



## RULES AND REGULATIONS

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## **PART 1: GENERAL PROVISIONS**

### **101: PURPOSE, AUTHORITY AND MODIFICATION**

Revised 4-20-2009

These Rules and Regulations set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the Boxelder Sanitation District and enable the District to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The Boxelder Sanitation District reserves the right to adopt, modify, or rescind any provisions in the Rules and Regulations. Any modifications of the Rules and Regulations may be made only pursuant to formal action of the Board of Directors, reflected in the official records of the Board.

The objectives of these Rules and Regulations are:

- A. To prevent the introduction of pollutant into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or state laws to which the Publicly Owned Treatment Works is subject; AND
- F. To enable the District to control the right to any use of the District's sewage system by conditional grants of permission which are subject to future conditions, suspension, and revocation.

These Rules and Regulations shall apply to all users of the Publicly Owned Treatment Works. These Rules and Regulations authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establishes administrative review procedures; require user reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **102: IMPLIED LICENSE:**

Receipt of sanitary sewer service from the District shall in all cases imply the grant of a license to the District to ensure compliance with these Rules and Regulations (including

but not limited to inspection of any service lateral, installation of a sewer shut-off valve, and disconnection and connection of sanitary sewer service for the subject property); reasonable access over and across each subject property shall also be implied for such purposes. The license so implied is necessary for the District to protect its sanitary sewer system, including all treatment plants, and otherwise to protect the public health and safety.

Adopted 12-17-2009

## **PART 2: DEFINITIONS**

### **201: DEFINITIONS:**

- A. Unless the context specifically indicates otherwise, the following items, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

208 SERVICE AREA shall mean that territory identified as the service area for Boxelder Sanitation District in the regional water quality management plan of the North Front Range Water Quality Planning Association (the 208 agency) or its successor 208 agency, which plan was current at the time the District entered into recovery agreements.

Adopted 5-17-2007

ACT shall mean the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and subsequent amendments (e.g., Clean Water Act of 1977) as found at 33 United States Code Section 1251 et seq.

APPROVAL AUTHORITY means the Region VIII Administrator of the Environmental Protection Agency, until such time as authority is delegated to the state of Colorado Department of Public Health and Environment to review and approve the POTW's pretreatment program as consistent with state and federal law and regulations.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER means:

Adopted 8-17-2006

- a. If the industrial user is a corporation; a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or 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);
- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Adopted 8-17-2006

- c. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- d. A duly Authorized Representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates, if: such authorization is made in writing to the Manager by the individual described in Paragraph a and b of this section.

BEST MANAGEMENT PRACTICES OR BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPS also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Adopted 8-17-2006

BIOCIDES shall mean those chemical compounds commonly known as herbicides, fungicides, rodenticides, insecticides, or bactericides.

BOD or BIOCHEMICAL OXYGEN DEMAND means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods of five (5) days at twenty degrees (20°)C., expressed in terms of weight and concentration (milligrams per liter).

BYPASS means the intentional diversion of wastestreams from any point of an Industrial User's treatment facility.

CDPS or COLORADO DISCHARGE PERMIT SYSTEM means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into surface water of the State of Colorado under conditions of the delegation of authority to administer a State Water Quality Control Program pursuant to section 402 of the Act.

C.O.D. (Chemical Oxygen Demand) is expressed as the amount of oxygen consumed from a chemical oxidant in mg/l during a specific test. Results are not necessarily related to the Biochemical Oxygen Demand because the chemical oxidant may react with substances that bacteria does not stabilize.

COLLECTION LINE means that portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant, excluding service lines.

COLLECTION SYSTEM EXTENSIONS shall mean District designed and requested installation of wastewater collection system extensions that attach to installed Developer Designed Wastewater Collection System that would allow the District to serve properties not associated with the Subdivision.

Revised 4-12-2004

COMBINED WASTESTREAM FORMULA means a formula as outlined in the General Pretreatment Regulations of the Clean Water Act and applied to sampled wastewater flow from regulated users in order to determine compliance with all applicable pollutant limitations and which accounts for dilution effects from unregulated wastewater streams such as sanitary, cooling water, etc.

COMPLIANCE SCHEDULE means a schedule enforceable under Rules and Regulations containing increments of progress in the form of dates for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment facilities or the implementation of policies, procedures or operational management techniques required for the user to comply with all applicable Federal, State or Local environmental regulations which may directly or indirectly affect the quality of the user's wastewater effluent.

COMPOSITE SAMPLE means a series of grab samples of equal volume taken at predetermined times over a predetermined time period without regard to flow and which are combined into one sample.

CONSUMPTIVE USE ALLOWANCE means the technical determination of the volume of potable water purchased through District meters which is not discharged to the sanitary sewer.

CONVENTIONAL POLLUTANT means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the District's CDPS permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

COOLING WATER means the water discharged from uses such as air conditioning or refrigeration or to which the only pollutant added is heat.

CUSTOMER means the person or authorized agent of the person designated on the records of the District as the person responsible for payment of charges incurred for the use of the utility supply system of the District at the premises being served.

CYANIDE AMENABLE TO CHLORINATION means a measurement of the cyanide that is free in solution, not complexed and cyanide that is complexed but almost wholly potentially dissociable and therefore toxic at low concentrations. Cyanide amenable to chlorination is the calculated difference in total cyanide measurements between a sample that is pretreated to excess with chlorine and an identical sample which is not pretreated.

CYANIDE TOTAL means a measurement of both free and complexed cyanide contained in solution. Analytical methods will use a sample preparation technique at least as rigorous as u.v. digestion and distillation. When a sample is run using different sample preparation

techniques, the highest measured concentration will be used to determine compliance.

**DEVELOPER DESIGNED WASTEWATER COLLECTION SYSTEM** shall mean that wastewater collection system designed by the Developer with a hydraulic capacity equal to or greater than that necessary to serve the Subdivision, whether internal or external to the Subdivision, that connects to existing District Wastewater Collection System. Revised 4-12-2004

**DISCHARGE NON-COMPLIANCE** any discharge of any pollutant into the collection system for a duration of 30 days which violates any provision of these regulations regarding discharges or is a violation of any provision of the Act.

**DISCHARGE RATE** shall mean that volume of effluent per operating day from the user which has been determined by the Manager to be representative of process effluent from that user.

**DISCONNECT VALVE**, also sometimes referred to as a **SEWER SHUT-OFF VALVE**, shall mean a device installed in the service lateral serving a property and typically located on that property, parcel or unit that enables the District to shut off sanitary sewer service to the property. Adopted 12-17-2009

**DISSOLVED SOLIDS** means salt which is dissolved in water and cannot be filtered.

**DISTRICT** means the Boxelder Sanitation District.

**DISTRICT BASIN CHARGE** shall be as defined within the Recovery Agreement section of the Rules and Regulations of the District. Adopted 5-17-2007

**DOMESTIC WASTES or SANITARY WASTES** means liquid waste:

- a. From the noncommercial preparation, cooking and handling of food, or
- b. Containing human excrement and similar matter discharged into a collection line from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

**DUPLEX DWELLING** means a single structure comprising separate housing for two domestic users with separate entrances and exits and separately used sanitary conveniences in each dwelling unit on the premises.

**EQUIVALENT RESIDENTIAL UNIT (ERU)**, also referred to as **SINGLE FAMILY EQUIVALENT UNIT (SFEU)**, is defined as an individual residential or non-residential use serviced by a 5/8" or 3/4" water meter. Adopted 5-21-2009

**EXISTING SOURCE** means any person or user who occupies a structure or building for any length of time either as a tenant or owner of such structure or building or under any other occupancy arrangement.

**EXTERNAL COLLECTION SYSTEM** shall mean the District and/or Developer-constructed wastewater gravity sewer lines, manholes, pump stations, pressure sewer lines, and/or appurtenances, that are located outside the Subdivision, that connect to the existing District wastewater collection system.

Revised 4-20-2009

**EXTRA COST CHARGE** means additional monitoring time and material costs incurred by the District charged to the responsible user, and which are necessitated by a violation of applicable environmental standards. Such charges may include but not be limited to inspection time, sampling time, administrative review time, overhead charges, equipment or machine time, labor, sampling costs, lab fees, and any other charges deemed necessary by the Manager to determine a user's compliance with these Rules and Regulations.

**FLOW PROPORTIONATE SAMPLE** means a sample collected during a predetermined time period which reflects variations in wastewater flow volume.

**FOUR-DAY AVERAGE** means the arithmetic average of four (4) sequential composite sampling events.

**GARBAGE** means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

**GRAB SAMPLE** means a singular sample of a user's effluent which is taken during the user's normal operating day without regard for variations in daily operational characteristics, flow or concentration of pollutants.

**HAZARDOUS CONDITION** means a condition which, in the judgment of the Manager, poses a threat to life, health or safety of any person, or which may result in damage to property. Hazardous condition includes unsafe condition and dangerous condition.

**INCOMPATIBLE POLLUTANT** means any pollutant which is not a "Conventional Pollutant" as defined herein.

**INDIVIDUAL WASTEWATER DISPOSAL SYSTEM** means a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the wastewater treatment system of the District.

**INDUSTRIAL USER OR IU** means a source of discharge which introduces pollutants into the POTW from any non-domestic source regulated under section 307(B), (C), or (D) of the Act.

Adopted 8-17-2006

INDUSTRIAL WASTE means any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process or operational procedures of an Industrial User.

INSTANTANEOUS COMPLIANCE SAMPLE means a grab sample collected for the purpose of gauging compliance with these Rules and Regulations or is otherwise used to track Compliance Schedule progress.

INTERCEPTOR LINE SYSTEM shall mean a sanitary sewer line, a wastewater pump station and force main, or a combination thereof, which receives wastewater flows from one or more tributary wastewater collection service basins. The District shall identify existing and proposed interceptor lines and the wastewater collection service basins currently served or proposed to be served through said interceptor lines.

Adopted 5-17-2007

INTERFERENCE means a discharge which, alone or in conjunction with a discharge or discharges from other sources,

- a. inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- b. therefore is a cause of a violation of any requirement of the POTW'S NPDES Permit or CDPS Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

INTERNAL COLLECTION SYSTEM shall mean the Developer constructed wastewater gravity sewer lines, manholes, pump stations, pressure sewer lines, and/or appurtenances, that are located within the Subdivision boundaries.

Revised 4-12-2004

LOCAL LIMIT shall mean an effluent limitation developed for Industrial Users by the District to specifically protect the POTW from Interference and Pass Through based on site-specific design and disposal limits and conditions of the POTW. Local limits are developed to assure that IU discharges to POTWs do not cause the POTW to violate its permit limits, upset the POTW's biological, chemical or physical treatment processes, prevent the disposal of biosolids (sludge), impact worker health and safety or harm the collection system infrastructure.

Adopted 8-17-2006

MANAGER shall mean the General Manger of the Boxelder Sanitation District.

Adopted 4-20-2009

MASS EMISSION RATE means the weight of material or pollutants discharged to the sanitary sewer system during a given time interval.

MONTHLY AVERAGE means the average of daily discharges over a calendar month as calculated by adding all the daily discharges measured during the calendar month, and dividing the sum by the number of daily discharges measured during that month.

MULTIFAMILY DWELLING means single structure comprising separate housing for more than two domestic users with separate entrances and separately used sanitary conveniences in each dwelling unit on the premises.

MULTIUNIT NONRESIDENTIAL BUILDING means a building or facility that is not residential in nature and which has been subdivided into subunits, each subunit capable of being occupied by a separate and district tenant or owner, with the subunit having the ability to discharge wastewater to the district's wastewater collection system. Revised 10-18-2005

NATIONAL CATEGORICAL PRETREATMENT STANDARD means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (B) and (C) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users as determined by the District's Standard Industrial Code classification system.

NPDES or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to section 402 of the Act.

NEW SOURCE means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. the building, structure, facility or installation is constructed at a site at which no other source is located: or
- b. the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source: or
- c. the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are

substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

**NONRESIDENTIAL BUILDING** means a building that is not residential in nature and whose wastewater discharges are subject to the District's Industrial Pretreatment Program. Revised 10-18-2005

**NORMAL DOMESTIC STRENGTH WASTEWATER** means wastewater that when analyzed by standard methods contains no more than two hundred (200) milligrams per liter of suspended solids (TSS), and two hundred (200) milligrams per liter of BOD, and three hundred (300) milligrams per liter of COD.

**OPERATING DAY** means that portion of a twenty-four (24) hour day during which industrial wastes are discharged or generated.

**OVERALL BASIN CHARGE** shall mean a one-time capital charge consisting of District Basin Charges and/or Recovery Agreement Unit Recovery Charges, payable to the District, assessable on each applicable lot, parcel or dwelling unit that could receive sanitary sewer services on land within the District's 208 service area and located within a Wastewater Collection Service Basin or sub-basin, or by contract. The Overall Basin Charge is in addition to the WDR and is to be collected at the time the WDR is purchased. Revised 5-17-2007

**OVERSIZING** shall mean the difference between a District requested increase in hydraulic capacity of Wastewater Facilities needed to serve either a portion of or the entire anticipated sewage flow generated within its associated sewer basin and the flow generated from the request for service, subject to District minimum pipe size allowed, that requires the installation of the Wastewater Facilities. Revised 9-17-2009

**PASS THROUGH** means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES or CDPS Permit (including an increase in the magnitude or duration of a violation).

**PERMIT** means the right of discharge domestic or sanitary wastes into District owned collection lines.

**PERMIT TO DISCHARGE POLLUTANT WASTES** means a document required to be completed by all users of the District's sanitary sewer system in which the user(s) acknowledge their agreement to the terms and conditions stated therein. Revised 10-18-2005

**PERMIT TYPE A – OWNER LIMITED LIABILITY** means a document required to be completed by an owner of nonresidential property for discharge of pollutant wastes from multiple space/multiple user premises.

PERSON means any individual, firm, company, partnership, corporation, association, group or society and includes the United States and the State of Colorado and agencies, districts, commissions and political subdivisions created by or pursuant to State or Federal law.

PERMITTED WASTES means those Liquid Wastes which are authorized by the Manager in a Liquid Waste Hauler Permit to be disposed at the designated disposal facilities of the District. Permitted Wastes are limited to septic tank pumpings, portable toilet pumpings, food service grease traps and sludges from domestic wastewater treatment plants and lagoons.

PREMISES means a lot, parcel of land, building or establishment.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution, measured in a scale from 1-14 (1 to 7 = acidic; 7 to 14 = base) with 7 being neutral.

POTW, PUBLICLY OWNED TREATMENT WORKS, WASTEWATER TREATMENT SYSTEM, OR WASTEWATER SYSTEM means:

- a. Any devices, facilities, structures, equipment or works owned or used by the District for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, natural treatment systems, collection lines, pumping, power and other equipment, and their appurtenances and excluding service lines;
- b. Extensions, improvements, additions, alterations or any remodeling thereof;
- c. Elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and
- d. Any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

PRETREATMENT means application of physical, chemical and/or biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties in wastewater prior to or in lieu of discharging such wastewater into the wastewater treatment system.

PRETREATMENT REQUIREMENT means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Revised 9-16-1996

PRETREATMENT STANDARDS, *National Pretreatment Standards, or Standards* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5. Revised 1-20-2005

RECEIVING WATER means lakes, rivers, streams or other watercourses which receive treated or untreated wastewater.

RECOVERY AGREEMENT CHARGE shall mean a charge that may be assessed for each connection to a collection line and/or use of a pumping facility, where such line or facility was constructed by the District or is the subject of a recovery agreement between the District and the person/entity who constructed such line or facility. Such charge shall be in an amount which represents a pro-rata share of the cost of construction of the line or facility and shall be collected prior to issuance of a building permit for new construction or, for pre-existing buildings, prior to being served by Boxelder Sanitation District. Revised 4-12-2004

RECOVERY AGREEMENT UNIT RECOVERY CHARGE or UNIT RECOVERY CHARGE shall be as defined within the Recovery Agreement section of the *Rules and Regulations* of the District. Adopted 5-17-2007

RESIDENTIAL UNIT means a single family dwelling, duplex dwelling or multifamily dwelling as defined in this document. Revised 10-18-2005

SANITARY CONVENIENCES means plumbing fixtures connected to the waste line within a structure or building.

SERVICE LINE means the wastewater collector line extending from the wastewater disposal facilities of the premises up to and including the connection to the collection line.

SEWER SHUT-OFF VALVE, also sometimes referred to as a DISCONNECT VALVE, shall mean a device installed in the service lateral serving a property and typically located on that property, parcel or unit that enables the District to shut off sanitary sewer service. Adopted 12-17-2009

SIGNIFICANT INDUSTRIAL USER means any Industrial User of the District's POTW who:

- a. is a user subject to Categorical Pretreatment Standards under 40 CFR section 403.6 and 40 CFR chapter I, subchapter N; or
- b. discharges wastewater containing significant amounts of those toxic materials specified by these Rules and Regulations or as defined in the standards issued under section 307 of the Act; or
- c. any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater): contributes a process wastestream which makes up

5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Manager on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(F)6).

