates of which shall be determined by the Board from time to time. All service charges shall be delinquent 30 days after due and shall bear a re-billing charge for each such delinquent account at the rate of \$10.00.

Section 9.04. Drainlayer's License Fees. Each applicant for a drainlayer's license from the District shall pay the following fees:

(a) For processing and consideration of the application and, if approved by the Board, the privilege of doing business for the remainder of the calendar year in which the license is issued, a fee of \$20.00.

(b) Renewal of license for each succeeding continuous year after the original issue, a fee of \$10.00.

Section 9.05. Inclusion Fees.

(a) Each application for inclusion of property into the District, regardless of size or area thereof, shall be accompanied by payment of an inclusion fee of \$300.00 for the costs of processing of the application, publishing notice of its filing and hearing thereon. None of such application fee shall be refundable to the applicant.

(b) In addition, each application for inclusion of property shall be accompanied with the payment of an inclusion fee in a sum equivalent to \$800.00 as multiplied by the number of total and fractional acres of land sought to be so included and specifically described upon the petition for inclusion of the property, exclusive of public roads. In no instance, regardless of size of the property so described, shall such inclusion fee be less than \$800.00. In the event the petition for inclusion is denied by the Board of Directors, the inclusion fee deposited with the District will be refunded to the named petitioner.

Section 9.06. Right to Lien. Until paid, all rates, tolls, fees or charges constitute a first and perpetual lien on and against property served and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado pertaining to sanitation districts. When a lien has been recorded, payment of an administrative charge and release fee in the sum of \$100.00 shall be required in addition to all other outstanding charges for the release of the lien. Further, no payment of any delinquent service fee by October 1 of respective calendar year shall result in certification of the delinquent account, including an additional \$200 certification fee, to the Jefferson County Treasurer for collection with ad valorem taxes.

Section 9.07. Sewer Service Charges. Service charges for all tax exempt organizations contributing sewage to the public sewer system and for any user contributing greater than normal sewage loads (i.e., using average domestic loadings as the basis) to the public sewer system will be

assessed semi-annually and shall be due and payable in two equal installments, the dates of which shall be determined by the Board from time to time. When actual services commences after such dates, the District will prorate such charges upon a six-month basis, with any fraction of a month considered as a whole month. In no event shall termination of service by the District or otherwise, regardless of the reason, constitute grounds for any prorata return of such semi-annual charge. All service charges shall be delinquent 30 days after due and shall bear a re-billing charge for each such delinquent account at the rate of \$10.00 per month.

(a) The Board, from time to time, will set the amount of the annual service fee to be assigned against each and every connection to the District's system. Such fee will be billed in two equal payments against the property being serviced.

(b) Tax Exempt Contributors: Service charges for processing sewage from all tax exempt contributors will be based upon total contributions. Such charges shall be adjusted annually to reflect the actual cost of serving such contributors. At the beginning of each year, the Board will establish a standard equivalent charge per residential dwelling unit, which will be used as the basis for determining such service charges against all contributors within this assessable category. The service charge will then be calculated by determining the equivalent dwelling units therein from the net fixture units (with a fixture unit value of 45 equalling one equivalent dwelling unit) and by multiplying said standard equivalent charge times the equivalent dwelling units.

(c) Surcharge for Excessive Waste Quality Discharge: For those developments and buildings which contribute sewage into the District's facilities having a greater sewage flow and/or strength than the maximum determined by the District, as measured by quantity, suspended solids and B.O.D., each contributor shall pay for such excess flow and/or strength at the rate charged the District by the Metropolitan Denver Sewage Disposal District No. 1, which reflects actual costs of treatment, facility operation and maintenance. The flow and/or strength of such sewage will be decided by a sampling program conducted and analyzed periodically by the District or its representative at the contributor's expense. The laboratory methods used in the examination of such waste discharges shall be in accordance with relevant State and Federal guidelines. Charges under these Rules and Regulation.

Section 9.08 System Development Fee. In the event that any activities or developments within the District result or may result in significant changes in population density, demands upon the wastewater system beyond the requirements of normal single residential units situated on individual building sites, or require development of services and facilities of the District to provide water in excess of two (2) units within a single structure, then the Board of Directors may, at its sole discretion, require the owner of developer of such property requiring such water demands to compensate the District by means of a system development charge.

ARTICLE X - SEWER CONNECTION CHARGE SYSTEM METROPOLITAN DENVER SEWAGE DISPOSAL DISTRICT NO. 1

Section 10.01. General. The Metro Wastewater Reclamation District (Metro District) has established a sewer connection charge system for the purpose of assessing a portion of the capital costs of new sewers and treatment facilities to those new developments that will eventually utilize said facilities. For each new or altered sewer connection to a sewer system served directly or indirectly by the Metro District's sewage disposal system, a sewer connection charge shall be collected by this District. The amount of such charges shall be based upon the number of single family residential equivalents attributable to each connection and the sewer connection charge as set

from time to time by Metro District. This sewer connection charge is separate and apart from the connection (tap) fee that is charged by this District for a permit to connect to its system.

