

**APPLEWOOD SANITATION DISTRICT**

**RULES AND REGULATIONS**

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RULES AND REGULATIONS

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**RULES AND REGULATIONS**  
**OF THE**  
**APPLEWOOD SANITATION DISTRICT**

ARTICLE I - PURPOSE & GENERAL REGULATIONS

Section 1.01. Declaration of Policy.

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

Section 1.02. Purpose of Sanitary Sewer System.

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

Section 1.03. Definitions.

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

B. Board. The word "Board" and phrase "Board of Directors" as used herein shall mean the Board of Directors of the Applewood Sanitation District.

C. Connection. See "Tap".

D. District. The word "District" or "Applewood" as used herein shall mean the Applewood Sanitation District.

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

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

G. Facilities. "Facilities" means the public sewer system and all appurtenances, plant and accessories.

H. Family. Any number of individuals living together as a single housekeeping unit.

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

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

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

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

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

N. Metro (or Metro District). Metro Wastewater Reclamation District.

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

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

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

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

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



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

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

V. Service Line. "Service line" shall mean that part of a sewer line receiving domestic, commercial, industrial or manufacturing wastes connected with the facilities of the District and commencing at a point located approximately five (5) feet from the outside building wall from which such wastes are discharged into the facilities of the District and terminating at the public sewer connection. Service lines are owned by the owner of the property served by the public sewer and are the complete responsibility of the property owner and not the District.

W. Shall. Wherever the word "shall" is used, it shall be construed as mandatory.

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

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

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

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

#### Section 1.04. Use of Public Sewer Required.

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

#### Section 1.05. Independent Connections.

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

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

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

(d) Where a parcel of land has one or more separate multi-unit building or buildings thereon, which building or buildings can be or are physically divided into multiple ownerships, application shall be made to the Board for the unified development setting forth such conditions. Such agreement shall run with the land and shall be recorded in the records of the Jefferson County Clerk and Recorder.

#### Section 1.06. Requisites.

Before any connection is made to the public sewer, a permit therefor shall be obtained from the District and the required fees therefor paid as established by the Board. Application for such permit shall be made to the District on the form or forms furnished by the District, which shall give a full description of the work to be done, the address of the unit to be served, and the name of the licensed drainlayer to perform the work under the permit.

#### Section 1.07. Disconnection.

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

#### Section 1.08. Service Limitations.

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

#### Section 1.09. Service Line Maintenance.

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

Where a property owner proposes to reconstruct or repair a sewer service line by means of a pushed-in-place liner (PIPL) method, owner or owner's representative shall apply to the District for a permit to do so, obtain a permit, submit application fees and deposits, and comply with all provisions of the Sanitary Sewer Manhole Entry Procedures and Suggested PIPL Materials and Procedures as required by the District's Engineer.

In the event the District becomes aware of obstructions entering into the District's sewer main from service lines, the District shall give written notice, by means of certified mail - return receipt requested to the service address, of the owner's obligation to clean and clear any such obstructions, which cleaning and clearing shall be done at the owner's sole expense. If, within five working days of receipt of the certified notice, owner fails to take corrective action, the District shall have the right to initiate measures to terminate service or clear and remove service line obstructions affecting the sewer main for the protection of the District's system. Upon taking such initiative, the District shall thereafter bill to the land owner District costs incurred in the clearing and cleaning of the offending service line. Any charges assessed pursuant to provisions of the section shall be entitled to collection by means of lien powers of the District as with other fees and assessments.

Except in emergency conditions, property owners shall provide advance notice (contact information available at [www.applewoodsan.org](http://www.applewoodsan.org)), of reconstruction, repair or cleaning of service lines in order to protect the sewer lines of the District. In emergency conditions, owners shall notify the District at the earliest practicable time after repairs.

#### Section 1.10. Industrial Service Agreements.

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

#### Section 1.11. Metering, Sampling and Pretreatment.

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

## ARTICLE II - LIMITATIONS & PROHIBITIONS OF USE

### Section 2.01. Source of Effluences.

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

### Section 2.02. Manufacturing and Industrial Uses.

Manufacturers, meat processors, film processors, commercial processors and industries are specifically prohibited from using the facilities of the District unless the same have first obtained a special permit granted by the Board of Directors defining the conditions, limitations, and the restrictions prescribed by the District therefor, and the amount, category and classification of fees and charges as to each of the same determined by the Board to be for the best interest of the District.

### Section 2.03. Connection of Old Facilities.

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

### Section 2.04. Swimming Pools.

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

### Section 2.05. Wash Racks.

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

### Section 2.06. Disposal.

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

Section 2.07. Requirements Regarding Deleterious Wastes.

Sewage delivered into the facilities of the District shall not:

- (a) Be of such a quantity, quality, or other nature as to create flammable or explosive conditions in such facilities.
- (b) Have a flash point lower than 187°F, as determined by the Tagliabue (Tag.) close cup method.
- (c) Have a Ph value lower than 5.0 or greater than 10.0, or have any chemical properties which are hazardous or capable of causing damage or hazard to any part of the system or to humans.
- (d) Include any radioactive substance, except as otherwise hereinafter set forth, unless the District shall have given written consent to its inclusion.
- (e) Include any garbage other than that received directly into the public sewer system from domestic and commercial grinders in dwellings, restaurants, hotels, stores and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the public sewer, with no particle greater than onehalf inch (1/2") in any dimension.
- (f) Include night soil or septic tank pumpage, except by special permission in writing from the District, at such points and under such conditions as the District may stipulate in each permit.
- (g) Notwithstanding any provisions of Article II, Sections 2.01 and 2.07 inclusive, the provisions of Article III shall control in all circumstances.

Metro District. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW.