**SIGNIFICANT INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT** means an authorization to discharge industrial process wastewaters by a Significant Industrial User into the District's sanitary sewer system.

**SIGNIFICANT NONCOMPLIANCE** means an Industrial User's violation(s) meets one or more of the following criteria:

- a. chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 8 (40 CFR 403.3(l)) for the same pollutant parameter;  
Adopted 8-17-06
- b. technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in Section 8 (40 CFR 403.3(l)), multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.);  
Adopted 8-17-2006
- c. any other violation of a pretreatment standard or requirement as defined in Section 8 (40 CFR 403.3(l)) (daily maximum, long-term average, instantaneous limit, or narrative standard) 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);  
Adopted 8-17-2006
- d. any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW'S exercise of its emergency authority to halt or prevent such a discharge;
- e. failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- f. failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. failure to accurately report noncompliance;
- h. any other violation or group of violations which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SINGLE FAMILY DWELLING means a detached residence, and attached townhome/townhouse, a modular home, a trailer, home, or a recreational vehicle including the premises and the service connection to each structure.

SINGLE FAMILY EQUIVALENT UNIT (SFEU), also referred to as Equivalent Residential Unit (ERU), is defined as an individual residential or non-residential use serviced by a 5/8" or 3/4" water meter.

Revised 5-21-2009

SLUG DISCHARGE shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions OR which:

Adopted 8-17-2006

- a. contains any substances regulated in these Rules and Regulations in concentrations or amounts which exceed for any time period the prohibitions contained in 40 CFR Part 403.5(b), as specified in Section 802: E., F., G., J., N., S., T. , and U, herein;
- b. causes a twofold or more increase in discharge rate for a period longer than twenty (20) minutes;
- c. causes that user's effluent to violate the pH limitations provided in these Rules and Regulations for a period longer than thirty (30) minutes; or,
- d. is a condition of discharge determined by the Manager to be a Slug Discharge as is specified in the User's Discharge Permit, or through other notifications made to the user by the Manager.

STANDARD INDUSTRIAL CODE means a numerical code indicating the classification of users pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987 and amendments thereof or supplemented by the District.

STORM WATER means water flowing or discharged as a result of rain, snow, or other precipitation.

SUSPENDED SOLIDS means 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 by standard methods.

SYSTEM DEVELOPMENT CHARGE or "SDC" shall mean a one-time capital charge assessed on an individual lot/parcel of real property that conveys a Wastewater Discharge Right to the lot/parcel in accord with standard District practices, procedures and the *Rules and Regulations* of the District. Such a charge shall mean the dollar value of the System Development Charge, as established by the District Board of Directors and is subject to change by Board action.

Revised 3-20-2008

TOTAL METALS means the sum of the concentration of copper, nickel, total chromium, zinc, mercury, lead, silver, cadmium, and aluminum.

TOTAL SUSPENDED SOLIDS means all combined, dissolved, and suspended solids in the wastestream.

TOTAL TOXIC ORGANICS means the sum of all concentration values greater than 0.01 milligrams per liter for the list of toxic organics as developed by the Federal EPA for each National Categorical Pretreatment Standard or otherwise specified by the Manager.

TRAP means a device for retaining sand, silt, grit, mineral or inert material, petroleum solvent, grease, or oil by gravity separation from wastewater and of a design and capacity approved by the District.

UNPOLLUTED WATER is water not containing any substances limited or prohibited by the effluent standards in effect or water whose discharge will not cause any violation of receiving water quality standards.

UPSET means an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to the user and which is beyond the reasonable control of the user.

USER means any person, firm, corporation, government or other entity that discharges, causes or permits the discharge of wastewater into the POTW.

USER CLASSIFICATION means a classification of users based on the 1987 (or subsequent edition of the Standard Industrial Classification SIC) Manual prepared by the Federal Office of Management and Budget.

WASTEWATER means the liquid and water-carried industrial or 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.

WASTEWATER DISCHARGE RIGHT or “WDR” shall mean the property right which is attached and appurtenant to the applicable individual lot, parcel, or dwelling unit on land included in the District, the right being District permission to discharge to the District, in accord with the standard District practices, policies, procedures and the *Rules and Regulations* of the District, the wastewater stream generated from activities occurring on the lot, parcel or dwelling unit. The Wastewater Discharge Right shall only be used on the specific lot, parcel or dwelling unit to which it is assigned, and shall be a right running with the associated land, parcel or dwelling unit.

Revised 5-17-2007

WASTEWATER COLLECTION SERVICE BASIN (Service Basin) shall mean an area whose wastewater flows are or are intended to be tributary to a common sewer interceptor line. Each service basin can be further subdivided into sub-basins that are tributary to a larger service basin. Sub-basins may exist in a nested, hierarchical structure and shall be designated as such by the district. A service basin cannot be smaller than an entire land subdivision.

Adopted 5-17-2007

WASTEWATER COLLECTION SYSTEM EXTERNAL TO SUBDIVISION  
(See EXTERNAL COLLECTION SYSTEM)

Revised 4-12-2004

WASTEWATER COLLECTION SYSTEM INTERNAL TO SUBDIVISION  
(See INTERNAL COLLECTION SYSTEM)

Revised 4-12-2004

WASTEWATER FACILITIES, WASTEWATER TREATMENT SYSTEM, WASTEWATER SYSTEM, PUBLICLY OWNED TREATMENT WORKS shall mean those devices intended or designed for generating or conveying wastewater to the Publicly Owned Treatment Works.

- B. Terms not otherwise defined herein shall have the meanings adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

### **PART 3: MANAGER**

#### SECTION:

- 301: Responsibility of Manager
- 302: Rules and Regulations; Adoption of
- 303: Delegation of Authority

**301: RESPONSIBILITY OF MANAGER:** The Manager of the District shall be responsible for the management of the wastewater system of the District and all of the property appertaining thereto. He shall see that such system is kept properly cleaned and in good working order and repair. He shall insure proper compliance with all local, State and Federal regulations for collection, treatment and discharge of wastewater and shall perform all other duties in connection with such system as may be required of him by the Board.

**302: INTERPRETIVE RULES, ADOPTION OF:** The Manager may adopt interpretative rules consistent with the provisions of these Rules and Regulations for the administration of the wastewater system. Interpretive rules by the Manager pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards for wastewater lines and services and implementation of standards promulgated pursuant to the Act. In establishing such rules, the Manager shall seek to establish standards that will assure safe, efficient operation of the wastewater system, that will limit wastewater discharges to the system in concentrations and quantities which will not harm either the wastewater system, wastewater treatment process or equipment, that will not have an adverse effect on the receiving water, or will not otherwise endanger persons or property or constitute a nuisance.

**303: DELEGATION OF AUTHORITY:** The Manager is empowered to delegate to other District employees such of the Manager's duties or tasks as the Manager in his discretion deems appropriate in the interest of the District.

Adopted 12-17-2009

## **PART 4: WASTEWATER SERVICE**

### SECTION:

401: Service; Application for

402: Service; Excavations for

**401: SERVICE; APPLICATION FOR:** Any person desiring to connect a service line to the wastewater treatment system of the District, or to add fixtures to an existing connection, shall make application to the Manager for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Manager to determine compliance with all regulations or rules concerning the wastewater system. The Manager shall endorse his approval or disapproval of the application as complying or failing to comply with all regulations or rules concerning the wastewater system of the District. Upon approval by the Manager of such application, such user receiving wastewater service shall pay therefore in accordance with the applicable rates, rules and regulations.

- A. Prior to the issuance of a permit to connect, the individual lot, parcel, or dwelling unit must be formally included into the District boundaries.
- B. Permits to connect issued pursuant to this Section may provide for acceptance by the District of only normal domestic strength wastewater. All permits to connect shall include a consent to these Rules and Regulations as a condition of the dischargers use of the wastewater system. Such permits to connect shall provide that any discharge of industrial wastewater by the user shall subject such user to consequential damages for violations of the Rules and Regulations, including but not limited to any amounts the District may be required to pay for violation of the conditions of the District's CDPS permit where the discharge of the user caused or contributed to such violation. Discharges of industrial wastewater by a user bound by such permit to connect shall not be accepted by the District except pursuant to notice to the District and execution of an amended permit to connect to which the requirements of these Rules and Regulations shall apply.
- C. Permits to connect for use of or connection to the wastewater treatment system of the District in force and effect on the effective date of these Rules and Regulations shall remain in full force and effect in accordance with the terms and conditions thereof.

Section 401 Revised 6-19-2008

**402: SERVICE; EXCAVATIONS FOR:** All excavations for installation or repair of wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards including OSHA, COSH and the Larimer County encroachment permit requirements so as to protect the public from hazard.

## **PART 5: CONNECTION AND INSTALLATION OF SYSTEM**

### SECTION:

- 501: Connection Required
- 502: Connection or Disconnection; Permits
- 503: Unauthorized Connections Prohibited
- 504: Connection to System; Inspection by District
- 505: Collection Lines; Manner of Extension
- 506: Wastewater Lines; Compliance With Subdivision Requirements
- 507: Service Line; Separate for Each Building; Exceptions
- 508: Service Line; Construction to Conform to Rules and Regulations
- 509: Service Line; Use of Gravity Flow
- 510: Service Line; Maintenance of
- 511: Existing Lines; Conditions for Use
- 512: Construction; Requirements for Commencement and Completion
- 513: Fixture Unit Equivalents
- 514: Disconnection
- 515: Installation of Collector Line Tap
- 516: Individual Wastewater Pump Station
- 517: Installation of Sewer Shut-off Valve

**501: CONNECTION REQUIRED:** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a collection line of the District, is hereby required at such owner's expense to install suitable wastewater facilities therein, and to connect such facilities directly with the proper collection line in accordance with the provisions of these Rules and Regulations within ninety (90) days after official notice to do so, provided that said collection line is within four hundred feet (400') (122 meters) of the property line. Under unusual circumstances such as unique topographical characteristics, the Manager, with Larimer County Department of Health and Environment approval, may waive the connection requirement herein stipulated.

**502: CONNECTION OR DISCONNECTION; PERMITS:** The District shall issue a permit for each connection or disconnection made to or from the wastewater treatment system of the District. Such permit will be required for all new connections, existing connections where additional fixtures are to be installed, and for disconnections. Permits for connection or disconnection shall be issued only by the District. Discharge permits for Significant Industrial Users, shall be required as provided herein, in addition to the connection permit.

**503: UNAUTHORIZED CONNECTIONS PROHIBITED:** It shall be a violation of these Rules and Regulations for any unauthorized person to uncover, enter, insert equipment, make any connections with or openings into, use, alter or disturb any collection line or appurtenance thereof, without first obtaining a permit to connect from the District and such connections shall be made in compliance with Building and Plumbing Codes, District Collection System Standards and other applicable rules and regulations of the District.

**504: CONNECTION TO SYSTEM; INSPECTION BY DISTRICT:** The applicant for the wastewater service permit shall notify the Manager when the service line is ready for inspection and connection to the collection line. The connection and testing required by the District shall be made under the supervision of the Manager. The District shall not be subjected to any liability for any deficiency or defect which is not discovered by inspection nor shall the owner or developer of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

**505: COLLECTION LINES; MANNER OF EXTENSION:** Collection lines to collect and intercept wastewater from and throughout areas or additions shall be extended by the owner and/or developer of premises to be served by such lines from the existing collection line to the farthest point or points upgrade of such premises. If the Manager determines that extension of collection lines to the farthest point or points upgrade is not necessary for efficient expansion of the wastewater treatment system, the Manager may waive the requirement of such extension. In any event, collection lines shall be extended by the owner and/or developer of premises to be served by such lines from the existing collection line to a point which permits the shortest possible service line between the collection line and the property line of the premises served thereby. Thereafter said collection lines shall be extended to adjoining premises in compliance with District Collection System Standards and other applicable rules and regulations of the District. Extensions shall not be made unless the applicant requesting such service shall provide for the cost of such extension to the point of service and such extension is approved by the Manager.

**506: WASTEWATER LINES; COMPLIANCE WITH SUBDIVISION REQUIREMENTS:** No wastewater lines shall be laid or placed in any proposed addition or subdivision within the District until said proposed addition is platted and approved, except the Manager may approve the installation of facilities after final approval of the final plat but prior to the recording of such plat, upon the request of the owner subject to an agreement as prescribed by the Manager.

**507: SERVICE LINES; SEPARATE FOR EACH BUILDING; EXCEPTIONS:** A separate and independent service line shall be provided for every building. However, where one building stands at the rear of another on an interior lot which cannot be subdivided, and for which no line is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the service line of the front building may be extended to the rear building and the whole considered as one service. Multi-family or commercial or industrial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common service line, unless and until such lot is resubdivided or the buildings otherwise become separately owned in which case independent connections shall be made. Waiver of this requirement for a separate and independent service line, may be granted by the Manager upon resubdivision or creation of separate ownership of individual buildings or portions of a single building on a single lot. Such a waiver shall be granted upon showing that the service lines owned in common will be maintained by an entity of the owners of separate portions of a building or owner of separate buildings on the same lot. By interpretive rule, the Manager may provide for additional requirements to assure proper maintenance and repair of the common service lines, and, if necessary, monitoring of effluent quality or quantity. Multiple commercial or industrial owners, tenants or users of a single building may be required to install separate service lines

where the manager determines that it is necessary to provide separate monitoring of quantity or quality of the user's effluent or to otherwise assure compliance with these Rules and Regulations, and, in particular, to ensure compliance with prohibitions and limitations on wastewater discharges to the Boxelder collection system. The District does not assume any obligation nor acquire any liability for personal injury to any party or for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the wastewater system as aforementioned.

**508: SERVICE LINE; CONSTRUCTION TO CONFORM TO RULES AND REGULATIONS:** The size, slope, alignment and materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of applicable Building and Plumbing Codes and the District's Collection System Standards and other applicable rules and regulations of the District.

**509: SERVICE LINE; USE OF GRAVITY FLOW:** Whenever possible, the service line shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the collection line, wastewater carried by such building drain shall be lifted by means approved by the Manager and the installation shall be made in accordance with the requirement of the District at the owners expense --- including the maintenance.

**510: SERVICE LINE; MAINTENANCE OF:**

- A. The owner of any premises connected to the District's wastewater treatment system shall be responsible for the maintenance of the service line and appurtenances thereto, from and including the connection to the collection line to the premises served. The owner shall keep such line in good condition and shall replace, at his expense, any portions thereof which, in the opinion of the Manager, have become so damaged or disintegrated as to be unfit for further use or permit excessive infiltration of groundwater or exfiltration of wastewater. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of-way and the street to acceptable District standards or to the applicable county or city standards.
- B. In the event that more than one premises are connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair requirements imposed by this Section.
- C. Prior to repair or alteration of the service line, a permit must be obtained from the District. A permit fee shall be imposed to cover the costs of the inspection. This inspection shall assure that rules applying to the wastewater system are met. The District shall not be subjected to any liability for any deficiency in the repair or alteration of such premises, and shall be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

**511: EXISTING LINES; CONDITIONS FOR USE:** Old wastewater lines may be used in connection with new buildings only when they are found, on examination by the Manager, to meet all requirements of this Article and to be compatible with the proposed use. If found unacceptable for future use, the owner shall be required to excavate the

line at the point of connection to the collection line and cap the connection as required by the Wastewater District Collection System Standards.

**512: CONSTRUCTION; REQUIREMENTS FOR COMMENCEMENT AND COMPLETION:** Construction of a building or facility to be served by a wastewater connection shall be commenced and the water meter installed within one hundred eighty (180) days from the date of purchase of a WDR and such construction shall be pursued to completion without suspension or abandonment. Failure to comply with the above regulations will result in cancellation of the WDR, and refund of the SDC per Section 605.A.1-6 less the cost incurred by the District to determine such noncompliance. The Manager and/or Board of Directors may extend the time for installation of the water meter beyond one hundred eighty (180) days for extenuating circumstances per Section 605.A.3 and 605.E.

Revised 4-20-2009

**513: FIXTURE UNIT EQUIVALENTS:** Fixture unit equivalents shall be calculated using the following schedule and shall apply to "stubbed in" or "roughed in" fixture traps as well as those fixtures being installed.