Section 10.02. Definition of Terms. The terms used in this portion of the Rules and Regulations, except where the context clearly implies otherwise, shall have the meanings herein specified.

(a) "Altered Sewer Connection" or "Altered Connection" means any sewer connection which serves a premise or building in which the number of single family household units is increased or where there is an increase in the size of the water service tap.

(b) "Date of Connection" means the date that a building structure, or premise is physically attached to the sewage collection system such that sewage flow may enter the sewer system.

(c) "Municipal Water System" means a water supply system which is open to potential users in a specific category (such as property owners in a geographical area). A municipal water system does not have to be governmentally owned.

(d) "New Sewer Connection" means any sewer connection serving any building, structure, or premise which was not physically attached to the sewer system of a servicing municipality prior to January 1, 1983.

(e) "Sewage" means liquid wastes, solid wastes, night soil, industrial wastes, and any other substance, whether it be liquid, solid, in suspension, or in solution, in a sewer system or in the sewage disposal system, or in both such systems.

(f) "Sewer Connection" means any physical connection to a sewage disposal system or sewer system, whether direct or indirect, which flow does or may enter with the District's system. A "stub-in" made for the convenience of construction shall not be considered a physical connection until it is connected to a building or structure.

(g) "Sewer Connection Charges" means the charge set by the Board for each single family residential equivalent.

(h) "Single Family Residential Equivalent" (SFRE) means the capacity of sewer service or water service required for a single family household.

(i) "Stub-In" means the physical connection to a sewage collection system using sewer pipe or similar device which, until a future time, shall be capped in a manner to now allow sewage to be discharged to the system. When service is required, the cap can be removed to allow the physical connection to the sewage collection system.

(j) "Water Service Tap" means the physical attachment to a water supply system through which water may enter a building, structure or premise. The size of a water service tap means the nominal size of the corporation cock or other device that physically connects the water service line to the municipal water system.

Section 10.03. Standard Application Form. Each applicant for a permit to connect a new sewer or to make an altered sewer connection will do so on a form provided by this District. The form will include some of the same information that is shown on the permit for water service

connection to municipal water system. This District shall receive and retain all completed standard application forms and file such forms in a systematic order for review by the Metro District.

Section 10.04. Residential Connection. A single family residential equivalent (SFRE) is equal to one (1) single family unit which would include single family detached dwellings, each unit in multi-family structures, including duplex structures, and each space in mobile home parks. A single family residential unit is considered to be a structure or a portion of a structure designed for use by a single family. Structures not designed as single family units (dormitories, nursing homes, motels, hospitals, etc.) shall not be residential.

Section 10.05. Other Than Residential Connection. All connections which are not residential shall have the number of single family residential equivalents (SFRE's) determined through the size of water service taps serving the building, structure, or premise. The following table determines the "single family residential equivalent" for each non-residential water service tap size:

<u>Non-Residential Water Service Tap Size (Inches)</u>	<u>The Number of Single Family Residential Equivalents</u>
3/4	2.5
1	5.1
1-1/2	12
2	19
3	41
4	78
6	240
8	345
10	555
12	825

For water service tap sizes which are not denoted above, the next larger size shall be used. For example, a 1-1/4 inch service shall be considered as a 1-1/2 inch service. If taps larger than 12 inches are made, SFRE's shall be determined by the Metro District on the basis of expected sewage discharge relative to those sizes shown.

Section 10.06. Multiple Water and/or Sewer Taps. When a building, structure, or premise is served by more than one water service tap, the "single family residential equivalent" shall be the sum of equivalents on each tap. Where a building, premise, or structure has more than one physical sewer connection, the sewer connection charge shall be determined by the water service tap size serving the premise.

Section 10.07. Water Supplied by Other Than a Municipal Water Supplier. For any new or altered water connection where water is supplied, either in whole or in part, by any source that will not have a water service tap to a municipal water system, the "single family residential equivalent" will be assigned on the basis of a water tap size that such a customer would normally require if connecting exclusively to a municipal water system. A copy of the application for connection by an applicant will be furnished to the Metro District. The Metro District reserves the right to affirm or to modify the assigned water tap size based upon the facts and circumstances of each individual application and case.

Section 10.08. Exemptions. Water service taps installed solely for fire protection purposes (such as fire hydrant branches, fire sprinkler systems, standpipes, etc.), irrigation purposes, or for

other purposes which do not discharge to the sewer system are excluded from the assignment of SFRE's and payment of a sewer connection charge. This exemption shall only apply to these excluded functions. Any use of any water through an exempted tap which will result in discharges to the sewer will void the exemption and shall require payment of a sewer connection charge for the tap at the then current charge. The manager reserves the right to judge whether a water tap qualifies for this exemption, based upon such documentation as may be provided in requesting such exemption. The form requesting exemption or reduction shall be filled out by each applicant. Copies of the required form may be obtained from the Metro District.