ARTICLE III - PRETREATMENT/INDUSTRIAL WASTE CONTROL

This Article III is taken directly from the Metro District Pretreatment/Industrial Waste Control regulation, modified only to conform with District rules. (See Resolution 96-02, dated June 13, 1996.

Section 3.01. General.

The Pretreatment/Industrial Waste Control Program of the District and the Metro District is designed to enable the Metro District to comply with all conditions of its National Pollutant Discharge Elimination System (NPDES) Permit, Federal Pretreatment Regulations, and any applicable sludge disposal regulations, and to meet the following objectives:

- (a) To prevent the introduction of pollutants into the System which will interfere with the operation of the System or contaminate the sludge.
- (b) To prevent the introduction of pollutants into the System which will pass through the System, inadequately treated, into the receiving waters or the atmosphere.
- (c) To prevent the introduction of pollutants into the System which might constitute a hazard to humans or to animals.
- (d) To assure the Metro District's ability to recycle and reclaim wastewater and sludge.

**PART A**

**RULES AND REGULATIONS FOR MUNICIPALITIES**

Section 3.02. Applicability.

Any municipality, the sewage from which directly or indirectly enters the System of the Metro District from areas within or without the boundaries of the Metro District, shall be subject to the requirements of this Part and shall be bound by this Article III of these Rules and Regulations as they now exist or may hereafter be amended. For the purposes of this Article of the Rules and Regulations, special connectors and contracting municipalities shall have the same responsibilities as member municipalities.

All municipalities are required to design and administer Pretreatment/Industrial Waste Control Programs which are in accordance with this Part A of Section 3, and which will enable the Metro District to comply with all pretreatment and effluent limitation conditions of its National Pollutant Discharge Elimination System (NPDES) Permit, Federal Pretreatment Regulations, and applicable sludge disposal regulations.

Section 3.03. Compliance With Requirements.

Each municipality will cause all sewage at any time discharged directly or indirectly into its Sewer System, or into the System by it or on its behalf to comply with any requirements of the Metro District. In all cases where the application or the enforcement of said requirements involve technical or scientific analyses or determinations, the Metro District shall have final authority as to methods, standards, criteria, significance, evaluation, and interpretation of such analyses and determinations. Each municipality will permit no new connections and will discontinue existing public connections and will require the discontinuance of existing private connections to its Sewer System or to the system which allow entrance therein of such sewage as will cause the discharge at any time into its Sewer System, or into the System from such Sewer System of sewage that does not comply with said requirements of the Metro District.

The Metro District may from time to time make a determination of the respects in which sewage discharged or to be discharged into the Sewer System of a municipality, or into the system by any municipality, is not in compliance with said requirements and with the amendments thereof, if any, then in effect. A copy of said determination shall be mailed to the municipality at its usual place of business and for all purposes of these

Rules and Regulations shall be conclusively deemed to have been made in accordance with this section and to be correct at the expiration of thirty (30) days after such mailing unless within said period of thirty (30) days the municipality shall have filed with the District an objection thereto stating that such determination is incorrect and stating the changes therein which should be made in order to correct such determination.

#### Section 3.04. Legal Authority Requirements.

##### Section 3.04.1. Ordinance/Resolution.

Except as provided in Subsection 3.04.3, each municipality will enact and enforce an ordinance or resolution which conforms to 40 CFR §403.8(f)(1) Pretreatment Program Requirements, as from time to time amended, for legal authority and containing all other legal provisions mandated by these Rules and Regulations. Any proposed amendments to such ordinance or resolution, or any proposed actions which would serve to amend such ordinance or resolution with respect to any pretreatment program requirements, must be submitted to the Metro District for review, and must be approved in writing by the Metro District Manager, prior to such enactment.

Each municipality shall adopt and enforce in its ordinance or resolution provisions which are in conformance to the following provisions:

- (a) A provision requiring any Industrial User responsible for a significant accidental or unusual discharge to notify immediately both the municipality and the Metro District.
- (b) A provision precluding, except where authorized by Categorical Standards, the use of dilution to attain conformance to Pretreatment/Industrial Waste Control Standards, and authorizing the municipality to set mass limitations for any Industrial User using improper dilution.
- (c) A provision forbidding and where possible penalizing the knowing transmittal of false information by an Industrial User to the municipality or Metro District.
- (d) A provision requiring the installation of all necessary monitoring and pretreatment facilities by Industrial Users. This provision shall also authorize the municipality to impose compliance schedules on Industrial Users for the installation of such facilities.
- (e) A provision applying civil or criminal penalties or, where permitted by 40 CFR §403.8(f)(1), assessing liquidated damages against Industrial Users which violate Pretreatment/Industrial Waste Control Standards and Requirements. Where possible, such penalties and liquidated damages shall be set at a level determined by the Metro District to provide a reasonable degree of deterrence to violations.
- (f) A provision adopting discharge limitations for Users at least as stringent as the corresponding limitations in Section 3, Part B of these Rules and Regulations.
- (g) A provision requiring that Industrial Users agree to act and allow the District to act as provided under the provisions of this Section 3.

(h) A provision requiring that any User discharging any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Metro District's treatment works shall pay for such increased costs.

#### Section 3.04.2. Attorney's Statement.

Except as provided in Subsection 3.04.3, each municipality must submit to the Metro District an Attorney's Statement which conforms to the requirements of 40 CFR §403.9(b)(1), and which certifies that the municipality has adequate authority to carry out its responsibilities under the Pretreatment/Industrial Waste Control Program.