<u>Kind of Fixture</u>	<u>Trap Arm</u>	<u>Equivalents</u>
Bathtubs	1 1/2"	2
Bidets	1 1/2"	2
Dental Unit or Cuspidors	1 1/2"	1
Drinking Fountains	1 1/4"	1
Floor Drains	2"	2
Interceptors for Grease, Oil, Solids, etc.	2"	3
Interceptors for Sand, Auto Wash, etc.	3"	6
Laundry Tubs	1 1/2"	2
Clothes Washers	1 1/2"	2
Receptors (Floor Sinks), Indirect Waste Receptors for Refrigerators, Coffee Urns, Water Stations, etc.	1 1/2"	1
Receptors, Indirect Waste Receptors for Commercial Sinks, Dishwashers, Air Washers, etc.	2"	3
Showers, Single Stall	2"	2
Showers, Gang (per shower head)	2"	1
Sinks, Bar, Private	1 1/2"	1
Sinks, Bar, Commercial	1 1/2"	2
Sinks, Commercial or Industrial Schools, etc. including Dishwashers, Wash-Up Sinks and		

Wash Fountains	1 1/2"	3
Sinks, Flushing Rim, Clinic	3"	6
Sinks, Double (Residential Kitchen)	1 1/2"	2
Dishwashers (Residential)	1 1/2"	2
Sinks, Service	2"	3
Urinals, Pedestal	3"	6
Urinals, Stall	2"	2
Urinals, Trough	1 1/2"	3
Wash Basins, (Lavatories) Single	1 1/4"	1
Wash Basins, in Sets	1 1/2"	2
Wash Basins (Lavatories) Single	1 1/4"	1
Wash Basins, in Sets	1 1/2"	2
Water Closet, Tank Type	3"	4
Water Closet, Flush Valve Type	3"	6

The unit equivalents of plumbing fixtures not listed above shall be based on the following schedule:

<u>Trap or Trap Arm Size</u>	<u>Unit Equivalents</u>
1 1/4"	1
1 1/2"	3
2"	4
3"	6
4"	8
5"	10
6"	12

(Ord. 86-186)

**514: DISCONNECTION:** In the event that a user desires to disconnect his premises from the wastewater system of the District, he shall not be permitted to take up that portion of the service line between the collection line and the property line of the premises, but at his expense the service line shall be capped at said property line and the service line shall be removed from the property line to the structure except as required by Section 511 of these Rules and Regulations. New service lines to replace existing service lines shall not be approved by the District until old service lines are dug up and properly capped. Such cap shall be sufficiently tight to prevent the escape of wastewater gas or the infiltration of water.

**515: INSTALLATION OF COLLECTOR LINE TAP:** In the event that a connection to an existing collector is required and there does not exist a service line extension to the property, the District will provide the labor, materials, and equipment to drill the collector line and fasten the 4" saddle connector. A base minimum permit fee will be charged and all direct costs that exceed the base minimum fee will be billed to the customer. No excavation, shoring or backfill work will be done by the District and the manager will require any additional excavation, shoring or dewatering of the excavated space that in his judgment alone is necessary before drilling the collector line and fastening the saddle. The District does not assume any obligation nor acquire any liability for personal injury to any party or for damage to the connecting property or any portion thereof

caused by or resulting from any such connection to the wastewater system as aforementioned.

**516: INDIVIDUAL WASTEWATER PUMP STATION:** In areas where topographical, technical and/or economic considerations preclude a gravity flow sanitary sewer service lateral from the property to the nearest gravity or pressure sanitary sewer main, an engineered individual wastewater pump station (IWPS) may be appropriate. Sections 501 through 515 shall apply, in addition to the following set of criteria specific to Individual Wastewater Pump Station (IWPS):

Revised 1-14-2002

- A. The property owner is responsible for acquisition, ownership, installation, operation, and maintenance of the individual wastewater pump station.
- B. The District reserves the right to specify the type of IWPS to be employed, and the location of such unit to the property to be served.
- C. The property owner retains ownership and operation and maintenance responsibility of the pressurized sewer service lateral and appurtenances thereto, up to connection with the sewer main.
- D. Installation of IWPS shall be in accordance with the Boxelder Sanitation District Standards and Specification for Pipeline Construction and Improvements, Section 15440.
- E. The *Agreement Concerning Individual Wastewater Pumping Stations* must be executed and filed with the appropriate County Clerk and Recorder in the county within which the property is located prior to sanitary sewer service being provided by the district.

**517: INSTALLATION OF SEWER SHUT-OFF VALVE:** All buildings and individual units within buildings with separate control of a discharge point are required to have a sewer shut-off valve. This valve must be installed in compliance with the District's Collection System Standards and Specifications and other applicable Rules and Regulations of the District.

Adopted 12-17-2009

## **PART 6: COSTS AND CHARGES**

### SECTION:

- 601: Wastewater Facilities; Allocation of Cost
- 602: Installation Cost
- 603: Connection Charge
- 604: Permit Charge
- 605: System Development Charge
- 606: Overall Basin Charges, Recovery Agreement Unit Recovery Charge and District Basin Charges
- 607: Rates and Charges; Basis for
- 608: Rates and Charges; Computation of
- 609: Rates and Charges; Special
- 610: Perpetual Lien
- 611: Biennial Review
- 612: Notification
- 613: Sewer Shut-off Valve

**NOTE:** All charges for cost of service, ordinary capital charges, inspection, permits, etc. are reviewed annually by the District's Board of Directors and incorporated into the Rules and Regulations by board action. A copy of the current Costs and Charges schedule is available at the District administrative office.

### **601: WASTEWATER FACILITIES: ALLOCATION OF COST:**

The design and extension of wastewater facilities can be achieved by various funding and construction approaches. The final manner of extension of wastewater facilities will be at the discretion of the District Board of Directors.

Adopted 9-17-2009

- A. A property owner or developer shall be responsible for the costs and construction of the Internal Collection System in and through its property or development subsequent to approval of the plans and specifications by the District. The District shall inspect and approve the actual construction of the Internal Collection System, prior to connection of structures.
  - 1. The District may require the property owner or developer to pay the entire cost and construct the Internal Collection System, in and through its property or development, larger than that required for its needs, for the service of lands adjacent to his property or development.
  - 2. A property owner or developer responsible for the Internal Collection System may request the District to enter into an agreement to determine the method of funding the costs relative to the Oversizing of the Internal Collection System. The District may in its discretion elect to enter into an Agreement to Fund which will be negotiated and executed before construction begins, although the District in its discretion may require that the Agreement to Fund be entered into prior to any design work. The Agreement to Fund can represent the final agreement for the Oversizing of the Internal Collection System or can be the preliminary step ending with an approved recovery agreement as identified in Section 606 of the District Rules and Regulations.

- a. Any recovery agreement shall be entered into after construction is concluded and final construction costs known.

Revised 9-17-2009

- B. Except as otherwise provided in these Rules and Regulations, a property owner or developer shall be responsible for the design and extension costs of the External Collection System required to be installed to service the development subsequent to approval of the plans and specifications by the District. The entity responsible for the actual construction of the External Collection System will be at the discretion of the District. The District shall inspect and approve the actual construction of the External Collection System, prior to connection of structures.

Revised 9-17-2009

1. A property owner or developer responsible for the costs of the External Collection System may request the District to enter into a recovery agreement. The District may in its discretion elect to enter into such recovery agreement, and if so, the parties shall first negotiate and execute a binding agreement to fund part or all of the External Collection System, as appropriate. Such "agreement to fund" shall, at the latest, be entered into before construction begins, although the District in its discretion may require that the agreement to fund be entered into prior to any design work. The recovery agreement shall be entered into after construction is concluded and final construction costs known.

Revised 9-17-2009

2. Extension of External Collection System may be addressed by contract between the District and the owner or developer.

Revised 9-17-2009

- C. In those instances where pump stations and force mains are required, the cost of constructing said stations and mains shall be addressed by contract between the District and the developer.

D. Recovery Agreement

1. If an owner or developer enters into a recovery agreement with the District for certain owner or developer installed wastewater interceptor lines, and/or wastewater pump station(s) and/or force main(s), and/or manholes, valves and appurtenances off-site of the development, hereinafter referred to as "Off-site Wastewater Collection Infrastructure", a complete detailed certified summary of all construction costs for the Off-site Wastewater Collection Infrastructure shall be provided to the District within one hundred twenty (120) days after the date of the notice of preliminary acceptance, from the District, for said Off-site Wastewater Collection Infrastructure.

Revised 4-20-2009

2. Recovery Agreement General Service Area: The owner or developer and the Manager shall jointly determine the general service area of the Recovery Agreement consisting of the lands that could be served by the proposed or installed Off-site Wastewater Collection Infrastructure constructed by the owner or developer. This general service area, along with the expected land use density as contemplated by land use

authorities at the time of contract, will guide the determination of 1) the number of individual SFEUs serviceable by the associated Off-Site Wastewater Collection Infrastructure and then, 2) the number of SFEU connections to which the Unit Recovery Charge will be levied. In the event that the owner or developer and the Manager shall fail to agree on the number of SFEU's to be levied, the determination of the Manager shall be final for the purpose of review by the Board. The Board shall make final determination of the number of individual SFEU's to be levied, through the Unit Recovery Charge, for the associated Off-Site Wastewater Collection Infrastructure. Only the property(ies) whose wastewater stream will be transported by the Off-Site Wastewater Collection Infrastructure that is the subject to a Recovery Agreement shall be levied the associated Recovery Agreement Unit Recovery Charge.

Revised 4-20-2009

3. The 5/8" or 3/4" water meter is the commonly used water meter size. A "Single Family Equivalent Unit" (SFEU), is defined as an individual residential or non-residential use serviced by a 5/8" or 3/4" water meter.

Revised 5-21-2009

For water meter sizes greater than 5/8", the SFEUs are shown as below:

<b>Water Meter Size</b>	<b>SFEU relative to 5/8" or 3/4" water meter</b>
5/8" or 3/4"	1.0
1"	2.5
1-1/2"	5.0
2"	8.0
3"	15.0

Reference: AWWA manual M1 Principles of Water Rates, Fees and Charges (2000 edition).

Revised 4-20-2009

4. Total Construction Costs: are comprised of i) Off-site Wastewater Collection Infrastructure construction costs, inclusive of District required oversizing but not inclusive of service lateral costs, ii) the compensation to the grantor of the easement or right-of-way for the Off-site Wastewater Collection Infrastructure, and iii) the lesser of a) actual infrastructure design and easement procurement fees OR b) 5% of the sum of wastewater infrastructure installation costs and payment to the grantor of easement.

Revised 5-17-2007

Establishment of ALL costs to be verified with actual contracts and invoices, and deemed eligible by the district.

5. Unit Recovery Charge: The amount of the Unit Recovery Charge shall be computed by the following formula:

Revised 5-17-2007

$$X = \frac{a(1 + (b + 0.03)5)}{c}$$

$$X = \text{Unit Recovery Charge Per Single Family Equivalent Unit}$$

a = Net Total Construction Cost

Developer certified and district accepted total construction cost of Off-site Wastewater Collection Infrastructure, inclusive of District required oversizing but not inclusive of service lateral costs.

b = The prime rate, expressed as a decimal, as published in the Wall Street Journal. Interest rate to correspond to the first business day of the month in which the contract is executed.

c = The number of individual SFEUs levied the Unit Recovery Charge.

Revised 4-20-2009

6. The owner or developer's rights to reimbursement under the provisions of the recovery agreement shall not exceed the Net Total Construction Cost times the interest factor for a period of five (5) years, that is  $(1+(b + 0.03)^5)$ . The contract for reimbursement shall be for a period of twenty (20) years from the effective date of the agreement, unless the District shall approve a contract period exceeding twenty (20) years.

7. The District will collect the Recovery Agreement Unit Recovery Charge from property owner(s)/developers(s) whose wastewater stream is transported by the Wastewater Collection Infrastructure that is subject to a Recovery Agreement in conjunction with their payment of the SDC and, as applicable, the District Basin Charge to the District or by contract.

Revised 4-20-2009

8. Unit Recovery Charges collected by the District shall be paid to the other party to the Recovery Agreement on a semi-annual schedule, by the end of January and July, for SDCs collected from new sewer service connections whose wastewater stream will be transported by the Off-site Wastewater Collection Infrastructure that is subject to a Recovery Agreement in the preceding six-month period, i.e. January through June and July through December. Payment to the other party to the Recovery Agreement to begin in January or July of the year in which system development charge(s) are received from new sewer service connections whose wastewater stream will be transported by the Off-site Wastewater Collection Infrastructure that is subject to a Recovery Agreement.

Revised 4-20-2009

9. To receive ongoing reimbursements under a recovery agreement, the other party to the Recovery Agreement shall advise the District in writing of any changes of address and any assignments of such agreements. All amounts not reimbursable to the other party to the Recovery Agreement shall be retained by the District as a Contribution In Aid Of Construction.

Revised 4-20-2009

10. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns.
- E. The owner or developer shall be responsible for the acquisition of easements or rights-of-way necessary to accommodate wastewater collection infrastructure. The District may assist in the procurement of easements or rights-of-way at the request of the owner or developer. If the District agrees to provide assistance in easement or right-of-way procurement, all costs incidental to or resulting from the easement or right-of-way acquisition activities of the District, whether easements or rights-of-way are obtained by dedication, contract, condemnation or otherwise, shall be borne by the owner or developer, unless the District Board of Directors waives the requirement. Portions of the easement or right-of-way costs may be subject to recovery agreements in conformity with 601D.
  - F. A property owner or developer will be responsible for the cost of construction of relief sewers and necessary appurtenances when proposed flow demand exceeds existing sewer system capacity. These relief sewer facilities may be constructed on the owner's or developer's property or off-site at other locations within the collection system. Subject to the availability of budgeted funds, the District may enter into a cost-sharing agreement with the owner or developer to pay a pro-rata share of the construction cost of relief sewers based on the determination of benefit to the District by the Manager. Benefit to the District may be derived from but not limited to the following:
    1. Relief of pipelines operating in excess of design capacity;
    2. Replacement of structurally deficient pipelines;
    3. Replacement of pipelines subject to flooding or other hazards;
    4. Replacement of pipelines with inadequate operations and maintenance access;
    5. Replacement of pipelines subject to excessive inflow/infiltration;
    6. Pipelines that provide for the elimination of pump stations and force mains.

The owners or developers and the District may have the right to reimbursement under the provisions of the Recovery Agreement for construction of relief sewers and necessary appurtenances as provided in Section 601.D. Revised 4-20-2009

**602: INSTALLATION COST:** All costs and expenses incidental to the installation and connection of service lines from the collection line to the premises shall be borne by the owner of such premises. The owner shall indemnify the District for any loss or damage to the District that may directly or indirectly be occasioned by the installation of such service line.

**603: CONNECTION CHARGE:** In each lot, area, territory, subdivision or addition, that is land included within the District and for which a request for wastewater connection or

addition to the wastewater treatment system of the District shall be made; there is and shall be a connection charge in said areas. Upon re-subdivision of an individual lot, parcel, or dwelling unit which increases the number of individual lots, parcels, or dwelling units or creates separate individual ownership of a common building, there shall be a connection charge for each newly created lot, parcel, or dwelling unit that does not have an assigned WASTEWATER DISCHARGE RIGHT. Said connection charge shall consist of a PERMIT CHARGE and purchase of a WASTEWATER DISCHARGE RIGHT via payment of the SYSTEM DEVELOPMENT CHARGE, and may also include recovery agreement charges and a Basin Charge, if applicable.

Revised 2-19-2009

**604: PERMIT CHARGE:** A permit charge shall be assessed for each connection to or disconnection from the wastewater treatment system of the District to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to issuance of a permit to connect or a disconnection permit in amounts in accordance with the current Costs and Charges schedule.

Permits will be charged for:

- A. **SINGLE FAMILY DWELLING:** Each single family dwelling, mobile home, and each recreational vehicle space.
- B. **DUPLEX DWELLING:** Each duplex dwelling unit accommodating two families and of residential construction.
- C. **MULTI-FAMILY:** For each premises, which may be described as an apartment, condominium, townhouse, stacked housing or other name form for multi-family housing, permanent or transient, with common wall separation of the dwellings, a permit charge shall be billed for the first fifteen (15) fixture unit equivalents, as set out in 513 of these *Rules and Regulations* and for each additional fifteen (15) fixture units or portion thereof.
- D. **DISCONNECTION:** For each disconnection a charge will be billed for each building in accord with the current Costs and Charges schedule.

**605: WASTEWATER DISCHARGE RIGHT, SYSTEM DEVELOPMENT CHARGE AND PERMIT TO DISCHARGE POLLUTANT WASTES:**

- A. The WASTEWATER DISCHARGE RIGHT (WDR) is a property right which is attached and appurtenant to the individual lot, parcel or dwelling unit on land included in the District, the right being District permission to discharge to the District, in accord with the standard District practices, procedures and the *Rules and Regulations* of the District, the wastewater stream generated from activities occurring on the lot/parcel. In the event such real property is subsequently conveyed or transferred to a new owner, such WDR shall be deemed transferred with the said real property whether such conveyance or transfer is the result of a voluntary or involuntary transfer, including judicial order or decree, public trustee's sale, sheriff's sale, treasurer's sale or otherwise. Subject to the rules, regulations, and procedures of the Boxelder Sanitation District, the District may recognize such transfer of the real property as the owner of said WASTEWATER DISCHARGE RIGHT without having first obtained an assignment of such sewer

tap executed by the assignee. In no event may the assignee retain ownership of said WDR upon his/her subsequent transfer of the property, whether voluntary and involuntary. Inherent to the purchase and/or acceptance of assignment of the WDR is the real property owner's assumption or responsibility for any sewer service charges or other debts owing by virtue of the property right to discharge wastewater.