Section 10.09. Reduction in Assignment of SFRE and Appeal Procedure. Any applicant, other than one who has applied for residential connections, requesting a reduction in the assignment of the "single family residential equivalent" for water which will not be discharged to the sewer shall request such reduction to this District by completing the appropriate form, which may be obtained from the Metro District. The completed form will be submitted to this District's office for its consideration and the following action:

- (a) Approve or disapprove the request for a reduction.
- (b) If the applicant is approved, the District shall submit the application to the Metro District with all supporting data provided therewith and reports of actions taken.
- (c) The Metro District will review all requests for reductions and shall promptly approve or modify the actions taken by this District.
- (d) Within ten (10) days of the receipt of the notice of the Metro District's decision, a dissenting applicant may request a hearing in writing. Any such hearing shall be held within thirty (30) days from the date of such request. Such hearing shall be held under the hearing procedure as established by the Metro District Board, as it may from time to time be amended. The decision of the Hearing Board shall be final.
- (e) Under no circumstances will a reduction of more than one tap size be authorized. Partial tap size reductions shall not be granted.

Section 10.10. Altered Connection. The sewer connection charge for any altered connection after January 1, 1983 shall be based on the increased or added number of SFRE's. The number of SFRE's shall be calculated before and after the alteration of the connection as set forth above. The difference between these calculations shall represent the additional SFRE units used to determine the sewer connection charge.

Section 10.11. Credit. Where development of a tract of land occurs, all previously existing SFRE's on that land may be credited. There shall be no rebate or future credit where alteration of property results in a reduction of a single family residential equivalent.

Section 10.12. Inactive Connections. When a sewer connection is inactive for a period of five (5) years or more, it shall be considered a new connection upon reactivation. Payment of the sewer connection charges then in effect shall be required when such a connection is reactivated.

ARTICLE XI - MISCELLANEOUS PROVISIONS

Section 11.01. Violations of Rules and Regulations. Any person found to be violating any of the provisions of these Rules and Regulations shall be given written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.

Section 11.02. Revocation of Permit. Any permit shall be subject to revocation by the inspector or the Board, if the installation or use of the service line is not made in accordance with these Rules and Regulations or any governing rule of the Board.

Section 11.03. Revocation of License. The Board of Directors of the District shall have the right to revoke or suspend the license of any drainlayer for violation of any of the District's Rules and Regulations. Violation of these Rules and Regulations shall be prima facie evidence that the violator is not qualified to lay service lines. Revocation of any license shall take place only at a regular meeting of the Board of Directors of the District and no less than ten (10) days after mailing notice of such proposed action to the violator at the address shown on such person's application for license.

Section 11.04. Compliance. Any user of the public sewer not complying with these Rules and Regulations, prima facie, shall be deemed as a prohibited user of the public sewer and the Board may thereupon direct a severance of the line connected to the public sewer, the costs of which, until paid, shall constitute a lien against such parcel of land being served by the District.

Section 11.05. Severability. If any provisions of these Rules and Regulations are held invalid, for whatever reasons, by a court of competent jurisdiction, such judgment shall not affect the remaining provisions of these Rules and Regulations, but shall be confined in its operation to the specific parts of them held invalid.

Section 11.06. Limitation. These Rules and Regulations are an implementation on the part of the Board of Directors of the Clear Creek Valley Water & Sanitation District of some of the powers conferred upon that body by statute. These Rules and Regulations are in no way to be construed as a limitation upon the powers of the Board of Directors nor as an expression of the Board of Directors of only so much of its powers as it intends to use.

Section 11.07. Revision. The Board of Directors of the District may, from time to time, enlarge upon, delete, change or amend the foregoing Rules and Regulations at any time at a regular or specially called meeting of the Board.

**CLEAR CREEK VALLEY WATER AND
SANITATION DISTRICT**

By _____
Secretary

Date: _____

APPENDIX 1
RULES AND REGULATIONS

Reference: Section 2.05

Wash Racks

No drain accepting waste discharges from any garage or commercial wash racks for any vehicle shall be connected to any service line, or otherwise discharged into the District's system, without specific written approval from the Board. Any applicant for such connection shall provide the following minimum information to the District engineer or to the Board with his application:

- a. Name and address of Owner and/or Applicant.
- b. Location of property
- c. Description of facilities including quantity of waste, number of vehicles to be washed daily and other pertinent information.
- d. Submittal of four sets of plans and specifications which shall include the following minimum information:
 - (1) An approved oil and sand interceptor shall be connected to an untrapped drain from the wash facility. If the wash facility is in conjunction with vehicle repair or service facilities, floor drains from these repair and service facilities shall likewise be connected to the oil and sand interceptor.