#### Section 3.04.3. Legal Authority Exemption.

Any connecting municipality, special connector, or contracting municipality that does not serve any commercial or Industrial Users may submit a letter to the Metro District in lieu of enacting the ordinance or resolution, and submitting the Attorney's Statement, as required by these Rules and Regulations. The letter must state that the municipality has no commercial or Industrial Users, and must identify any nonresidential Users served. Furthermore, any municipality submitting such a letter shall (1) notify the Metro District at least fourteen (14) days in advance of the date that any commercial or Industrial User is granted a sewer connection and (2) fully comply with the Metro District's Pretreatment/Industrial Waste Control Program, including the requirements of these Rules and Regulations, and the Federal Pretreatment Regulations prior to allowing that User to connect to the Sewer System. The Metro District, at its own discretion, may require any municipality to fully comply with these Rules and Regulations, regardless of whether or not the aforementioned letter has been submitted and/or previously accepted by the Metro District.

#### Section 3.05. Program Procedure Requirements.

##### Section 3.05.1. General.

Each municipality must formulate, fund, and implement procedures which will enable Metro District compliance with the "Procedures" and "Funding" requirements contained in 40 CFR §403.8(f)(2) and (3) of the Federal Pretreatment Regulations, and which will enable Municipal compliance with the requirements of these Rules and Regulations.

##### Section 3.05.2. Procedures Manual.

The Metro District Manager shall issue to all municipalities a manual on Procedures for Implementing the Pretreatment/Industrial Waste Control Program of the Metro District (Procedures Manual). The Procedures Manual shall set forth Metro District requirements on formulating, funding, and implementing Pretreatment/Industrial Waste Control Program procedures, and shall provide guidance to municipalities on implementing the procedural requirements.

Where necessary to maintain continued compliance with applicable federal and state regulations, or these Rules and Regulations, or to facilitate the operation of the Pretreatment/Industrial Waste Control Program,



the Metro District Manager may from time to time amend the Procedures Manual, and shall provide notice of such amendments to all municipalities.

The following Subsections highlight the procedural requirements as discussed more fully in the Procedures Manual.

#### Section 3.05.3. Industrial Waste Survey.

Each municipality shall formulate and implement procedures for conducting ongoing, comprehensive industrial waste surveys to locate and identify all Significant Industrial Users discharging to the municipal Sewer System.

#### Section 3.05.4. Notification to Industrial Users.

Each municipality is responsible for notifying its Industrial Users of their obligations under the Pretreatment/Industrial Waste Control Program.

#### Section 3.05.5. Permitting of Significant Industrial Users.

Each municipality shall control, through permit, industrial waste discharges from each Significant Industrial User within its service area.

The Metro District shall make the final determination as to whether a particular Industrial User is a Significant Industrial User. To this end, the Metro District may require that a municipality collect and forward to the Metro District all information necessary to make this determination.

In the event that a municipality fails to issue a suitable permit to a Significant Industrial User upon notification to do so by the Metro District, the Metro District shall have full authority to issue such permit directly to the User. In this event, the Metro District shall bill the municipality for all costs incurred by the Metro District for issuance of the permit and for the administration of permit requirements.

#### Section 3.05.6. Monitoring of Industrial Users.

Each municipality must sample, monitor, and inspect its Significant Industrial Users, and where appropriate, require industrial self-monitoring, at a frequency adequate to determine if such Users are in compliance with applicable Pretreatment/Industrial Waste Control Program Standards and Requirements.

#### Section 3.05.7. Slug Discharge Determinations.

Each municipality must evaluate, at least every two (2) years, whether each Significant Industrial User needs a plan to control slug discharges. If needed, the Slug Control Plan must contain the minimum elements listed at 40 CFR §403.8(f)(2)(v).

### Section 3.05.8. Compliance Activities.

Each municipality is required to implement procedures for identifying violators of Pretreatment/Industrial Waste Control Program Standards and Requirements, and to diligently enforce such Standards and Requirements and provide suitable remedies for non-compliance.

### Section 3.05.9. Industrial User Reporting/Confidentiality.

Each municipality is required to receive and analyze self-monitoring reports and any other notices submitted by Industrial Users pursuant to the requirements of the Pretreatment/ Industrial Waste Control Program. Where an Industrial User claims confidentiality for any information transmitted, the municipality must implement procedures to ensure that confidential information is treated in accordance with the procedures in 40 CFR Part 2.

### Section 3.05.10. Public Participation.

(a) Each municipality must comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards.

(b) Each municipality must make all information collected under the Pretreatment/Industrial Waste Control Program, except those documents legitimately classified as "confidential," available for public review and copying to the extent required by 40 CFR §403.14 and the Colorado Public Records Act (C.R.S. 1973, Title 24, Article 72).

(c) The Metro District will publish an annual notice in the newspaper with the largest daily circulation within the District, a list of Users that were found to be in significant noncompliance during the previous year with Pretreatment Standards or other Pretreatment Requirements. For the purposes of this provision, "significant noncompliance" is as defined at 40 CFR §403.8(f)(2)(vii).

### Section 3.05.11. Information Transmittal.

Each municipality shall transmit to the Metro District, in a timely manner, all documents as necessary to enable the District to effectively administer the Pretreatment/Industrial Waste Control Program. Such documents shall include:

(a) A certified copy of the Industrial Waste Discharge Ordinance or Resolution, and any amendments thereto, together with any Rules and Regulations issued pursuant to such ordinance or resolution.

(b) Copies of all Industrial Waste permits and contracts issued or entered into pursuant to the requirements of the Pretreatment/Industrial Waste Control Program.

(c) Copies of all industrial survey, monitoring, and inspection reports.

- (d) Any information needed to enable the Metro District to determine whether a particular Industrial User is subject to a particular Categorical Standard.
- (e) Notices of all compliance and enforcement activities, and all related correspondence.
- (f) An annual staffing, costs, and funding report, if requested by the Metro District Manager (see Subsection 3.05.12).