Revised 6-19-2008

1. An inactive WDR expires in 180-days unless the water meter has been set, thereby converting to an active account. Adopted 6-19-2008
  2. The System Development Charge (SDC) associated with the WDR will be refunded less the WDR refund charge and any unpaid charges of the account associated with the inactive WDR, with no interest, automatically after 180 days if the WDR and its associated account isn't active (active is defined as having the water meter set, at which time the normal monthly service charges are assessed). WDR not yet activated will be assessed the account set up charge and the monthly standby WDR charge until activated. No refund of these charges will be made if the WDR expires. Adopted 6-19-2008
  3. Allow owner of a WDR to request, in writing to the District no less than 30 days prior to the initial expiration date, from the board a one-time 60-day extension of the initial 180-day time period for a specific WDR. Extension will only be considered if the owner of the WDR who is requesting a 60-day extension provides proof that the water plant investment fee has been purchased for the individual lot, parcel, or dwelling unit associated with the WDR before an extension request will be accepted. The written extension request must include payment of the WDR extension fee. Once the request is accepted, the request will be administratively considered with the option of the owner to appeal the staff decision to the Board of Directors. If the extension request is denied, the WDR extension fee will be refunded. Adopted 6-19-2008, Revised 7-17-2008
  4. If the inactive WDR has not been activated at the conclusion of the 60-day extension period, the SDC will automatically be refunded less any unpaid charges related to the account associated with the inactive WDR or if the WDR holder can provide proof of water meter purchase the account converts to an active account. Adopted 6-19-2008, Revised 5-21-2009
  5. Existing Standby WDRs, as of May 20, 2008, are to be exempt from this policy. Adopted 6-19-2008
  6. The District will apply the policy to all WDRs purchased subsequent to this policy adoption date, May 20, 2008, unless addressed by separate contract or WDRs that were active accounts in the process of being redeveloped. Adopted 6-19-2008
- c. A WASTEWATER DISCHARGE RIGHT must be purchased for each connection to the wastewater system of the District to partially defray the costs of capital improvement of such system. Payment of the SDC for the purchase of the WDR

shall be collected prior to issuance of a building permit for new construction or, for pre-existing buildings, prior to receiving service from Boxelder Sanitation District, in amounts as shown in the current Costs and Charges schedule.

Revised 4-12-2004

- C. The SYSTEM DEVELOPMENT CHARGE is set by the Board of Directors and is subject to change by Board action.
- D. The applicable SYSTEM DEVELOPMENT CHARGE for the purchase of the WASTEWATER DISCHARGE RIGHT shall be payable in full prior to the issuance of a building permit for new construction or, for pre-existing buildings, prior to receiving sanitary sewer service from Boxelder Sanitation District or as specifically directed by the Board.
- E. CREDITS: Credit for a WASTEWATER DISCHARGE RIGHT purchased for prior development categories set out above may be given for reuse of existing connections or new connections to a land parcel which has previously had wastewater service. Credits will be based on the prior category and the associated water meter size. Credits for multi-dwelling units and non-residential uses must be determined by inspection by the Manager before remodel, moving or demolition of the structure. No refund for excess credits will be given.
- F. REFUNDS: Requests for a refund of System Development Charges paid under this Section for connections not constructed shall be made in writing and received by the District within 240 days of payment. The Board of Directors, in its discretion, may elect to refund the paid SDC less any outstanding account balances or fees. Any paid System Development Charges less any associated outstanding account balances or fees which are not refunded shall be retained by the District as a contribution in aid of construction, and shall be applied as a credit towards the payment of system development charges for the same connection which may become due thereafter. System Development Charges paid that are associated with a separate contract [Section 601(B)(2)] with the District are not eligible for refund.  
Revised 9-17-2009
- G. The owner(s) of each residential and nonresidential building served by the District is required to sign a PERMIT TO DISCHARGE POLLUTANT WASTES. Absent a duly completed and signed PERMIT TO DISCHARGE POLLUTANT WASTES for the property (or subunit thereof served by sanitary sewer) in question, the District reserves the right to take any and all steps necessary to protect its wastewater collection system and treatment plant, including but not limited to withholding sanitary sewer service to the property in question.  
Revised 10-18-2005
- H. Each tenant occupying a subunit within a multiunit nonresidential building served by the District is required to sign a PERMIT TO DISCHARGE POLLUTANT WASTES. Absent a duly completed and signed PERMIT TO DISCHARGE POLLUTANT WASTES by the nonresidential tenant for the building (or subunit thereof) in question, the District reserves the right to take any and all steps necessary to protect its wastewater collection system and treatment plant, including but not limited to withholding sanitary sewer service to the property in question.  
Revised 10-18-2005

- I. The owner(s) of nonresidential property that is a multiunit nonresidential building is required to sign a PERMIT TYPE A – OWNER LIMITED LIABILITY. Absent a duly completed PERMIT TYPE A – OWNER LIMITED LIABILITY for the service site in question, the District reserves the right to take any and all steps necessary to protect its wastewater collection system and treatment plant, including but not limited to withholding sanitary sewer service to the property in question.

Revised 10-18-2005

- J. A fee will be assessed to process the PERMIT TO DISCHARGE POLLUTANT WASTES. Said fee to be in amounts shown on the Costs and Charges schedule, billed to the customer during the next billing cycle immediately following issuance of the permit and will be payable in full during that billing cycle. Failure to pay the fee will subject the fee to the District's collection policy.

Revised 10-18-2005

**606: OVERALL BASIN CHARGES, RECOVERY AGREEMENT UNIT RECOVERY CHARGE AND DISTRICT BASIN CHARGES:**

Adopted and Revised 5-17-2007

- A. OVERALL BASIN CHARGE: Assessable on each applicable lot, parcel, or dwelling unit that could receive sanitary sewer services on land within the District's 208 service area, located within a Wastewater Collection Service Basin or sub-basin and subject to a Recovery Agreement or District Basin Charge. The Overall Basin Charge is to be collected when the WDR is purchased. The Overall Basin Charge consists of the District Basin Charge and/or Recovery Agreement Unit Recovery Charges per lot, parcel or dwelling unit subsequent to 17 May 2007.

The District will collect the Overall Basin Charge(s) per applicable lot, parcel, or dwelling unit from the affected property owner(s)/developer(s) within the defined Wastewater Collection Service Basin or sub-basin in conjunction with the payment of the SDC to the District or by contract until the entire recoverable amount (i.e., a  $(1 + (b + 0.03)^5)$  ) has been collected. Overall Basin Charges may exist in a nested, hierarchical structure and shall be combined as applicable, based on the location of the lot, parcel or dwelling unit within defined Wastewater Collection Service Basins and sub-basins. Each individual lot, parcel or dwelling unit within the smallest District designated Wastewater Collection Service Basin shall be subject to Overall Basin Charges (including recovery agreement unit recovery charges) associated with every existing interceptor line or line segment to which its flows are tributary.

The Overall Basin Charge is the means by which the District will collect 1) Recovery Agreement Unit Recovery Charges, and 2) District Basin Charges to recover District expended funds used to expand or materially upgrade the sanitary sewer collection system including but not limited to gravity sewers, lift stations, force mains and appurtenances. The District Board of Directors shall set and adopt all basin charges.

1. Computation of Overall Basin Charge:

- a. Calculate the District Basin Charge: This is the Overall Basin Charge component attributable for recovery of District expended funds, during or subsequent to 1 January 1997, used to expand or materially upgrade the sanitary sewer collection system, and shall be computed using the following formula:

$$R = \frac{x(1 + (y)5)}{z}$$

R = District Basin Charge Per Single Family Equivalent Unit

x = District Certified Total Construction Cost

y = The 30 year Daily Treasury Yield Curve Rate, expressed as a decimal, as published at [www.treas.gov](http://www.treas.gov). Interest rate to be corresponding to the first day of the month in which the Board adopts the specific project District Basin Charge.

z = The number of individual SFEUs serviceable by the Wastewater Collection Infrastructure within the defined Wastewater Collection Service Basin or sub-basin.

The District's rights to reimbursement under the provisions of the District Basin Charge shall not exceed the District Certified Total Construction Cost times the interest factor for a period of five (5) years, that is  $(1+(y)5)$ .

- b. Add up all the applicable Recovery Agreement Unit Recovery Charges and District Basin Charges attributable for recovery of District expended funds to determine the Overall Basin Charge applicable to each lot, parcel or dwelling unit.

Recovery Agreement Unit Recovery Charge: A Recovery Agreement Unit Recovery Charge will be assessed for each applicable lot, parcel or dwelling unit seeking connection to a collection line which lot, parcel or dwelling unit is located within a designated Wastewater Collection Service Basin or sub-basin and required to purchase a WDR until the entire recoverable amount (i.e.,  $x(1+ (y)5)$  ) has been collected. Recovery agreements existing on the effective date of these *Rules and Regulations* shall remain in full force and effect.

- B. CREDITS AND REFUNDS: No credits or refunds will be made for Overall Basin Charges.

**607: RATES AND CHARGES; BASIS FOR:**

Adopted & revised 4-4-2002, 01-01-2010

The owner, and their successors and assigns, obtain a property right to discharge to the sanitary sewer system upon the purchase of the WASTEWATER DISCHARGE RIGHT. Owner is subject to all rules and regulations of the district. This WASTEWATER DISCHARGE RIGHT transfers with the property upon sale of the property. Completion of the *Permit to Discharge Pollutant Wastes* is required, but failure to complete the applicable permit does not invalidate owner responsibilities in regard to the sanitary

sewer service and payment of applicable charges.

Revised 4-12-2004

Owners that rent or lease property with discharge rights to tenants still retain the rights and responsibilities of discharge ownership. The rights and responsibilities of the discharge ownership include, but are not limited to, timely payment of all applicable rates, charges, fees, service charges and penalty charges of the District, as approved by the Board of Directors of the District. If not paid, the referenced premises will be subject to termination of service.

A commercial tenant of the owner assumes a secondary position to the owner. The District will bill the tenant for service (sanitary sewer service, blend of sanitary sewer service and Industrial Pretreatment Program (IPP) charge, or IPP charge only) as a courtesy to the owner but if payment is not received from the tenant, the owner assumes the tenant's position in regards to District charges.

Revised 11-13-2003, 01-01-2010

A. WASTEWATER TREATMENT CHARGES FOR QUANTITY FLOWS:

1. RESIDENTIAL USER CHARGES:

Basic charge for quantified flows per month.

- a. A base monthly charge (aka facility charge) for the treatment of pollutant wastes and for flow surcharge above specified maximums (see current Costs and Charges schedule) will be billed monthly for all residential family homes, each duplex unit, each townhouse or townhouse unit, and each recreational vehicle space or mobile home space, occupied or unoccupied.

Revised 01-01-2010

- b. A monthly surcharge for metered water use (in 1,000 gallon increments) exceeding the flow allowance will be charged (see current Costs and Charges schedule).

Revised 01-01-2010

- c. A Special Summer Schedule rate charge, based upon the average winter water consumption for the months December, January and February, shall be implemented each year for the 9-month period of March through November. This nine-month summer schedule rate during the spring, summer and early fall precludes charging residential customers for lawn watering.

Revised 4-12-2004

2. COMMERCIAL/INDUSTRIAL USER CHARGES:

There are two classifications of non-residential facilities: single unit/single use and multiple space/multiple use. The following are monthly charges applicable to each classification.

a. SINGLE UNIT/SINGLE USE SITE:

- 1. Minimum base monthly charges (aka facility charge) will be billed, based on the water meter size, and will be surcharged for metered water use (in 1,000 gallon increments) exceeding

the flow allowance for the meter size (see current Costs and Charges schedule).  
Revised 01-01-2010

2. A monthly Industrial Pretreatment Program (IPP) Charge will be billed (see current Costs and Charges schedule).  
Adopted 01-01-2010

b. MULTIPLE SPACE/MULTIPLE USE:

1. The property owner will be surcharged for metered water use (in 1,000 gallon increments) exceeding the flow allowance for the building (see current Costs and Charges schedule). Revised 01-01-2010
2. The property owner will be billed a minimum base monthly charge (aka facility charge) per building (see current Costs and Charges schedule).  
Adopted 01-01-2010
3. A monthly flat rate charge for treatment of pollutant wastewater will be billed for all non-residential users with a controlled discharge point (aka unit). This flat rate will be assessed by unit for multiple space/multiple use conditions. The flat charge will be transitioned (over a five year period) and reclassified as the Industrial Pretreatment Program (IPP) Charge.  
Revised 01-01-2010
4. Up to two vacancies per multiple space/multiple use site are billable to the landlord.  
Revised 01-01-2010

c. IRRIGATION METER FOR COMMERCIAL/INDUSTRIAL USERS:

Boxelder Sanitation District will provide one irrigation meter per non-residential building, upon request from the non-residential user building, for the measurement of the non-wastewater flows for the nine-month period of March through November. The irrigation allowance shall apply only to customers with 1,000 sq. ft. or more of irrigated property. The irrigation submeter will be installed at the owner's expense. The irrigation allowance shall be based on monthly metered usage as measured by the difference between primary service water meter and the irrigation submeter reading. District will adjust flow surcharges based on the said metered non-wastewater flows from the non-residential building for the nine-month period of March through November to preclude charging for non-wastewater application of water (i.e. irrigation of landscape).  
Revised 5-10-2004

**608: RATES AND CHARGES; COMPUTATION OF NONRESIDENTIAL LOADING SURCHARGES:**

- A. Basis of nonresidential wastewater treatment charges for B.O.D., C.O.D. and T.S.S. Loading:

Basis A. Each nonresidential account shall be assigned by the Manager to the most appropriate category listed in Addendum B, attached hereto, and incorporated herein by reference, titled: "Excess Loading Surcharge Table". Values for concentration of BOD, COD, and TSS, are those terms as defined in Part Two of these rules and regulations.

Basis B. At the option of the non-residential user and at the written request of the user, the values may be determined by the Manager based on actual sampling of the effluent. Any sample taken for such purposes shall be a composite sample, as defined in Part 2. Analysis shall be done in accordance with the procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation. Such individual sampling and analysis will be performed by a State certified laboratory, at such user's expense and if requested, the sample will be split and half of the sample will be given to such user for analysis by an independent laboratory. If analysis ordered by the Manager and that obtained by user are significantly different, the Manager may accept the user's analysis, or may order a new sample and analysis done at the District expense. Each nonresidential customer must provide suitable access and adequate sampling infrastructure, as determined by the Manager, for the sampling proposed. Revised 6-11-2010

B. BASIS FOR TOTAL NON-RESIDENTIAL CHARGES

The monthly charge for each nonresidential account shall consist of the following elements:

Element A A wastewater treatment flow charge as stipulated in Costs and Charges per applicable rate code, meter size and excess gallonage surcharge.

Element B A surcharge for BOD, COD, TSS in excess of "normal domestic strength wastewater" standards as determined by:

1. The assignment of each non-residential user to a category listed in Addendum B including the

assigned "excess table values" listed for that category.

2. The calculation of the surcharge for excess BOD, COD, TSS as determined by whichever of the following formula calculation results in the HIGHER surcharge:

FORMULAS: 1 & 2

$$S = Q(0.00833AR_A + 0.00833CR_c) \text{ or}$$

$$S = Q(0.00833BR_B + 0.00833CR_c)$$

Where:

S = Amount of surcharge (cannot be less than zero)

Q = 100% of year-round non-irrigation water consumption for the account, expressed in thousands of gallons per month (until year-round non-irrigation water consumption is established, Q = 100% of total water consumption).

A = Average BOD strength of wastewater expressed in mg/l minus 200 mg/l.

B = Average COD strength of wastewater expressed in mg/l minus 300 mg/l.

C = Average TSS strength of wastewater expressed in mg/l minus 200 mg/l.

R<sub>A</sub> = \$0.15 per pound of excess BOD

R<sub>B</sub> = \$0.10 per pound of excess COD

R<sub>C</sub> = \$0.15 per pound of excess TSS

(These rates may be superseded by current Costs and Charges)

Element C: The surcharge for excess loading (BOD, COD, TSS) values may, at the managers' option, be determined by actual sampling of the effluent as set forth in paragraph 1 above. These measured values will be adjusted for "normal domestic strength "wastewater" per A, B, C above and substituted for assigned table values, then used in the calculation per formula 1 or 2 loading charges set forth in the current Costs and Charges schedule.

Additional Notes: Q = 100% of year-round non-irrigation water consumption.