A recommended interceptor plan is enclosed.
 - (2) An approved storage tank with capacity to hold a minimum of one day's output of waste water shall be installed. Adequate access must be provided for cleaning and inspection.
 - (3) No bypass from the washing operation to the sewer line shall be installed.
 - (4) A loop in the discharge piping from the storage tank shall be a minimum of 6-inches above the highest floor level or drain.
 - (5) A submersible sump pump must be capable of draining the storage tank within a 6-hour period. The rate of discharge must be compatible with the size of sewer service to the facility in order that waste will not back up into other fixtures. In no case shall the discharge exceed 100 gpm.
 - (6) The pump shall be operated by a timing mechanism to allow the pump to operate only between the hours of 10:00 p.m. and 4:00 a.m. Control panel shall be locked at all times. Manual pump control shall not be allowed.
 - (7) In no case will domestic waste from rest rooms, kitchens, or any human waste be piped into either the interceptor or the storage tank.

APPENDIX 2

RULES AND REGULATIONS

There follows a basis to be used for the determination of the "equivalent residential units".

Any single family residential structure	1 equivalent residential unit
Any 2-family residential structure	2 equivalent residential units
Any multiple residential structure--more than 2 units:	
Each living unit	1 equivalent residential unit
Each mobile home space, semi-permanent	2/3 of an equivalent residential unit
Each travel trailer space, transient	1/2 of an equivalent residential unit
Each rental unit in a motel	1/2 of an equivalent residential unit
Commercial and industrial establishments, etc. (includes business houses, churches, schools, etc.), but exclusive of swimming pools and wash racks	To be determined on a basis of fixture units shown by the Plans or contained in the structure in accordance with the following formula:
$\frac{\text{Total number of fixture units}}{20} =$	number of equivalent residential units

Any fractional equivalent residential unit resulting from the application of this formula shall be considered a whole unit.

The value of fixture units for each type of plumbing facility is set forth in the following table extracted from the Uniform Plumbing Code of 1982.

Kind of Fixture	Minimum Trap and Trap Arm Size		Units
	(Inches)	(mm)	
Bathtubs	1½	38.1	2
Bidets	1½	38.1	2
Dental units or cuspidors	1¼	31.8	1
Drinking fountains	1¼	31.8	1
Floor drains	2	50.8	2
Interceptors for grease, oil, solids, etc.	2	50.8	3
Interceptors for sand, auto wash, etc.	3	76.2	6
Laundry tubs	1½	38.1	2
Clothes washers	2	50.8	2
Receptors (floor sinks), indirect waste receptors for refrigerators, coffee urns, water stations, etc.	1½	38.1	1
Receptors, indirect waste receptors for commercial sinks, dish- washers, air washers, etc.	2	50.8	3
Showers, single stalls	2	50.8	2
Showers, gang (one unit per head)	2	50.8	
Sinks, bar, private (1½", 38.1mm, min. waste)	1½	38.1	1
Sinks, bar, commercial (2", 50.8mm, min. waste)	1½	38.1	2
Sinks, commercial or industrial, schools, etc., including dishwashers, wash up sinks and wash fountains (2", 50.8mm, min. waste)	1½	38.1	3
Sinks, flushing rim, clinic	3	76.2	6
Sinks and/or dishwashers (residential) (2", 50.8mm, min. waste)	1½	38.1	2
Sinks, service	2	50.8	3
Mobile home park traps (one (1) for each trailer)	3	76.2	6
Urinals, pedestal, trap arm only	3	76.2	6

<u>Kind of Fixture</u>	<u>Minimum Trap and Trap Arm Size</u>		<u>Units</u>
	<u>(Inches)</u>	<u>(mm)</u>	
Urinals, stall	2	50.8	2
Urinals, wall (2", 50.8mm, min. waste)	1½	38.1	2
Wash basins (lavatories) single	1¼	31.8	1
Wash basins, in sets	1½	38.1	2
Water closet, private installation, trap arm only	3	76.2	4
Water closet, public installation, trap arm only	3	76.2	6

- (1) A shower head over a bathtub does not increase the fixture value.
- (2) See following table.
- (3) Size of floor drain shall be determined by the area of surface water to be drained.
- (4) Lavatories with 1¼" or 1½" traps have the same load value; larger P.O. plugs have greater flow rate.

Fixtures not listed in table shall be estimated in accordance with the following table:

<u>Fixture Drain or Trap Size</u>	<u>Fixture Unit Value</u>	<u>Fixture Drain Or Trap Size</u>	<u>Fixture Unit Value</u>
1¼" and smaller	1	2½"	4
1½"	2	3"	5
2"	3	4"	6