#### Section 3.05.12. Staffing, Costs, and Funding.

Each municipality must provide sufficient resources and qualified personnel to carry out its responsibilities under the Pretreatment/Industrial Waste Control Program. Upon request of the Metro District Manager, a municipality must submit to the Metro District a report describing personnel responsibilities, an itemization of program capital and operating costs, and a demonstration that adequate funds are available to support program activities.

#### Section 3.06. Extra-Jurisdictional Industrial Users.

Each municipality shall have the responsibility for those Industrial Users located outside its corporate limits, who discharge industrial wastewater into the Sewer System of the municipality. Each extra-jurisdictional Industrial User shall be subject to an ordinance, resolution, or equivalent source of legal authority which contains 40 CFR §403.8(f)(1) minimum legal authorities and all other legal provisions mandated by these Rules and Regulations. Each extra-jurisdictional Industrial User shall also be included in a Pretreatment Program which substantially conforms to 40 CFR §403.8(f)(2) and (3) "Procedures" and "Funding" requirements. To this end, the municipality shall make contractual arrangements with the extra-jurisdictional legal entity exercising powers over the Industrial User providing either for the inclusion of the Industrial User in the Metro District's Pretreatment/Industrial Waste Control Program, or for formal review of a Pretreatment Program administered by the extra-jurisdictional legal entity. Where necessary to obtain compliance with Federal Pretreatment Regulations, the municipality shall enter into a separate contract with each extra-jurisdictional Industrial User discharging into its Sewer System.

The municipality shall also secure by contract, as it applies to extra-jurisdictional Industrial Users, for each of the following Metro District rights: (i) the right to inspect, sample, and monitor Industrial Users, (ii) the right to terminate service to an Industrial User on an emergency basis, (iii) the right to determine the applicability of Categorical Standards and to determine Significant Industrial Users, (iv) the right to receive copies of all monitoring reports, (v) the right to enforce all Section 3 discharge limitations and (vi) the right to act in lieu of the municipality in executing Pretreatment/Industrial Waste Control Program responsibilities.

Where the municipality and extra-jurisdictional legal entity fail to execute their Program responsibilities in obtaining compliance by extra-jurisdictional Industrial Users with all applicable Pretreatment/ Industrial Waste Control Standards and Requirements, the Metro District shall have full recourse to the remedy provisions of these Rules and Regulations as they apply to the municipality receiving the industrial waste discharge in question.

### Section 3.07. Exemptions.

A municipality administering a Pretreatment Program, separate from that of the Metro District, which has been approved by the Regional Administrator of EPA or the Director of the Water Quality Control Division of the Colorado Department of Health in accordance with §403.11 of the Federal Pretreatment Regulations, may be exempted from compliance with certain provisions of this Section 3, as determined by the District.

### Section 3.08. Program Review.

The Metro District shall review Municipal ordinances and amendments thereof for conformance to 40 CFR §403.8(f)(1) Pretreatment Requirements for minimum legal authorities and for the inclusion of all other legal provisions mandated by these Rules and Regulations. The Metro District shall periodically review the enforcement efforts of municipalities to ascertain whether Pretreatment/Industrial Waste Control Requirements and Standards are being diligently enforced at the local level.

Insofar as a municipality administers the Pretreatment/Industrial Waste Control Program, the Metro District shall periodically review the municipality's procedures, including, but not limited to, procedures for updating the industrial waste survey, and for inspecting, sampling, and monitoring industrial waste discharges, to ensure that each such municipality is administering the Program in technical conformance to "Procedures" and "Funding" requirements under 40 CFR §403.8(f)(2) and (3) of the Federal Pretreatment Regulations and to the provisions of these Rules and Regulations. Any significant Program changes shall be subject to Metro District approval.

### Section 3.09. Remedies.

#### Section 3.09.1. Emergency Remedies.

Where a discharge to the System reasonably appears to present an imminent endangerment to the health or welfare of persons, or presents or may present an endangerment to the environment, or threatens to interfere with the operation of the Metro District, the District or Metro shall immediately initiate investigative procedures to identify the source of the discharge, and take any steps necessary to halt or prevent the discharge. If necessary, the Metro District shall seek injunctive relief against the violating municipality and any User contributing significantly to the emergency condition.

#### Section 3.09.2. Routine Remedies.

If the Metro District determines that a Pretreatment/Industrial Waste Control Program as administered by a municipality is not in compliance with Pretreatment/Industrial Waste Control Requirements, or that the discharge from a municipality is not in compliance with Metro District Standards, the Metro District shall issue a notice setting forth the Requirements and Standards not being complied with and directing the municipality to attain conformance to these Requirements and Standards within a period of ten (10) days.

If after ten (10) days, the municipality has failed or refuses to comply with this notice, the Metro District may issue an additional notice setting forth remedial actions to be taken by the violating municipality and a time schedule for attaining compliance with all Pretreatment/ Industrial Waste Control Requirements and Standards. If after thirty (30) days notice, the violating municipality has not taken necessary steps to correct the violation, the Metro District may assume in whole or in part Pretreatment/Industrial Waste Control Program responsibilities in lieu of the violating municipality. The Metro District may continue in this capacity until the violating municipality agrees to the original terms of the notice and any additional terms which the District feels are necessary to ensure ongoing compliance by the Municipality with all Pretreatment/ Industrial Waste Control Requirements and Standards.

### Section 3.10. Program Preemption.

Where the Metro District preempts a municipality in the execution of Pretreatment/Industrial Waste Control Program responsibilities, the District shall directly enforce Federal Pretreatment Standards, including Categorical Standards, and the provisions of Section 3 of these Rules and Regulations against the Industrial Users located within the service area of the municipality. The Metro District may request that all industrial self-monitoring reports, including those required under 40 CFR §403.12, be conveyed directly to the Metro. Moreover, the District or Metro shall carry out all inspection and sampling activities necessary to monitor compliance with Pretreatment/Industrial Waste Control Standards and Requirements. Where Program preemption occurs, the Metro District shall have the right to seek injunctive relief against the municipality and any Industrial User in order to obtain full compliance with Pretreatment/Industrial Waste Control Standards and Requirements. The Metro District shall bill the municipality for costs incurred by Metro in conjunction with the administration of the Program in lieu of the municipality.