SEE ADDENDUM B

**609: RATES AND CHARGES; SPECIAL:**

- A. Discounts: None
- B. Enforcement Charges: Any enforcement remedies assessed in accordance with Section 1205, including, but not limited to, administrative fines and extra costs

charges, once final, may in the discretion of the Manager be collected as a charge pursuant to this part.

- C. **Extra Cost Charges:** There will be assessed charges for any materials, labor machine time, equipment time, inspection time, testing fees, engineering reports or administrative review time expenses by the District necessitated by the correction of violations of environmental standards or the District's N.P.D.E.S. Permit requirements.
- D. **Collection System Construction Bond:** Prior to the commencement of construction of any additional system collector lines, the contractor will be required to furnish a bond as stipulated by the manager to cover the cost of plan review, inspection costs, site engineering review (soils, backfills, etc.) and any necessary line cleaning, air testing or TV inspection, which in the opinion of the manager is required. Costs related to the above will be summarized and any excess bond funds will be returned to the contractor upon completion of the work and acceptance of the lines by the District.
- E. **Transfer of Wastewater Discharge Right (WDR):** A transfer filing fee will be assessed for each transfer of the ownership rights relating to the WDR. This fee will be assessed at the time of real estate transfer of title.
- F. **Reconnection Charge:** A reconnection charge of not less than \$300 will be charged to the user at the time of sewer service reconnection, after termination of service. This charge is in addition to user bearing the cost of disconnection and reconnection actual expenses. Revised 6-12-1995
- G. **Fats, Oil, and Grease Surcharge:** There will be assessed on those commercial contributors who discharge excessive fats, oil and grease (FOG) to the sanitary sewer system a quarterly charge for any materials, labor, machine time, equipment time, inspection time and/or cleaning time by the District necessitated by their waste stream discharge contribution. Excessive FOG contributions are defined as those waste water discharges that impede flow in the sanitary sewer line and necessitate a more frequent cleaning cycle than the industry standard of once every three-year cleaning cycle. Adopted 9-8-2003

**610: PERPETUAL LIEN:** Until paid, all charges imposed by this Part 6 shall constitute a perpetual lien on and against the property connected to or served by the wastewater treatment system of the District. Recordation of such lien shall not be a prerequisite to foreclosure thereof by the District.

**611: BIENNIAL REVIEW:** A review shall be conducted at least once every two (2) years of the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and the approved user charge system. The biennial review shall be conducted and revisions made in accordance with 40 CFR 35.929-2(b).

**612: NOTIFICATION:** Each user will be notified at least annually, in conjunction with a regular bill (or other means acceptable to the EPA regional administrator) of the rate and that portion of the user charges which are attributable to the wastewater treatment services, in accordance with 40 CFR 35.2140(C) and 35.929-2(F), dated July 1, 1982.

**613: SEWER SHUT-OFF VALVE:** In addition to other available remedies, the District may enforce its collection policies by terminating service after proper notice and an opportunity for the user to have a formal hearing.

In the event a property, parcel, or unit that is the subject of enforcement action by the District under its collection policies does not have a sewer shut-off valve on its service lateral, the District may: (a) require the owner to install at the owner's expense a sewer shut-off valve on the service lateral in conformance with District Standards and Specifications; or (b) install a sewer shut-off valve on the sewer lateral in conformance with District Standards and Specifications, the cost of which shall be charged to the property. Receipt of sanitary sewer service from the District shall in all cases imply the grant of a license to the District to inspect the service lateral, to install a sewer shut-off valve, and to disconnect and connect sanitary sewer service for the subject property; reasonable access over and across each subject property shall also be implied.

Revised 12-17-2009

**PART 7: RESERVED**

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## **PART 8: PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE**

### SECTION:

- 801: Wastewater Discharge; Treatment Required
- 802: Wastewater Discharge; Prohibitions
- 803: Wastewater Discharge; Limitations
- 804: Point of Discharge; Limitations
- 805: Disposal; Limitations

**801: WASTEWATER DISCHARGE; TREATMENT REQUIRED:** It shall be unlawful for any person to discharge into any natural waterway or any surface drainage within the District, or in any area under the jurisdiction of the District, any wastewater unless suitable treatment of such wastewater has been provided in accordance with the provisions of these Rules and Regulations and applicable County, State or Federal regulations.

**802: WASTEWATER DISCHARGE; PROHIBITIONS:** It shall be a violation of these Rules and Regulations and unlawful under federal law for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment facility of the District any wastes or wastewater which contains the following:

- A. STORM WATER DRAINAGE from ground, surface headers, catch basins, unroofed area drains, (e.g., commercial car washing facilities) or any other source.
- B. OTHER WATER, including but not limited to, underground drains, sump pump discharges, natural springs, seeps, wetlands out flows and water accumulated in excavations or any other water associated with construction.
- C. INERT SUSPENDED SOLIDS or other inert particulate matter such as but not limited to, fullers earth, lime slurries and pain residues, resulting in wastewater with settleable solids concentration greater than fifteen (15) milliliters per liter.
- D. UNUSUAL CONCENTRATIONS OF DISSOLVED SOLIDS, that may, alone or in conjunction with discharges from other users, cause the POTW effluent to exceed water quality for the pollutant in question.
- E. OIL AND GREASE of the following concentrations, sources of nature:
  - 1. Wastewater containing total grease and oil in excess of one hundred (100) mg/l concentration as measured by1. Wastewater containing total grease and oil in excess of one hundred (100) mg/l concentration as measured by approved methods set forth in 40 CFR Part 13.  
Revised 4-10-2000
  - 2. Wastewater containing more than twenty-five (25) mg/L petroleum, as measured as hydrocarbons by approved methods set forth in 40 CFR Part 136. Evidence of oil or grease in wastewater shall be based upon instantaneous or "grab" samples.  
Revised 4-10-2000

- F. **EXPLOSIVE MIXTURES** consisting of 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 wastewater treatment system or to the operation of the system. At no time shall two (2) successive readings on an explosive hazard meter at the point of discharge into the wastewater system be more than five percent (5%) nor may any single reading be over ten percent (10%) of the lower explosive limit (L.E.L.) 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. Wastestreams at the point of discharge are prohibited if they have a closed cup flashpoint of less than sixty (60) degrees centigrade (140 degrees Fahrenheit) using test methods specified in 40 CFR Part 261.21.
- G. **NOXIOUS MATERIAL** consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.
- H. **IMPROPERLY SHREDDED GARBAGE** that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the wastewater system to which the user is connected. At all times, no particle shall be greater than one-half inch (1/2") in any direction.
- I. **RADIOACTIVE WASTES OR ISOTOPES** of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control.
- J. **SOLID, VISCOUS, OR LIQUID WASTES** which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, 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, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances.
- K. **TOXIC SUBSTANCES** in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances including metals which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or which will be transmitted through the system to receiving water, as may be measured by failure of a biomonitoring toxicity test.
- L. **SUBSTANCES WHICH ARE NOT AMENABLE TO TREATMENT** of prescribed reduction by the treatment process employed by the Wastewater Department, or

are amenable to such a limited degree of reduction that a discharge of such wastewater would result in an interference with the wastewater treatment works or pass through the treatment facilities such that the effluent discharge from the treatment works does not meet requirements of State, Federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.

- M. WASTE WITH COLOR not removable by the treatment process.
- N. CORROSIVE WASTES which will cause corrosion, deterioration or interference of the District POTW.
- O. WASTEWATER DISCHARGED into the wastewater collection system must have an instantaneous pH value in the range of five (5) to ten (10) standard units. At no time shall discharges with pH lower than 5.0 be introduced into the collection system or POTW.

Revised 1-20-2005

  - 1. A more stringent range of acceptable wastewater effluent pH identified in applicable National Categorical Pretreatment Standards shall supersede the range noted herein.
  - 2. Where a continuous pH recording monitor has been installed by the user and approved by the Manager, pH compliance with these applicable sections may also be determined by records inspection indicating effluent pH within the applicable range for a period exceeding ninety (90) percent of the user's operating day.
- P. SPENT PROCESS CHEMICALS, solutions or materials, hazardous waste as defined by the Federal Resource Conservation and Recovery Act, and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the Manager and after suitable treatment as approved by the Manager has been effected.
- Q. HOSPITAL WASTES: hospitals, clinics, offices of medical doctors, and convalescent homes shall not dispose of laboratory pathological wastes, surgical operating room wastes or delivery room wastes by discharge to the public sewer.
- R. BIOCIDES as determined by the Manager in concentrations exceeding 0.02 mg/L unless approved in writing by the Manager.
- S. ANY POLLUTANT, including oxygen demanding pollutants or slug concentrations (e.g., BOD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
- T. HEAT in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees centigrade (105 degrees Fahrenheit);
- U. ANY TRUCKED OR HAULED POLLUTANTS, except at discharge points designated by the POTW.

- V. 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.

**803: WASTEWATER DISCHARGE; LIMITATIONS:**

- A. It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater facilities of the District, any waste or wastewater which fails to comply with the limitations imposed by this Section.

- B. Local limits for concentrations of metals in discharges from industrial users to the Boxelder Sanitation District POTW are summarized here:

Revised 10-09-1995  
Revised 04-21-2005

<u>METAL</u>	<u>LIMIT (ppm)</u>	
	<u>MAXIMUM CONCENTRATIONS</u>	
	<u>CHRONIC</u> (30 day avg.)	<u>ACUTE</u> (daily max.)
Cadmium / Total	0.53	7.68
Hexavalent Chromium / Total	0.67	0.86
Copper / Total	2.97	6.34
Lead /Total	5.11	170
Mercury / Total	0.0002	0.14
Nickel / Total	14.49	N/A
Silver /Total	0.72	4.24
Zinc /Total	50	50

As is typically the case in any conventional WWTP, the Boxelder Sanitation District does not command the resources required to perform the extremely expensive and complex processes of metals removal. Beyond the point where metals may be introduced to the POTW system, very little control over the management of metals is possible. Continued compliance with NPDES discharge permit limitations and protection of POTW personnel health are foremost concerns of the District. The conservative approach used to develop Boxelder Sanitation District's local limits produces reasonable concentration-based limits and provides the highest degree of reliability for continued compliance with the District's NPDES discharge permit.

The District proposes to revisit its local limits annually over the next three years, while enforcing the local limits currently in effect. It may be appropriate to petition for an amendment to local limits approval after establishing a more comprehensive baseline monitoring record, assuring that the most appropriate local limits are enforced in the Boxelder service area. Such extended monitoring may be expected to indicate whether indications of effluent concentrations higher than influent concentrations are the result of extreme outlying data points. More dependable and accurate assessment of wastestream metals concentrations and WWTP removal efficiencies will be facilitated as the District's pretreatment program progresses and the likelihood of slug discharges of pollutants of concern diminishes. The District remains committed to developing and enforcing local

limits which protect the health and safety of POTW personnel and environmental integrity while maintaining limitations on industrial dischargers that are attainable and reasonable.

- C. All users subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any limitations contained in this ordinance. The National Categorical Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference. Where duplication of the same pollutant exists, the limitations which are more stringent shall prevail. Compliance with National Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the Manager. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.  
Revised 4-10-2000
- D. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- E. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- F. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- G. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- H. For pollutants listed herein or regulated in National Categorical Pretreatment Standards, the Manager may designate in the Significant Industrial User's Wastewater Discharge Permit, or in other formal notification, more stringent limitations for such pollutants. For pollutants not listed herein and not regulated by National Categorical Pretreatment Standards, the Manager may designate in the Significant Industrial User's Wastewater Discharge Permit, or in other formal notification, prohibitions, limitations or other standards as appropriate governing such pollutants.
- I. Consistent with the provisions of the Act, no discharger into the wastewater treatment system shall augment its use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with these standards.

- J. Discharges resulting from the cleanup of groundwater contaminated by leaking underground gasoline storage tanks will not have concentrations of benzene, toluene, ethyl benzene, and xylene (BTEX) greater than 750 µg/l or Benzene concentrations in excess of 50 µg/l. Lower explosive limit (LEL) at discharge point in the District's collection system shall not exceed 10%. The term lower explosive limit (LEL) refers to the minimum concentration in air at which a gas or vapor will flame with an ignition source. The District believes that in the absence of instantaneous testing results for BTEX concentrations, that regular and continual monitoring of the LEL in the manhole is a better indicator of the integrity of this groundwater discharge. Revised 9-16-1996
- K. The District may develop Best Management Practices (BMPs), by District adopted rules/regulations or in wastewater discharge permits, to implement local limits and the requirements of section 803.B. Adopted 8-17-2006

**804: POINT OF DISCHARGE; LIMITATIONS:**

- A. It shall be unlawful for any person to discharge any substance directly into a manhole or other opening in the wastewater treatment system other than through an approved service line.
- B. Liquid wastes, from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the wastewater system, except at locations authorized by the Manager to collect such wastes within the District. The rate of discharge into the system will be proscribed by the manager.
- C. At the discretion of and to the satisfaction of the Manager, non-residential users will be required to provide unimpeded District access, at all times, to the user's discharge and to ensure that sufficient sewer infrastructure is installed (i.e. sampling manhole or sewer clean-out). The sampling point must contain only the non-domestic wastewater. Adopted 6-11-2010

**805: DISPOSAL; LIMITATIONS:**

- A. It shall be unlawful for any person to dispose of wastes into the wastewater system where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in Part 8.

## **PART 9: CONTROL OF PROHIBITED WASTES**

### SECTION:

- 901: Regulatory Actions; General Powers of Manager
- 902: Regulatory Actions; Specific Powers of Manager
- 903: Pretreatment Facilities; Submission of Plans
- 904: Pretreatment Facilities; Operations
- 905: Admission to Property
- 906: Search Warrants
- 807: Accidental Discharge: Protection From
- 908: Slug Discharge, Report Required
- 909: Discharge Violation: Failure to Report
- 910: Workplace Notices
- 911: pH Recording Meters
- 912: Hazardous Chemical Handling; Submission of Plans

**901: REGULATORY ACTIONS; GENERAL POWERS OF Manager:** In addition to his authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the Manager shall have the following authorities:

- A. Endangerment to health or welfare of the community: the Manager, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, wastewater collection system of the District or any wastewater system tributary thereto, by any means available to him, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
- B. Endangerment to environment or the POTW: the Manager, after written order to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, wastewater collection system of the District or any wastewater system tributary thereto, by any means available to him, including physical disconnection from the wastewater system, whenever such discharge presents or may present an imminent and substantial endangerment to the environment or threatens to damage or interfere with the operation of the POTW.
- C. The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these Rules and Regulations.

**902: REGULATORY ACTIONS; SPECIFIC POWERS OF MANAGER:** If wastewaters containing any substance described in Part 8 of these Rules and Regulations are discharged or proposed to be discharged into any natural waterway, surface drainage within the District, any area under the jurisdiction of the District, into the wastewater collection system of the District or any wastewater system tributary thereto, the Manager may take any action necessary to:

- A. Prohibit the discharge of such wastewater;

- B. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with these Rules and Regulations;
- C. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these Rules and Regulations;
- D. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the District for handling, treating or disposing excess loads imposed on the wastewater treatment system including any fines or legal expenses associated with alleged or actual violations of the District's CDPS Permit attributed to an unpermitted user discharge.
- E. Obtain timely and factual reports from the facility responsible for such discharge;  
or
- F. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these Rules and Regulations.

**903: PRETREATMENT FACILITIES; SUBMISSION OF PLANS:** Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions in Part 8 within the time limitations specified by EPA, the State, or the Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Manager for review and approval. Such approval shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Such approval shall not be construed as or act as a guarantee or assurance that any discharge is or will be in compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Manager.

**904: PRETREATMENT FACILITIES; OPERATIONS:** If pretreatment or control of wastewater flow is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these Rules and Regulations and all other applicable codes, ordinances, laws, rules and regulations. The Manager may require the owner or operator of such facilities to submit a documented plan to the Manager describing how such equipment will be operated and maintained.

**905: ADMISSION TO PROPERTY:** Whenever it shall be necessary for the purposes of these Rules and Regulations, the Manager, upon the presentation of credentials, may enter upon any property or premises of a Wastewater System User at reasonable times for the purposes of:

- A. Inspecting on a regular basis or for cause to assure compliance with the requirements of these Rules and Regulations. Such inspection shall be completed with reasonable promptness. If any samples are taken, an equal quantity shall be given, if requested, to the owner, agent, or operator.
- B. Copying any records required to be kept under the provisions of these Rules and Regulations.
- C. Inspecting any monitoring equipment or method, or pretreatment system operation, and/or
- D. Sampling any discharge of wastewater into the wastewater treatment system.

The occupant of such property or premises shall render all proper assistance in such activities. Unreasonable delays in allowing the Manager access to the user's premises shall be a violation of these Rules and Regulations.