The Metro District shall have the right to require the cessation of any industrial wastewater discharge in violation of Pretreatment/Industrial Waste Control Standards and Requirements. Where the Metro District finds an Industrial User to be in violation of any Pretreatment/Industrial Waste Control Standard or Requirement, the Metro may require the Industrial User to enter into a bilateral contract with the Metro District containing any conditions, including conditions relating to the installment of pretreatment or monitoring facilities, necessary to ensure compliance with Pretreatment/Industrial Waste Control Standards and Requirements. At the discretion of the Metro District, these conditions may be incorporated into the municipal industrial waste discharge permit or contract once Program responsibilities are returned to the municipality.

### Section 3.11. Program Delegation.

Any municipality may enter into an agreement with the Metro District providing the District with the legal authority to carry out technical and administrative procedures necessary to implement the Pretreatment/Industrial Waste Control Program at the local level. These procedures may include, among others, updating the industrial waste survey, providing technical services relating to the issuance and review of industrial waste discharge permits, inspecting and monitoring industrial waste discharges, waste discharge facilities and operations of permittees, and providing technical assistance for local enforcement actions. Where Program delegation occurs, the delegation agreement shall contain provisions for the Metro District to

recover the costs incurred by the Metro District in conjunction with the administration of the Program on behalf of the Municipality.

### Section 3.12. Metro District Monitoring.

For the purpose of determining the quantity, quality, and other characteristics of any sewage which shall be or may be delivered and discharged into the System by a municipality, or into the Sewer System of a municipality by any User, the Metro District and District shall have the right at all reasonable times to enter upon and to inspect the Sewer System of the municipality or any industrial or commercial installations connected thereto or any other connections which contribute sewage or wastes to the local Sewer System and to inspect and copy records, to take samples and to make tests, measurements, and analyses of sewage or other wastes in, entering, or to be discharged into such Sewer System.

### Section 3.13. General Requirements Regarding Deleterious Wastes.

None of the following described sewage, water, substances, materials or waste shall be discharged into the Metro District's System; and also each governing body of each municipality shall prohibit and shall prevent any discharges from any outlet into its Sewer System, if such discharges cause or significantly contribute to a violation of any of the requirements contained herein:

- (a) Sewage of such a nature and delivered at such a rate as to impair the hydraulic capacity of the System, normal and reasonable wear and usage excepted.
- (b) Sewage of such a quantity, quality, or other nature as to impair the strength or the durability of the sewer structures, equipment or treatment works, either by chemical or by mechanical action.
- (c) Sewage having a flash point lower than 187°F, as determined by the test methods specified in 40 CFR §261.21.
- (d) Any radioactive substance, the discharge of which, does not comply with Section RH 4.18 of the Colorado Rules and Regulations Pertaining to Radiation Control.
- (e) Any garbage other than that received directly into the Sewer System of a municipality from domestic and commercial garbage grinders in dwellings, restaurants, hotels, stores, and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch in any dimension.
- (f) Any night soil or septic tank pumpage, except by permit in writing from the Metro District at such points and under such conditions as the District may stipulate in each permit.
- (g) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants, except such sludge or other material, the discharge of which to the System shall be

governed by the provisions of this Agreement herein set forth or as otherwise authorized by the Metro District.

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

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

(j) Any water or wastes containing grease or oil and other substances that will solidify or become discernibly viscous at temperatures between 32°F and 150°F except by permit in writing from the Metro District at such points and under such conditions as the District may stipulate in each permit.

(k) Any wastes that contain a corrosive, noxious, or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the System or to any part thereof, of creating a public nuisance or hazard, or of preventing entry into the sewers for maintenance and repair.

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

(m) Any wastes which are unusual in composition; i.e., contain an extremely large amount of suspended solids or BOD; are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; contain substances conducive to creating tastes or odors in drinking water supplies; otherwise make such waters unpalatable even after conventional water purification treatment; or are in any other way extremely unusual unless the Metro District determines that such wastes may be admitted to the System or shall be modified or treated before being so admitted.

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

(o) Any substance which may cause the District to violate its National Pollutant Discharge Elimination System (NPDES) Permit or the receiving water quality standards.

#### Section 3.14. Prohibited Discharges.

None of the following described sewage, water, substances, materials, or wastes shall be discharged into the Metro District's System or into the Sewer System of a municipality, by any User; and

also each governing body of each municipality shall prohibit and shall prevent such discharges by any User, either directly or indirectly, into its Sewer System:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Metro District's System, the Sewer System of a municipality or any of its connectors, or to the operation of the Metro District. At no time shall any reading on an explosion hazard meter, at the point of discharge into the Metro District's System or the Sewer System of a municipality or any of its connectors (or at any point in the Systems), or at any monitoring location designated by the Metro District in a wastewater contribution permit, be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(b) Any solid or viscous material which could cause an obstruction to flow in the sewers or in any way could interfere with the treatment process, including as examples of such materials but without limiting the generality of the foregoing, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice, and all other solid objects, material, refuse, and debris not normally contained in sanitary sewage.

(c) Any wastewater having a Ph less than 5.0 for discharges into the Sewer System of a municipality or that of any of its connectors, or less than 6.0 or greater than 9.0 for discharges into the Metro District's System, or wastewater having any other corrosive property capable of causing damage or hazard to any part of the Metro District's System or the Sewer System of a municipality or any of its connectors, or to personnel.

(d) Any wastewater having a temperature which will inhibit biological activity at the District's treatment plant, but in no case wastewater containing heat in such amounts that the temperature at the introduction into the District's treatment plant exceeds 40°C (104°F).

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

(f) Any water or wastes containing a toxic substance in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or to animals, or to create any hazard or toxic effect in the waters which receive the treated or untreated sewage.



(g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, each in amounts that will cause Interference or Pass Through.

(h) Pollutants which result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems.

(i) Any trucked or hauled pollutants except at discharge points designated by the Metro District.

(j) Any water or wastes containing pollutant quantities or concentrations exceeding the limitations in Section 3.18 of these Rules and Regulations, or the limitations in any applicable Categorical Standards.

### Section 3.15. Specific Discharge Limitations - Municipalities.

No municipality shall discharge to the System at any time or over any period of time wastewater containing any of the following materials and substances in excess of the limitations provided herein:

	Limit mg/L
1. Cyanides (as HCN)	2
2. Oil and Grease (Freon extractable)	75
3. Phenolic compounds (as Phenol)	10
4. Sulfides (as H <sub>2</sub> S)	10

## PART B

### RULES AND REGULATIONS FOR USERS

#### Section 3.16. Applicability.

Any User, the sewage from which directly or indirectly enters the System of the Metro District from an area within or without the boundaries of the District, shall be subject to the requirements of this Part and shall be bound by these Rules and Regulations as they now exist or may hereafter be amended. Such Rules and Regulations may be enforced against any User.

#### Section 3.17. General Discharge Prohibitions.

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to national categorical pretreatment standards or any other national, state, district, or local pretreatment standards or

requirements: A User may not discharge any of the sewage, water, substances, materials, or wastes listed in Sections 3.13 or 3.14 of these Rules and Regulations.

### Section 3.18. Specific Discharge Limitations - Users.

#### Section 3.18.1. Metro District Limitations.

No User shall discharge into the System or into any Sewer System at any time or over any period of time, wastewater containing any of the following materials and substances in excess of the limitations provided herein. These limitations may also be imposed directly on process wastewaters prior to dilution by domestic and other wastewaters discharged by the user:

	Limit mg/L	
1.	Arsenic	0.33
2.	Cadmium	3.4
3.	Chromium	3.6
4.	Copper	6.1
5.	Lead	2.2
6.	Mercury	0.13
7.	Molybdenum	0.71
8.	Nickel	5.6
9.	Selenium	0.66
10.	Silver	2.9
11.	Tetrachloroethene	1.5*
12.	Zinc	15.6

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

#### Section 3.18.2. National Categorical Pretreatment Standards.

Once promulgated, Categorical Standards for a particular industrial subcategory, if more stringent, shall supersede all conflicting discharge limitations contained in this Section 3, Part B, as they apply to that industrial subcategory.

#### Section 3.18.3. State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained elsewhere in this Section 3, Part B.

#### Section 3.18.4. Dilution Prohibited.

Except where permitted by Categorical Standards, no User may increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to attain compliance with the limitations contained in National Categorical Pretreatment Standards or any other specific discharge limitations contained in this Section 3. The Metro District may set or require a municipality to set mass limitations for those Users which are using improper dilution to meet these limitations.

#### Section 3.19. Insignificant Discharges.

Notwithstanding the prohibitions and limitations contained in Sections 3.17 and 3.18.1 of these Rules and Regulations, the Metro District Manager may allow a proposed discharge to the system if the Metro District Manager determines that the quantity and quality of the discharge, both alone and in conjunction with similar discharges which might be affected by this determination, will have no material effect on the District's operations, including the quality of its effluent or sludges. Approval of the Metro District Manager must be received in writing before the discharge may commence, and the discharge must adhere to any terms and conditions of the Metro District Manager's approval.

Approval of such a discharge is entirely at the discretion of the Metro District Manager, and shall not constitute approval of any additional or similar discharges. Disapproval of a proposed discharge by the Metro District Manager shall not be subject to the appeal and hearing procedure set forth in Section 1.2 of these Rules and Regulations.

#### Section 3.20. Accidental or Unusual Discharges.

An accidental or unusual discharge is a discharge which may disrupt System treatment processes or operations, damage System facilities, cause an NPDES Permit violation at the Metro District's treatment plant or degrade sludge quality excessively, or which differs significantly in quantity or quality from discharges under normal operations.

##### Section 3.20.1. Accidental Discharge Protection.

Each User shall provide protection from accidental or unusual discharges of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.

##### Section 3.20.2. Notification Requirements.

(a) Telephone Notification. In the case of any accidental or unusual discharge, it is the responsibility of the User to immediately telephone and notify the Metro District and the District of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

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

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

### Section 3.20.3. Slug Discharge Plan Requirements.

At least every two (2) years the Metro District shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. If a slug discharge plan is needed, it shall be submitted to the Metro District for review and approval as directed by the Metro District, and shall contain, at a minimum, the following elements:

- (a) A description of discharge practices, including non-routine batch discharges.
- (b) A description of stored chemicals.
- (c) Procedures for immediately notifying the Metro District and the municipality providing sewage services of slug discharges, including any discharge that would violate any prohibition or limitation under Sections 3.17 or 3.18 of these Rules and Regulations, with procedures for follow-up written notification within 5 days.
- (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant-site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### Section 3.21. Hazardous Waste Discharge Notification.

Industrial Users shall notify the Metro District, the EPA Regional Waste Management Division Director, and the state hazardous waste authorities in writing of any discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. This notification requirement does not apply to pollutants already being reported under the reporting requirements contained in Section 3.22 of these Rules and Regulations. The specific information required to be reported and the time frames in which it is to be reported are found at 40 CFR §403.12(p).