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

**907: ACCIDENTAL DISCHARGE; PROTECTION FROM:** Each user shall provide adequate protection as approved by the Manager from unpermitted discharge of prohibited materials or other wastes regulated by these Rules and Regulations. Facilities and procedures to prevent such discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Manager for review, and shall be approved by him before installation of the accidental discharge protection. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the facilities as necessary to meet the requirements of these Rules and Regulations.

**908: ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLAN; REPORT REQUIRED:**

- A. The District shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The District may require any user to develop, submit for approval, and implement such a plan., or take such other action that may be necessary to control slug discharges. Alternatively, the District may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
  - 1. Description of discharge practices, including non-routine batch discharges;
  - 2. Description of stored chemicals;

3. Procedures for immediately notifying the Manager of any accidental or slug discharge;
  4. Procedures to prevent adverse impact from any accidental or slug discharge.
- B. If a facility has a slug discharge, or a discharge that could cause problems to the POTW, the owner or user of the facility responsible for such discharge shall immediately notify the Manager so that corrective action may be taken to protect the wastewater treatment system. In addition, a written report addressed to the Manager detailing the date, time and cause of the slug discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future slug discharges, shall be submitted to the Manager by the responsible person within five (5) days of the occurrence of the non-complying discharge.

**909: DISCHARGE VIOLATION; FAILURE TO REPORT:** It shall be unlawful for any person to fail to report to the Manager any discharge which violates the requirements, prohibitions or limitations of these Rules and Regulations.

**910: WORKPLACE NOTICES:** A notice or notices approved by the Manager shall be permanently posted in an unobstructed, prominent place or places within the working areas of Significant Industrial Users, or other users as the Manager deems necessary, which advise employees of whom to call in the event of a dangerous chemical discharge or potential discharge. These users shall insure that all employees who may cause or suffer to cause such a discharge to occur are advised of the emergency notification procedures.

**911: pH RECORDING METERS:**

- A. Significant Industrial Users which discharge process wastewaters determined by the Manager to contain pollutants necessitating continuous pH adjustment shall, subsequent to notification by the Manager, install a continuous recording pH meter as approved by the Manager. Such meter shall be installed, operated and maintained at the user's own cost and expense. Such records generated by this meter shall be retained for three years and shall be made available to the Manager upon request.
- B. The Manager may order other users of the District wastewater treatment system to install and maintain other similar equipment as necessary to assure compliance with these Rules and Regulations.

**912: HAZARDOUS CHEMICAL HANDLING; SUBMISSION OF PLANS:** Whenever it shall be deemed necessary by the Manager to protect the Wastewater System, Industrial Users may be required to submit documented plans describing the handling of materials regulated by Part 8 of these Rules and Regulations for the Manager's approval. Such plans may include, but not be limited to, description of plant or process closure procedures, spill prevention procedures, solvent management procedures, hazardous wastes handling, storage and disposal procedures. Such approval shall not exempt the user from compliance with any applicable code, ordinance, rule, regulations or order of any government authority. Such approval shall not be construed as or act as a guarantee or assurance that any discharge or materials handling procedure is or will

be in compliance with any applicable code, ordinance, rule, regulations or order of any government authority.

## **PART 10: MONITORING AND REPORTING OF INDUSTRIAL WASTEWATER**

### SECTION:

- 1001: Reporting Requirements
- 1002: Records and Monitoring
- 1003: Inspection, Sampling and Analysis
- 1004: Violations by Failure to Report
- 1005: Notification
- 1006: Disclosure, Availability to Public
- 1007: Trade Secrets; Confidentiality of

### **1001: REPORTING REQUIREMENTS:**

- A. Every Significant Industrial User shall file an Industrial Wastewater Discharge Questionnaire on forms provided by the Manager. Unless otherwise required by the Manager, these forms shall be completed and filed not later than thirty (30) days after receipt of the report forms from the Manager. The Manager may require any other Industrial User discharging or proposing to discharge into the wastewater treatment system to file such reports.
- B. The Industrial Wastewater Discharge Questionnaire shall indicate the current status of the user and shall include, but, in the discretion of the Manager, shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of substances regulated under Part 8 of these Rules and Regulations or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged.
- C. Every Significant Industrial User shall file an amended Industrial Wastewater Discharge Questionnaire two (2) weeks prior to any planned significant change in operations or wastewater characteristics. If such significant change occurs unknowingly or is unplanned, an amended Industrial Wastewater Discharge Questionnaire shall be filed within seven (7) days after such change becomes known. A significant change shall mean a change which will be in effect for a period of fourteen (14) days or more and shall include but is not limited to:
  - 1. Change in number of shifts, an additional processing operation, any new substances regulated under Part 8 of these Rules and Regulations used which may be discharged.
  - 2. A twenty percent (20%) increase or decrease in the wastewater flow or production volume.  
Revised 4-10-2000
  - 3. Any other change which may alter the average normal wastewater characteristics by a factor of one and one-half (1.5) or more.
- D. Baseline Reports: All users subject to National Categorical Pretreatment Standards shall submit to the Manager a baseline monitoring report on forms provided by the Manager. Such reports shall be submitted within 180 days of

promulgation of the standard or earlier as the Manager deems necessary and at a minimum shall contain:

1. The name and address of the user.
2. The location of such user.
3. The nature, average rate of production and standard industrial classification of the operations carried out by such user.
4. The average and maximum flow of the discharge from such user to the POTW, in gallons per day.
5. The nature and concentration of pollutants in the discharge from each regulated process from such user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for the applicable pretreatment standard. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the Manager for approval.
  - a. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Manager may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is not infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged;
  - b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
  - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(E) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Manager;

- d. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto;
  - e. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 1001 (D) and (E) (403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by paragraphs Section 1001 (E) (403.12(e) and 403.12(h)), the District shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Adopted 8-17-2006
  - f. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- 6. A statement, approved by an Authorized Representative of the user and certified by a professional engineer, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the user to meet the Pretreatment Standards and Requirements; and
  - 7. If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For new sources of discharge, this report shall be submitted ninety (90) days prior to commencement of discharge, and may contain estimates of the information required in paragraphs 3, 4 and 5 of this section.

E. 90-Day Compliance Reports:

- 1. **New Sources:** All new sources subject to existing Categorical Pretreatment Standards shall submit a report to the Wastewater District within ninety (90) days from the date of first discharge demonstrating actual and continuing compliance with those standards.
- 2. **Existing Sources:** All existing sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the Wastewater District within ninety (90) days of the date on which compliance is required with those standards demonstrating that actual and continuing compliance with such new standards has been achieved.

3. Unless instructed in writing by the Department, such 90-day compliance report shall contain at a minimum:
  - a. The same information required under section 1001:D. 4 and 5 of these Rules and Regulations,
  - b. A statement of compliance signed by the Authorized Representative of the company and certified by a qualified professional which indicates:
    - i. Whether the applicable pretreatment requirements are being met on a consistent basis, or
    - ii. If the applicable pretreatment standards are not being met, what pretreatment procedures and equipment are necessary to attain compliance.
  
- F. Self Monitoring Compliance Report: Any Significant Industrial User must submit to the District during the months of June and December, unless required more frequently in the Pretreatment Standard or by the District, a self-monitoring report on forms provided by the District indicating the nature and concentration and flow, of pollutants in the effluent which are limited by the District or such Pretreatment Standards. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User. These reports shall be based on sampling and analysis performed in the period covered by the report, and shall be performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Effluent monitoring results for any pollutants that are obtained in accordance with methods prescribed in 40 CFR Part 136 that are in addition to the frequency described in this section or in the user's discharge permit shall be included in the self-monitoring report. The District may require the same self-monitoring compliance report be submitted by any Industrial User deemed necessary to assure compliance with these Rules and Regulations. Adopted 8-17-2006
  
- G. Should the Manager deem it necessary to assure compliance with provisions of these Rules and Regulations , any non-residential user of the District wastewater treatment system may be required by the Manager to submit a Wastewater Discharge Questionnaire on forms provided by the Manager. Any user subject to this reporting requirement shall submit a completed report no later than thirty (30) days after receipt of the notification and appropriate forms.
  
- H. Any holder of a Significant Industrial User Wastewater Discharge Permit, shall submit to the Manager such additional reports as specified as conditions of the user's permit or otherwise deemed necessary by the Manager.
  
- I. All reports and questionnaires required to be submitted by the above provisions shall bear the signature of an Authorized Representative of the discharging entity and shall include the certification statement as set forth in 40 CFR Part

403.6(a)(2)(ii). Such reports and records shall be retained by the user for a minimum period of three (3) years and shall be made immediately available upon request of the Manager.

J. If sampling performed by an industrial user indicates a violation, the user shall notify the Manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis for the pollutant that was in violation and submit the results of the repeat analysis to the Manager within 30 days after becoming aware of the violation, unless otherwise notified in writing by the Manager. The Industrial User is not required to resample if the User is adhering to an approved compliance schedule.

K. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

L. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting potential for a slug discharge: Adopted 8-17-2006

**M. Notification of the Discharge of Hazardous Waste.**

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth 40 CFR Page 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notification of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users to categorical pretreatment standards under the self-monitoring requirements of these rules and regulations.

2. Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a

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

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

#### **1002: RECORDS AND MONITORING:**

- A. All Industrial Users who discharge or propose to discharge wastewater to the wastewater treatment system shall maintain such records of production and related factors, effluent flows and amounts or concentrations of substances, and documentation associated with Best Management Practices regulated under Part 8 of these Rules and Regulations as are necessary to demonstrate compliance with the requirements of these Rules and Regulations and any applicable State or Federal pretreatment standards or requirements. Adopted 8-17-2006
- B. All such records shall be retained by the user for a minimum period of three (3) years, and shall be made immediately available upon request of the Manager at any time during said three (3)-year period or so long as actually retained.
- C. Should the Manager deem it necessary to fulfill the purposes of this Code, the owner or operator of any premises or facility discharging industrial wastewater into the wastewater system shall install at his own expense suitable monitoring facilities or equipment which isolates appropriate wastewater discharges into the wastewater system and facilitates accurate observation, sampling and measurement of appropriate discharges. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- D. Where practical, the monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building. When such a location would be impractical or cause undue hardship to the user, the Manager may allow such facility to be constructed in the public street or easement area, with the approval of the agency having jurisdiction over such street or easement, and

located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

- E. When more than one user is able to discharge into a common service line, the Manager may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Manager may require that separate wastewater lines, water meters and necessary connection lines, as well as connections and monitoring facilities be installed for each separate discharge.
- F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Manager's requirements and all applicable construction standards and specifications.
- G. To fulfill the purposes of these Rules and Regulations, the Manager may order other nonresidential users of the District to maintain similar records and/or install and maintain similar facilities or equipment as noted above.

**1003: INSPECTION, SAMPLING AND ANALYSIS:**

- A. Sampling of industrial wastewater for the pollutants determined to be present in the User's process for the purpose of determining compliance with respect to Part 8 prohibitions and limitations will be performed by the District at such intervals as the Manager may designate. However, it is the goal of this Section that the Manager conduct sampling or cause such sampling to be conducted for all Significant Industrial User's in accordance with methods contained in 40 CFR Part 136, or approved alternatives, at least two (2) times per year.
- B. Laboratory analysis of industrial wastewater samples shall be performed in accordance with 40 CFR Part 136. Metals analysis will use a sample preparation technique at least as rigorous as acidification to a pH of less than 2. The determination may be run on the decant, concentrate, or filtrate of the acidified sample. When a sample is run using different sample preparation techniques, the highest measured concentration will be used to determine compliance. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures approved by the Manager. The test results of laboratory analysis performed by the District in accordance with this Section shall be presumed to be correct unless shown otherwise by competent evidence.  
Revised 4-10-2000
- C. Compliance determinations with respect to Part 8 prohibitions and limitations shall be made on the basis of either instantaneous compliance samples or composite samples of wastewater as determined by the Manager. Such samples shall be taken at a point or points which the Manager determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by the Manager to meet specific circumstances.
- D. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using

protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District as appropriate.

Adopted 8-17-2006

- E. The District shall promulgate interpretive rules, as necessary, to insure that any and all samples obtained by District employees can be accounted for from the time said samples are obtained to the time said samples are disposed.

Adopted 8-17-2006

**1004: VIOLATIONS BY FAILURE TO REPORT:** It shall be unlawful for any person to fail to report to the Manager any discharge which violates the requirements, prohibitions or limitations of these Rules and Regulations.

**1005: NOTIFICATION:** The Manager shall attempt to notify in writing any user whom he has cause to believe is subject to a national categorical pretreatment standard; general pretreatment standards; or other applicable requirement promulgated by the US EPA under the provisions of section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solids Waste Disposal Act. Failure of the Manager to so notify Users shall not relieve said Users from the responsibility of complying with applicable requirements.

**1006: DISCLOSURE, AVAILABILITY TO PUBLIC:**

Except as otherwise provided in section 1007, all records, reports, data or other information supplied by any person as a result of any disclosure required by this chapter shall be available for public inspection.

**1007: TRADE SECRETS, CONFIDENTIALITY OF:**

- A. The provisions of section 1006 shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include but shall not be limited to processes, operations, style of work or apparatus or confidential commercial or statistical data.
- B. Information designated as a trade secret pursuant to subsection A of this section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the District charged with enforcing the provisions of this chapter.
- C. It shall be unlawful for any officer, employee or authorized representative of the District to divulge in any manner or to any extent not authorized by judicial order or other provision of law information supplied pursuant to any requirement of this chapter, when such information has been designated as a trade secret pursuant to subsection a of this section. In addition to any other penalties that may be imposed, any officer, employee or authorized representative of the District who

violates the provisions of this subsection shall be subject to discharge from the employ of the District.

## **PART 11: DISCHARGE PERMIT SYSTEM FOR SIGNIFICANT INDUSTRIAL USERS**

### SECTION:

- 1101: Wastewater Discharge Permits Required
- 1102: Discharge Permit; Application For
- 1103: Discharge Permit; Issuance of
- 1104: Discharge Permit; Denial of; Hearing
- 1105: Discharge Permit; Conditions
- 1106: Discharge Permit; Duration
- 1107: Applicant to be Notified of Proposed Permit Conditions, Right to Object.
- 1108: Discharge Permit; Revocation
- 1109: Liquid Waste Haulers; Disposal Permit Required
- 1110: Liquid Waste Hauler Permit; Denial Of
- 1111: Liquid Waste Hauler Permit, Revocation, Suspension, Probation

**1101: WASTEWATER DISCHARGE PERMITS REQUIRED:** All Significant Industrial Users proposing to connect to or discharge into any part of the wastewater treatment system shall obtain a Significant Industrial User discharge permit therefore. All existing Significant Industrial Users shall obtain a Significant Industrial User discharge permit within ninety (90) days from notification by the Manager that such permit is required. A separate permit is required for each building or complex of buildings, or separate tenants of such complex as required by the Manager.

### **1102: DISCHARGE PERMIT; APPLICATION FOR:**

- A. Users seeking a Significant Industrial User wastewater discharge permit shall complete and file with the Manager, by the date specified, an application on the form prescribed by the Manager. In support of this application, the user shall be required to submit the following information:
1. Name, address and user classification number of the applicant.
  2. Average daily discharge rate of wastewater.
  3. Wastewater constituents and characteristics, including but not limited to those set forth in Part 8 of these Rules and Regulations as determined by an analytical laboratory approved by the Manager.
  4. Time and duration of discharge;
  5. Average and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
  6. Site plans, floor plans, mechanical and plumbing plans and details to show all service lines and appurtenances by size, location and elevation.
  7. Description of activities, facilities and plant processes on the premises, including all materials and types of materials, which are, or could be, discharged into the wastewater system.
  8. Each product produced by type, amount and rate of production.

9. Number and type of employees, and hours of work; and
  10. Any other information deemed by the Manager to be necessary to evaluate the permit application.
  11. A certification statement as set forth in 40 CFR Part 403.6(a)(2)(ii).
  12. The signature of the authorized or duly authorized representative of the User. Adopted 8-17-2006
- B. There shall be and there is hereby established an SIU Wastewater Discharge Permit Application Fee under the following terms: Revised 1-15-2009
1. Each Significant Industrial User (SIU) Wastewater Discharge Permit application is assessed a minimum fee in accordance with the fees and charges in effect at the time of the application submittal. Revised 1-15-2009
    - a. Such Wastewater Discharge Permit Application Fee minimum shall be payable by the applicant at the time the application is submitted. Revised 1-15-2009
  2. Each Significant Industrial User (SIU) Wastewater Discharge Permit is assessed a final Wastewater Discharge Permit Application Fee in accordance with the fees and charges in effect at the time of the permit issuance. Revised 3-19-2009
    - a. Such Wastewater Discharge Permit Application Fee, subtracting the amount paid at application submittal, shall be payable by the applicant at the time the Wastewater Discharge Permit is issued. The final fee relates to the expense incurred by the District in the course of authoring and generating the Wastewater Discharge Permit. Revised 3-19-2009
  3. The maximum Wastewater Discharge Permit Fee associated with such permits shall only be exceeded in exceptional cases, subsequent to permittee advisement and board approval. Revised 1-15-2009
- C. The Manager shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Significant Industrial User wastewater discharge permit subject to the terms and conditions provided herein.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**1103: DISCHARGE PERMIT; ISSUANCE OF:**

- A. The Manager shall issue a Significant Industrial User wastewater discharge permit to the applicant if the Manager finds that all of the following conditions are met:

1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Part 8 of these Rules and Regulations;
2. The proposed operation and discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system;
3. The proposed discharge of the applicant would not result in a violation by the District of the terms and conditions of its CDPS Permit or pass through of any toxic materials to the environment; and
4. The SIU fact sheet has been developed by District staff in order for the manager and/or pretreatment coordinator to effectively review user submitted self-monitoring documents and determine compliance with all the requirements of the discharge limitation permit, and District Rules Industrial Waste Management Program.