## Section 3.22. Wastewater Contribution Permits.

### Section 3.22.1. Applicability.

All Significant Industrial Users and other users as required by the Metro District, contributing to or proposing to connect to or to contribute to the POTW, shall obtain a Wastewater Contribution Permit. Such permit shall either be issued by the Metro District, or by the municipality providing sewage services with the approval of the Metro District.

Requirements pertaining to permits issued by municipalities are contained in the various municipal codes, ordinances, resolutions, rules, and regulations. The requirements of this section pertain to those Wastewater Contribution Permits issued directly by the Metro District.

### Section 3.22.2. Permit Application.

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Metro District an application on the form prescribed by the Metro District, and accompanied by a fee as determined pursuant to Section 3.28 of these Rules and Regulations.

#### Applications Are Due:

For new dischargers, at least 90 days prior to beginning discharge to the POTW.

For existing dischargers who become subject to a newly promulgated Categorical Standard, at least 90 days prior to the effective date of such standard.

For existing dischargers who, because of process changes or additions, will become subject to an existing Categorical Standard, at least 90 days prior to beginning discharge from the categorical process.

For existing dischargers subject to Categorical Standards as of the effective date of this regulation, who have not previously obtained a Wastewater Contribution Permit, within 30 days of the effective date of this regulation.

For all other dischargers, in a time frame as specified in notice from the Metro District.

In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, mailing address, and facility location.
2. Sic number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

3. Time and duration of wastewater discharges.
4. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
5. Site plan, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
6. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.
7. Wastewater constituents and characteristics including, but not limited to, those limited by Sections 3.17 and 3.18 of these Rules and Regulations, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136, as amended.
8. A statement regarding whether or not the discharge standards and pollutant limitations contained in Sections 3.17 and 3.18 of these Rules and Regulations, including any applicable state or national pretreatment standards, are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet the applicable standards.
9. If additional pretreatment and/or O&M will be required to meet the discharge standards and pollutant limitations, the shortest schedule by which the User will provide such additional treatment. For state or national pretreatment standards, the completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable discharge standards and pollutant limitations (e.g., Hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). In no case shall an increment of progress exceed nine (9) months.
10. Each product produced by type, amount, process or processes, and rate of production.
11. The type and amount of raw materials processed (average and maximum per day).
12. The number and type of employees, and hours of operation of the plant, and proposed or actual hours of operation of the Pretreatment System.
13. Any other information as may be deemed by the Metro District to be necessary to evaluate the permit application.

### Section 3.22.3. Permit Issuance.

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

- (a) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Sections 3.17 and 3.18 of these Rules and Regulations;
- (b) The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system; and
- (c) The proposed discharge of the applicant would not result in a violation by the Metro District of the terms and conditions of its NPDES Permit.

If the Metro District finds that the condition set out in Paragraph 1 of this Subsection is not met, the Metro District may issue a Wastewater Contribution Permit to the applicant if the conditions set out in Paragraphs 2 and 3 of this Subsection are met and if the applicant submits, and the Metro District approves, a schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to ensure compliance with the provisions of these Rules and Regulations.

### Section 3.22.4. Permit Denial; Appeal And Hearing.

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

An applicant denied a Wastewater Contribution Permit may request that the Metro District Manager review the denial and issue a permit. If the Metro District Manager reaffirms the denial, the applicant may appeal this decision pursuant to the terms and conditions of the Metro District's appeal and hearing procedure as set forth in Section 1.2 of Metro's Rules and Regulations.

### Section 3.22.5. Permit Conditions.

Wastewater Contribution Permits shall be expressly subject to all provisions of these Rules and Regulations. Permits will contain, at a minimum, the following:

1. A statement of duration (in no case more than five (5) years).
2. A statement of non-transferability without, at a minimum, prior notification to the Metro District and provision of a copy of the existing permit to the new owner or operator.
3. Effluent limits based on applicable Pretreatment Standards, Categorical Pretreatment Standards, specific discharge limitations, and state and local law and regulations.

4. Self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling locations, sampling frequencies, and sample types. These requirements shall be based on applicable general pretreatment standards and requirements at 40 CFR §403; categorical pretreatment standards; specific discharge limitations; state and local law and regulations; and District determinations as to the type, quantity, quality, and frequency of information needed to adequately determine compliance with conditions of the permit.

A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not extend compliance dates beyond federal deadlines.

Permits may also contain the following:

6. A Schedule Of User Charges And Fees pursuant to Section 3.28 of these Rules and Regulations.

7. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.

8. Requirements for installation and maintenance of inspection and sampling facilities.

9. Requirements for notification to the Metro District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

10. Requirements for notification of slug discharges.

11. Other conditions as deemed appropriate by the Metro District to ensure compliance with these Rules and Regulations.

#### Section 3.22.6. Permit Modifications.

(a) The terms and conditions of a Wastewater Contribution Permit may be modified by the Metro District during the term of the permit as limitations or requirements as identified in these Rules and Regulations are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(b) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the Wastewater Contribution Permit of Users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.



### Section 3.22.7. Permit Duration; Reapplication.

Permits shall be issued for a specified time period, not to exceed five (5) years. The User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing Permit.

### Section 3.23. Reporting Requirements For Significant Industrial Users.

#### Section 3.23.1. Initial Compliance Report For Users Subject To National Categorical Pretreatment Standards.

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and requirements shall submit to the Metro District a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by the Pretreatment Standards and requirements and the average and maximum daily flow for those process units in the User's facility which are limited by such Pretreatment Standards or requirements.

Where applicable Pretreatment Standards contain limitations on the mass of pollutants discharged per unit of production, the report shall also contain the pollutant mass and production information necessary to determine compliance with such Pretreatment Standards. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

#### Section 3.23.2. Periodic Compliance Reports.

(a) Any User subject to a National Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Metro District during the months of July and January, unless required more frequently in the pretreatment standard or by the District, a report covering the preceding six (6) months and indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes.