Revised 09-16-1996

- B. If the Manager finds that the condition set out in subsection A1 of this Section is not met, the Manager may issue a Significant Industrial User wastewater discharge permit to the applicant if the conditions set out in subsections A2 and A3 of this Section are met and if the applicant submits, and the Manager approves, a schedule setting out the measure to be taken by the applicant and the dates that such measures will be implemented to insure compliance with the provisions of these Rules and Regulations .

**1104: DISCHARGE PERMIT; DENIAL OF; HEARING:**

- A. In the event an application for a Significant Industrial User Wastewater Discharge Permit is denied, the Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for such 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.
- B. 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 Manager, provided the request is submitted in writing to the Manager within 14 days of receipt of the notification. At such hearing the applicant shall have the burden of establishing that the conditions set out in Section 1103 of these Rules and Regulations have been met and that a permit should be issued.
- C. The Board of Directors may conduct the hearing and take the evidence or may designate a representative to:
1. 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 the matter involved in such hearings.
  2. Obtain a subpoena from municipal or other court with appropriate jurisdiction to produce documents, attendance of witnesses or relevant evidence.

3. Take the evidence.
  4. Where the hearing is before a representative, the representative shall transmit a report of the evidence and hearing, including transcripts and other evidence, to the Board of Directors together with recommendations for action thereon.
- D. Testimony taken at any public hearing shall be under oath and recorded stenographically. 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 therefore.
  - E. Upon review of the evidence, the Board of Directors shall make written findings of fact. Thereupon the Board of Directors may issue an order issuing a Significant Industrial User Wastewater Discharge Permit, or directing that such permit shall not be issued, or giving such other or further orders and directives as are necessary and appropriate.
  - F. 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 Larimer, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

**1105: DISCHARGE PERMIT; CONDITIONS:** Significant Industrial User Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations and all other regulations, user charges and fees established by the District. The conditions of Significant Industrial User Wastewater Discharge Permits shall be uniformly enforced in accordance with these Rules and Regulations and applicable State and Federal regulations. Permit conditions and requirements may be adjusted or amended by the Manager to ensure compliance with these Rules and Regulations.

Permit conditions may include, but not be limited to, the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
- B. Reporting requirements to indicate chemical materials purchased, used, disposed, and method of disposal, including a description of and limitations placed upon the discharge point;
- C. Limits on rate, time, and characteristics, including average and maximum wastewater constituents and characteristics, of discharge or requirements for flow regulation and equalization;
- D. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- E. Requirements for installation of inspection and sampling facilities and specifications for monitoring programs and/or record-keeping.

- F. Requirements for maintaining and submitting technical reports and records relating to wastewater discharges, quantities or general characteristics of process tank contents; and/or information concerning hazardous or toxic waste materials generation and disposal.
- G. Daily average and daily maximum discharge rates or other appropriate conditions, when substances subject to limitation and prohibition are proposed or present in the user's wastewater discharge.
- H. Compliance Schedules; such schedules may not extend the compliance dates beyond applicable Federal deadlines.
- I. Requirements to control slug discharge, if determined by the District to be necessary. Adopted 8-17-2006
- J. Statement of duration (in no case more than five (5) years).
- K. Statement of non-transferability without, at a minimum, ten (10) days prior notification to the POTW and provision of a copy of the existing discharge permit to the new owner or operator.
- L. Effluent limits, including Best Management Practices, based on applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and state and local law. Adopted 8-17-2006
- M. Self-monitoring, sampling, reporting, notification and record-keeping requirements, including an identification of the pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and state and local law. Adopted 8-17-2006
- N. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- O. Documented plans, and requirements to submit said plans, describing the handling of materials regulated by Part 8 of these Rules and Regulations for the Manager's approval. Such plans may include, but not be limited to, description of plant or process closure procedures, spill prevention procedures, solvent usage procedures, hazardous wastes handling, storage and disposal procedures.
- P. Documented plans, and requirements to submit said plans, describing how the User's pretreatment equipment will be operated and maintained.
- Q. A consent to entry onto User's property to assess compliance by inspection, sampling, and monitoring.
- R. Other conditions to ensure compliance with these Rules and Regulations.
- S. Upon request by the Manager, all records kept pursuant to this Section shall be submitted to the Manager for review.

**1106: DISCHARGE PERMIT; DURATION:**

- A. Significant Industrial User Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the Manager thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for one year only.
- B. The terms and conditions of the permit may be subject to modification and change by the Manager during the life of the permit for good cause, including changes in limitations or requirements as identified in these Rules and Regulations, as well as changes in the user's operation, processes, volume or character of wastewater, or a change in the POTW that requires a change in the authorized discharge. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless said change is initiated by a violation of these Rules and Regulations. Any such change or new condition in the permit shall include a reasonable time schedule for compliance. A permit may be modified in whole or in part with cause in accordance with the provisions of the District's *Rules and Regulations*, as amended from time to time. Causes that could lead to modifying a permit include, but are not limited to, the following:
1. Promulgation of any new, additional, revised or more stringent pretreatment standards or requirements or effluent limitation by the District, State, or Federal agencies.
  2. Change(s) in the industrial process(es) used by the Permittee or change(s) in the volume or character of the process discharge(s), or failure to meet effluent limitations.
  3. Changes(s) in design or capability of the receiving POTW treatment plant.
  4. Changes in the NPDES Permit requirements of the POTW treatment plant discharges.
  5. Change(s) in any condition of the Permittee, or the District, that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  6. Revision or grant of a variance from such categorical standards pursuant to 40 CFR 403.13 in its entirety.
  7. To correct typographical or other errors in the permit.
  8. Upon request of the Permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations. The filing of a request by the Permittee for a permit modification, revocation and re-issuance, termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- C. Annual permit renewal charges shall be set as set forth in the current Costs and Charges schedule for a Significant Industrial User Wastewater Discharge Permit.

**1107: APPLICANT TO BE NOTIFIED OF PROPOSED PERMIT CONDITIONS; RIGHT TO OBJECT:**

- A. Upon completion of his evaluation, the Manager shall notify the applicant of any permit conditions which he proposes.
- B. The applicant shall have fourteen (14) days from the date of the notification to file written objections with the Manager to any permit conditions. The Manager may, but shall not be required to, schedule a meeting with applicant's Authorized Representative within fifteen (15) days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning permit conditions;
- C. If applicant files no objection to permit conditions proposed or if a subsequent agreement is reached concerning same, the Manager shall issue a wastewater discharge permit to applicant with such conditions incorporated.

**1108: DISCHARGE PERMIT; REVOCATION:**

Any violation of the conditions of a Significant Industrial User Wastewater Discharge Permit or of these Rules and Regulations or of applicable State and Federal regulations shall be reason for revocation of such permit. Upon revocation of his permit, any wastewater discharge from the affected user shall be considered prohibited and illegal. Grounds for revocation of a permit include, but are not limited to, the following:

- A. Failure of a user to accurately report the wastewater constituents and characteristics of his 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.
- D. Falsification of records, reports or monitoring results relating to chemical materials.
- E. Tampering with monitoring equipment.
- F. Violation of conditions of the permit.
- G. Failure to complete a wastewater survey or the wastewater discharge permit application.
- H. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

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

**1109: LIQUID WASTE HAULERS; Disposal Permit Required**

Adopted 2-14 -2000

Any person or entity who desires a permit to discharge hauled waste must make application for a hauled waste disposal permit on a form provided by the District. All applications must be approved by the District Board of Directors. The application shall contain the following information:

- Statement of the Company/Individual's Name, address, telephone number and date of application.
- Individual providing the information and his/her title and telephone number.
- Identification of all vehicles owner and/or operated by the applicant and the holding capacity thereof. Identification is to include vehicle make, model, year, VIN, license plate number and hauling capacity.
- Address where the vehicle(s) used for transportation of waste will be stored or parked when not in use.
- Listing of all disposal sites used for transport of hauled waste by the applicant at the time of application.
- Listing of the waste types and monthly discharge amounts anticipated.
- Proof of all required insurance coverage.

**A. Permit Required**

Any person or entity who desires to discharge hauled waste to the District treatment facility is required to obtain a permit to discharge. The permit shall authorize the permittee to transport and dispose of trucked and hauled wastes to a designated site at the District treatment facility. The permit shall state:

- General and specific prohibitions characterizing hauled wastes.
- Wastes authorized for transport and disposal at the District facility.
- Vehicles owned and operated by the Permittee that are authorized to transport and dispose of wastes to the District.
- The Pretreatment Standards and requirements with which the Permittee must comply.
- Any other requirements or conditions imposed on the Permittee by the District for transport and disposal of hauled waste at the District facility.

The Permit shall also contain the following provisions:

- Permittee's name and address.
- Applicable Legal Authority.
- Identification of the disposal site.
- Statement of non-transferability.
- Re-application requirements.
- Effective and expiration dates.
- Vehicle(s) allowed to transport wastes.

- Specific prohibitions and applicable Pretreatment standards, and sampling/analysis reporting requirements.
- Statement of applicable civil and criminal penalties for violation of conditions, requirements and standards.
- Manifest system to insure the integrity of each load transported to and discharged at the District treatment facility.
- Fee structure for the discharge permit and actual discharge activities authorized by the permit.

**1110: LIQUID WASTE HAULERS PERMIT; Denial of**

Adopted 2-14-2000

The District reserves the right to deny issuance of a hauled waste discharge permit to any person or entity who fails to comply with the requirements set forth in the hauled waste permit application or for good cause.

**1111: LIQUID WASTE HAULERS; Revocation, Suspension**

Adopted 2-14-2000

The District may revoke or suspend a hauled waste discharge for good cause, including but not limited to, the following reasons:

- Violation of any term or condition of the District Rules and Regulations, the hauled waste discharge permit, or applicable state or federal laws or regulations;
- Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts in either the permit application or any required report;
- Promulgation of a more stringent Pretreatment Standard by state or federal agencies having jurisdiction over receiving waters;
- Change in the processes used by the Permittee or changes in the discharge volume or character changes in design or capacity of the treatment facility;
- Failure to pay charges or fines;
- Failure of the Permittee to report an accidental discharge;
- Permittee's increasing the use of wash down water or otherwise diluting the permitted waste for the purpose of meeting discharge limitations or requirements.
- Falsification by the Permittee of any permit, report, manifest information or records required by the Permit or District rules and regulations;
- Tampering by the Permittee with District monitoring or sampling equipment;
- Refusing to allow the District personnel timely access to the Permittee's facility premises, vehicles, or records;
- Failure to complete a permit application or manifest as required.

## **PART 12: ENFORCEMENT OF RULES AND REGULATIONS**

### SECTION:

- 1201: Administrative Violations
- 1202: Violations of Discharge Limitations
- 1203: Unclassified Violations
- 1204: Enforcement Generally
- 1205: Administrative Enforcement Remedies
- 1206: Judicial Enforcement Remedies
- 1207: Supplemental Enforcement Remedies
- 1208: Affirmative Defenses

### **1201: ADMINISTRATIVE VIOLATIONS:**

- A. There is hereby established a class of violations to be known as administrative violations which are further subdivided into minor and major administrative violations as follows:
  - 1. Minor administrative violations include, but are not limited to, the following:
    - a. Submission of incomplete reports or questionnaires;
    - b. Failure to submit reports in a timely manner;
    - c. Failure to respond to questionnaires;
    - d. Missing a compliance date without proper prior notification to the Department;
    - e. Failure to conduct sampling when requested.
    - f. Failure to notify the Manager of a violation of permit conditions within one working day of the discovery of the violation.
  - 2. Major administrative violations include, but are not limited to, the following:
    - a. Failure to notify the Manager of a Slug Discharge immediately after discovery of said discharge;
    - b. Failure to respond to letters requiring response or to administrative orders;
    - c. Missing a compliance date by more than 90 days;
    - d. Falsification of documents or attempting to mislead District officials in any manner whatsoever;

- e. Failure to cooperate with officials exercising their authority under these Rules and Regulations;
  - f. A pattern of minor administrative violations;
  - g. Failure to admit onto property, to produce records, or to allow sampling;
  - h. Failure to accurately report noncompliance.
  - i. Failure to submit required reports (self-monitoring, 180-day baseline monitoring report, 90-day compliance report, Compliance Schedule progress reports) or submitting such reports more than thirty (30) days late.
  - j. Failure to pay Liquid Waste Hauler disposal charges, extra cost charges, permit application charges, permit renewal charges, or Administrative Fines within sixty (60) days of due date.
3. Upon notice of appropriate mitigating circumstances, the Manager has sole discretion to treat a major administrative violation as a minor administrative violation, or a pattern of minor administrative violations with aggravating circumstances may be treated as individual major administrative violations.

**1202: VIOLATIONS OF DISCHARGE LIMITATIONS:**

- A. There is hereby established a class of violations to be known as discharge violations which are further subdivided into minor and major discharge violations as follows:
- 1. Minor discharge violations are those that, either alone or in combination with similar user discharge violations, pose, as determined by the Manager, no significant threat to the public health, safety, welfare or the environment or the District's collection or treatment facilities, or to any District employee or contractor.
  - 2. Major discharge violations include, but are not limited to, the following:
    - a. Significant noncompliance, as defined at 201;
    - b. Discharge violations which, either alone or in combination with similar discharges pose, as determined by the Manager, a significant threat to the public health, welfare, safety or the environment or to the safe and efficient operation of the District POTW facilities, or to any District employee or contractor, or cause or contribute to the incurrence of extra costs of treatment by the District or a violation of the District's discharge permit, or cause or contribute to Pass Through, Interference or other known damages.

- c. Discharging regulated pollutants to the District's POTW without a current discharge permit;
  - d. A pattern of minor discharge violations;
  - e. Failure to correct a minor discharge violation within a reasonable time period as specified by the Manager.
  - f. Tampering with or purposely rendering inaccurate any monitoring device, method or record required to be maintained pursuant to these Rules and Regulations ;
- B. Upon notice of appropriate mitigating circumstances, the Manager has sole discretion to treat a major discharge violation as a minor discharge violation. The Manager also has sole discretion to treat a pattern of minor discharge violations with aggravating circumstances as individual major discharge violations.

**1203: UNCLASSIFIED VIOLATIONS:** For any violation which is not classified herein, or for the violation of any rule or regulation promulgated hereunder, the Manager shall have the discretion to treat such violation as a minor or major violation and to exercise his enforcement authority accordingly. In exercising his enforcement authority, the Manager should consider the magnitude of the violation, its duration, its effect on the receiving water, its effect on the POTW, its effect on the health and safety of District employees, contractors, and users, and of the general public, the user's compliance history, the good faith of the user, and any other factors the Manager deems relevant.

**1204: LIABILITY AND ENFORCEMENT GENERALLY:** Consistent with the Federal Clean Water Act, Section 309, 33 USC 1319, non-compliance with these Rules and Regulations implementing Federal pretreatment regulations, or non-compliance with any permit or order thereunder, shall constitute a violation, regardless of fault, negligence or intent (strict liability). The Manager shall have the discretion to enforce any violation. In exercising his enforcement authority, the Manager shall consider the magnitude of the violation, its duration, its effect on the receiving water, collection or treatment facilities, its effect on District employees, contractors and users, its effect on the public health, safety and welfare, the user's compliance history, the good faith of the user, the resources available to support the enforcement action, and any other factors the Manager deems relevant.

**1205: ADMINISTRATIVE ENFORCEMENT REMEDIES:**

- A. The Manager or designated agent may use the following remedies either individually, sequentially, concurrently, or in any order for one or collective violations as appropriate for the circumstances, considering sections 1201 through 1204.
- B. Verbal Notice: For any noncompliance, verbal warnings may be given by the Manager or designated agent.
- C. Information Production/Review Meeting. When there is some reason to believe a violation of these Rules and Regulations has occurred, the Manager or designated agent may require production of information such as records, reports,

non-compliance explanations, installation of monitoring equipment or methods (including where appropriate, biological monitoring methods), or such other information as may reasonably be required, including meetings, for such purposes.

D. Field Notice of Observed Violation:

1. During an inspection or a sampling of a user, if the Manager or his designated agent finds a violation of these Rules and Regulations or applicable requirements which has or is occurring, he may serve upon such user a Field Notice of Observed Violation identifying the specific violation, and the date for corrective action to be completed, or other compliance actions required.
2. After receipt of this Notice, the user may appeal to the Manager or his designated agent to reconsider items contained in such notice. Appeal shall be made in writing no later than five (5) working days after receipt of the notice or prior to the date upon which corrective action has been ordered, whichever comes first.

E. Notification of Violation: Whenever the Manager or his designated agent finds that any user has violated or is violating these Rules and Regulations, or a wastewater discharge permit or order issued hereunder, the Manager or his agent may serve, personally or by certified mail, upon said user written notice of the violation. The written notice shall state the provision violated, the facts alleged to constitute the violation, and it may include the nature of any corrective action proposed to be required or monitoring to be conducted. Within ten (10) days of the receipt date of this notice, a written explanation of or response to the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Manager by the user. The plan may be waived by the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

F. Compliance Order:

1. When the Manager or his designee finds, with or without initial hearing, that a user has violated or continues to violate these Rules and Regulations or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge specifying the provision violated, the facts constituting the violation and directing that by a specified time period adequate treatment facilities, devices, or other related appurtenances be installed and properly operated. Orders may also contain such other requirements as the Manager deems reasonably necessary and appropriate to assure timely compliance with these Rules and Regulations and to address the noncompliance. Such order may include the installation of pretreatment technology, additional self-monitoring, management practices, Compliance Schedules, submission of action plans, appearance at a specific time and place for a

compliance meeting, or other measures necessary to maintain compliance.

2. If no public hearing on the alleged violation had been previously conducted, the alleged violator may either submit a written explanation or other response to the order or request the Manager to conduct either an informal meeting or a hearing. Such submission or request shall be in writing and filed with the Manager no later than fifteen (15) days after receipt of the notice. The request shall not stay the order.
- G. **Show Cause Hearing:** The Manager may order to appear at a public hearing any user which causes or contributes to violation of these Rules and Regulations or wastewater permit or order issued hereunder, to show cause to the Manager why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the public hearing; the proposed enforcement action and the reasons for such action, including any alleged violation and the facts constituting the violation, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing; except that the Manager, or his designee, may set an earlier date for hearing if it is requested by the alleged violator. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified Industrial User appears as noticed, immediate enforcement action may be pursued.
- H. **Consent Order:** The Manager may, at anytime after a finding of a violation, enter into an agreement with the violator. Such agreement may be in the form of a Compliance Schedule or other specific actions to be taken by the Industrial User to correct, or prevent the noncompliance within a time period specified in the order or payment of damages and fines or other remedies. Such agreement, when issued as an order, shall have the same force and effect as any other administrative order issued pursuant to these Rules and Regulations.
- I. **Cease and Desist Order:** When the Manager finds, after a Show Cause Hearing, that a user has violated or continues to violate these Rules and Regulations or any permit or order issued thereunder, the Manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to: Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. Such order shall include the provision violated, the facts constituting the violation and the time by which the acts or practices complained of must be terminated.
- J. **Emergency Suspension Order:**
1. The Manager may suspend the wastewater treatment service of any user, or may suspend a wastewater discharge permit, or disconnect the sewer connection when such suspension or disconnect is necessary in the opinion of the Manager in order to stop an actual or threatened discharge which:

- a. Presents or may present an imminent or substantial endangerment to the health, safety or welfare of persons or property;
  - b. Presents or may present an imminent or substantial endangerment to the environment;
  - c. May cause or actually causes Interference to the POTW or Pass Through of contaminants causing violation of the POTW's permit; or
  - d. Causes the POTW to violate any condition of its CDPS or NPDES Permit, Certificate of Designation or other Federal or State laws.
2. In the event of a suspension or disconnect under this section, within fifteen (15) days the user shall submit a written report describing the event that caused the suspension, its compliance status and the measures necessary to prevent a recurrence.
  3. The Manager may reinstate the wastewater discharge permit or sewer connection upon proof of compliance.
- K. Revocation of Permit Order: The Manager, or his designee may revoke any wastewater discharge permit after conducting a Show Cause Hearing if it is found:
1. A user has falsified information or records submitted or retained in accordance with this ordinance or in connection with any permit issued pursuant to this ordinance;
  2. A user has violated the conditions of a Significant Industrial User Wastewater Discharge Permit;
  3. A user has refused right of entry, when made a condition of a permit;
  4. A user has failed to re-apply for a permit or request a required permit modification;
  5. A user has discharged into the POTW in violation of this ordinance; or
  6. A temporary or permanent reduction or elimination of the permitted discharge is required due to changed circumstance(s), as may be discovered in a Toxicity Reduction Evaluation or other investigation to assure compliance with the requirements of these Rules and Regulations.
- L. Administrative Fine Order: Not as a criminal penalty and only as an administrative measure (civil penalty) to encourage compliance and offset unquantifiable damage to the POTW and the environment from noncompliance, any user who is found to have violated any provision of these Rules and Regulations, or permits or orders issued hereunder, may be assessed, following a hearing or Show Cause Hearing or as a part of a Compliance Order, an amount not to exceed One Thousand Dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue may be deemed a separate and

distinct violation. Assessments shall be based upon whether a minor or major violation has occurred, duration of noncompliance, any economic gain from noncompliance, compliance history, whether the user made good faith efforts to restore compliance, whether the violation threatened human health, and any other factors to encourage remedial actions.

M. Extra Costs Charge Order:

1. The Manager may assess a charge to recover costs incurred by the POTW for extra monitoring investigation, or quantifiable damages attributable to any user who is found to have:
  - a. Discharged a waste which causes an obstruction, damage, Interference, Pass Through or other impairment to the District POTW.
  - b. Committed a violation of these Rules and Regulations, or
  - c. Failed to comply with provisions of the user's discharge permit.
2. The amount of this charge shall be determined by the Manager and may include:
  - a. Sampling and analysis costs.
  - b. Time, material and equipment costs incurred as a result of inspection procedures.
  - c. Costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the POTW as a result of discharge or other noncompliance such as time (including legal services), material and equipment costs including chemical usage, detecting and preventing or correcting Interference or Pass Through of POTW or repairing damage to the POTW.
  - d. Other associated costs as the Manager may deem necessary.
3. Unless appealed by a request for a meeting with the Manager or a hearing as provided herein, such fee shall be payable by the user within thirty (30) days of being notified of final cost, and is subject to collection by civil suit, or other procedures provided in this chapter.

N. Hearing Procedures for Alleged Violations:

1. If the Manager does not require an alleged violator to appear for a Show Cause Hearing, the alleged violator may request such a hearing. Such a request shall be in writing and shall be filed with the Manager no later than thirty (30) days (unless other sections require appeal of an order in less time) after issuance of notice of violation or order. If such a request is filed, a hearing shall be held within a reasonable time. Submission of such a request in no way relieves the user of liability for any violations

occurring before or after receipt of the notice of violation or order, nor stay the requirements of achieving or maintaining compliance.

2. If a Show Cause Hearing is held pursuant to the provisions of these Rules and Regulations, it shall be public. The Manager shall permit all parties to respond to the notice or order, to present evidence and argument on all issues, and to conduct cross-examination required for full disclosure of the facts.
  3. The Manager may request the attendance and testimony of witnesses and the production of evidence relevant to any matter, or may seek from the appropriate court the issuance of subpoena to compel the presence of a prospective witness.
  4. Only in the case of a Show Cause Hearing, the testimony taken shall be under oath, and recorded. The transcript, if prepared, will be made available to any person upon payment of the usual charges.
  5. Upon review of the evidence, the Manager shall make written findings of fact and decision in the nature of an order.
- O. Judicial Review: Unless the person given a notice of violation or order makes a timely responsive statement or a request for a hearing, the notice or order is a final order. If a timely request for hearing is made, the order constituting the hearing decision shall be a final order. Any person adversely affected by a final order may appeal it to the District Court in and for the County of Larimer, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
- P. Judicial Collection: After the order making the assessment in paragraph L and/or M has become final, or after a court in an action brought under paragraph O has entered a final judgment in favor of the District the Manager may seek a civil action, if not earlier filed as a part of the Judicial Review, in the appropriate court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

#### **1206: JUDICIAL ENFORCEMENT REMEDIES:**

- A. Whenever any person has violated or continues to violate any provision of these Rules and Regulations or any order or permit issued hereunder, the Manager, through counsel, may commence an action for injunctive and/or legal relief in a Court of competent jurisdiction in Larimer County, Colorado.

B. Civil Penalties.

1. Any user who has violated or continues to violate these Rules and Regulations or any order or permit issued hereunder, may be liable to the Manager for a civil penalty of not more than One Thousand Dollars (\$1,000.00) per violation per day for as long as the violation continues, plus actual damages incurred by the POTW. In addition to the above described penalty and damages, the Manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling and monitoring expenses.
2. The Manager may petition the court to impose, assess, and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through an Industrial User's violation, corrective actions by an Industrial User, the compliance history of the user, good faith efforts to restore compliance, threat to human health and any other factor as justice requires. The purpose of any civil penalty is to encourage compliance, to remedy unquantified damage to the POTW or environment and not to impose criminal sanctions nor retribution.

C. Criminal Prosecution.

1. Any user who willfully, knowingly, or negligently violates any provision of these Rules and Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than six months, or both. This penalty is to be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et. seq. and shall apply to the exclusion of §12-1-403 or any other Rules and Regulations provision more lenient.
2. Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than six months, or both. This penalty is to be consistent with the Federal Clean Water Act, 33 U.S.C. 1251, et. seq. and shall apply to the exclusion of §12-1-403 or any other Rules and Regulations provision more lenient.

**1207: SUPPLEMENTAL ENFORCEMENT REMEDIES:**

- A. Annual Publication of Significant Noncompliance. The Manager shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those users which are found to be in Significant Noncompliance, as

defined in §201 of these Rules and Regulations, with any provisions of these Rules and Regulations or any permit or order issued hereunder during the annual reporting period since the previous publication. The annual notice shall include, but is not limited to, the name of the violator, date of violation, and general nature of the violation. Prior to such publication, the Manager shall notify in writing each affected user of the intended publication and shall give the user 15 days to contest in writing or meeting the Significant Noncompliance status, if the user so desires.

- B. **Performance Bonds.** The Manager may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of these Rules and Regulations or any order or previous permit issued hereunder unless such user first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance, or the amount needed to repair damages caused by the user.
- C. **Liability Insurance Or Other Adequate Assurance.** The Manager may decline to reissue a permit to any user which has failed to comply with the provisions of these Rules and Regulations or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances (insurance or other) sufficient in the discretion of the Manager to restore or repair POTW damage caused by its discharge.
- D. **Public Nuisances.** Any violation of the prohibitions or effluent limitations of these Rules and Regulations or permit or order issued hereunder is hereby declared a public nuisance and may be corrected or abated as directed by the Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the District Rules and Regulations governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying said nuisance.
- E. **Federal-State Enforcement.** In addition to other remedies for enforcement provided herein, the Manager may petition other entities and agencies including but not limited to the State of Colorado and/or the U.S. Environmental Protection Agency, as appropriate, to exercise such methods of enforcement or remedies as are available to those entities. Such a petition can include the filing of a citizen suit as authorized by Clean Water Act §505(33 USC 1365).
- F. **Lien For Costs Incurred.** All costs and expenses, including civil penalties, incurred to abate a nuisance or enforce provisions of these Rules and Regulations, including those relating to violations or enforcement of permits and orders, shall constitute a lien on the real property or not. The lien may be recorded in the real estate records of the appropriate county, and may be enforced and collected in accordance with law. The choice between judicial action or administrative action to recover such sums shall be in the discretion of the manager.

**1208: AFFIRMATIVE DEFENSES:**

A. Upsets:

1. Defined: an "upset" is defined as an exceptional incident which causes temporary and unintentional noncompliance with the discharge limitations or prohibitions applicable to the user and which is beyond the reasonable control of the user. Upsets do not include incidents or noncompliance caused by:
  - a. Operational error;
  - b. Improperly designed treatment facilities;
  - c. Inadequate treatment facilities;
  - d. Lack of adequate preventative maintenance;
  - e. Careless or improper operation of processes and treatment facilities;  
or
  - f. A reduction, loss or failure of the user's treatment facility including, but not limited to, a power outage.
2. Claims of an upset shall constitute an affirmative defense to a charge that a user has violated discharge limitations or prohibitions if and only if the following requirements are satisfied:
  - a. The user must be able to identify the specific cause of the claimed upset;
  - b. The user must establish prudent operation and maintenance of the facility at the time of the claimed upset;
  - c. The user must demonstrate compliance with operation and maintenance procedures at the time of the claimed upset;
  - d. The user must establish that notice to the POTW of the incident was effected within 24 hours, and that said notice described the discharge and its cause, the period of noncompliance, and the steps being taken at the time of notification to prevent a recurrence of the incident.
3. The burden of proving that an upset has occurred shall be on the user.

- B. Bypass. Bypass which exceeds applicable pretreatment standards per 40 CFR 403.17 is prohibited: As an affirmative defense in any action brought against a User in the event of a bypass, the User may employ methods delineated in 40 CFR 403.5 (a)(2)

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- C. General and Specific Violation Defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions in §802: I.,J.,R., and S. where the user demonstrates that:
1. It did not know or have reason to know that its discharge, alone or in conjunction with an indirect discharge or indirect discharges from other sources, would cause Pass Through or Interference. The Industrial User will need to submit data, which supports this claim. Establishment of a local limit or categorical standard for a parameter is considered notification to the Industrial User that Pass Through or Interference is possible; and
  2. A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with §803 of these Rules and Regulations for each pollutant in the user's discharge that caused Pass Through or Interference, and the user was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
  3. If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with §803 for the pollutant(s) that caused the Pass Through or Interference, and if the user's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

## ADDENDUM "B"

### EXCESS LOADING SURCHARGE TABLE

No.	Category Type	BOD	A		B		C	
			Excess	Excess	Excess	Excess	Excess	Excess
		BOD	BOD	COD	COD	TSS	TSS	
1	Meat Packing	848	648	1272	972	846	646	
2	Slaughterhouses	1420	1220	1150	850	1367	1167	
3	Dairy Products Processing	1127	927	3536	3236	445	245	
4	Fruits and Veg Canning	537	337	1309	1009	306	106	
5	Grain Mills	978	778	721	421	1406	1206	
6	Bakeries	688	488	1032	732	620	420	
7	Sugar Processing	395	195	999	699	274	74	
8	Fats and Oil Processing	403	203	1222	922	343	143	
9	Rendering Tallow	319	119	382	82	140	0	
10	Beverage Bottling	536	336	804	504	192	0	
11	Miscellaneous Food Mfg.	2961	2761	4354	4054	563	363	
12	Pulp Products	157	0	293	0	477	277	
13	Inorganic Chemical	89	0	134	0	3249	3049	
14	Soap Manufacturing	156	0	2224	1924	230	30	
15	Paint Manufacutring	487	287	4103	3803	1039	839	
16	Photographic Processing	300	100	1000	700	25	0	
17	Ink Manufacturing	412	212	618	318	156	0	
18	Pharmaceutical Industry	430	230	683	383	45	0	
19	Leather Tanning	2039	1839	5139	4839	1435	1235	
20	Drum Cleaning	503	303	1226	926	974	774	
21	Restaurants	820	620	1230	930	905	705	
22	Hotels-Motels	310	110	465	165	121	0	
23	Grocery Stores (with delicatessens and garbage disposals)	400	200	600	300	400	200	
24	Fast Food Service	400	200	600	300	450	250	
25	Commercial Laundries	596	396	894	594	367	167	
26	Laundromats	219	19	320	29	87	0	
27	Industrial Laundries	1322	1122	1983	1683	1461	1261	
28	Hospitals	231	31	347	47	266	66	
29	Service Stations	385	185	578	278	30	0	
30	Beauty Salons	100	0	150	0	100	0	
31	Grocery Stores (without delicatessens & garbage disposals)	100	0	150	0	25	0	
32	Funeral Homes	300	100	450	150	275	75	
33	Pet Shops, Grooming	350	150	525	225	350	150	
34	Schools (kitchen for other schools)	545	345	818	518	96	0	
35	Car Washes	150	0	225	0	350	150	
36	Metal Plating	8	0	27	0	36	0	
37	Schools (kitchen for school use)	330	130	495	195	112	0	
38	Domestic Waste	200	0	300	0	200	0	
39	Irrigation	0	0	0	0	0	0	
40	Other Categories	*	*	*	*	*	*	

\* These values to be determined on an individual basis by the Manager