Where applicable Pretreatment Standards contain limitations on the mass of pollutants discharged per unit of production, the report shall also contain the pollutant mass and production information necessary to determine compliance with such pretreatment standards. At the discretion of the Metro District and in consideration of such factors as local high or low flow rates, holidays, and budget cycles, the Metro District may agree to alter the months during which the above reports are to be submitted.

(b) Significant Industrial Users not subject to National Categorical Pretreatment Standards shall submit to the Metro District at least once every six (6) months (on dates specified by the Metro District), unless required more frequently by the Metro District, a description of the nature, pollutant concentrations, flows, and, where requested, pollutant masses, of the discharges required to be reported by the District.

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

#### Section 3.24. Monitoring Facilities.

The Metro District may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of any discharges as necessary to determine compliance with the provisions of these Rules and Regulations.

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

The sampling and monitoring facilities shall be provided in accordance with the Metro District's requirements and all applicable local construction standards and specifications. Construction shall be completed within such a time frame as the District shall specify by written notification.

#### Section 3.25. Information Submittal, Inspection and Sampling.

The Metro District may require any user to submit information as necessary to determine compliance with the requirements of these Rules and Regulations.

The Metro District may inspect the facilities of any User to ascertain whether the requirements of these Rules and Regulations are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Metro District or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties.

The District, the Metro District, the Colorado Department of Health, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the User's premises, the User shall make necessary arrangements with security guards so that upon presentation of suitable identification, personnel from the District, the Colorado Department of Health, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

All records relating to compliance with pretreatment standards and requirements shall be made available to officials of the District, the Metro District, the Colorado Department of Health, and EPA upon request.

### Section 3.26. Wastewater Treatment.

Users shall provide wastewater treatment as required to comply with the requirements of these Rules and Regulations, and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Metro District shall be provided, operated, and maintained at the User's expense.

### Section 3.27. Confidential Information.

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the Metro District's National Pollutant Discharge Elimination System (NPDES) Permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

### Section 3.28. Remedies for Noncompliance; Enforcement.

#### Section 3.28.1. Notice Of Violation.

Whenever the Metro District determines that any User has violated or is violating any provision of these Rules and Regulations or a Wastewater Contribution Permit issued or approved hereunder, the District or the Metro District may serve upon such User a verbal or written notice stating the nature of the violation(s). Where directed to do so by the notice, a plan for the satisfactory correction of the violation(s) shall be submitted to the District and the Metro District by the User, within a time frame as specified in the notice.

### Section 3.28.2. Administrative Orders.

Whenever the Metro District determines that any User has violated or is violating any provision of these Rules and Regulations, or any directives, orders, or permits issued or approved hereunder, the Metro District may serve upon such User a written order stating the nature of the violation(s), and requiring that the User correct the violation(s) within a specified period of time; perform such tasks as the District or Metro District determines are necessary for the User to correct the violations; or perform such tasks and submit such information as is necessary for the District or Metro District to evaluate the extent of noncompliance or to determine appropriate enforcement actions to be taken.

### Section 3.28.3. Compliance Orders; Compliance Schedules.

Whenever the Metro District determines that any User has violated or is violating any provision of these Rules and Regulations, or any directives, orders or permits issued or approved hereunder, the Metro District may serve upon the User a written order requiring that the User submit, within a time frame as specified in the notification, a plan (compliance schedule) for the satisfactory correction of such violation(s).

The compliance schedule must represent the shortest schedule by which the User will provide additional treatment or perform such other tasks as will enable the User to consistently comply with applicable requirements. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to compliance (e.g., Hiring an engineer, completing preliminary plans for pretreatment systems, completing final plans, executing contracts for major components, commencing construction, completing construction). In no case shall an increment of progress exceed nine (9) months.

Upon approval by the Metro District, the compliance schedule will be issued to the User as an administrative order which contains the approved schedule milestones and any applicable reporting requirements. Issuance of a compliance schedule by the Metro District does not release the User of liability for any violations.

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

### Section 3.28.4. Suspension Of Service.

The Metro District or District may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the District or Metro District, in order to stop an actual or threatened discharge which presents or may present an imminent or

substantial endangerment to the health or welfare of persons, to the environment, causes pass through or interference or causes the Metro District to violate any condition of its NPDES Permit.

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

#### Section 3.28.5. Permit Revocation.

Any User who has violated or is violating any provision of these Rules and Regulations, or any orders or permits issued or approved hereunder, is subject to having his permit revoked. Grounds for permit revocation include, but are not limited to:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of 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) Violation of conditions of the permit.

#### Section 3.28.6. Penalties.

Any User who is found to have violated any provision of these Rules and Regulations, or any orders or permits issued or approved hereunder, shall be subject to a penalty not to exceed, except as noted below, five thousand dollars (\$5,000) for such violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In the case of violations of monthly or other long-term average discharge limitations, penalties may be assessed for each day in the period covered by the violations.

In addition to the penalties provided herein, the Metro District may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law against the User found to have violated these Rules and Regulations, or the order or permits issued hereunder. Such penalties shall be in addition to any actual damages the Metro District may incur because of such violations.

Where a violation is found to have caused Interference or Pass Through, the maximum penalty of \$5,000 per violation as described above may be increased as necessary to allow the District to recover any fines or penalties paid by the Metro District for NPDES Permit violations due to the Interference or Pass Through.

Section 3.28.7. Legal Action.

If any person discharges sewage, industrial wastes or other wastes into the Metro District's wastewater disposal system contrary to the provisions of these Rules and Regulations, or any orders or permits issued hereunder, the Metro District's or District's attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this county.

Section 3.28.8. Appeal And Hearing Procedure.

Any User who is aggrieved by any enforcement action taken by the Metro District pursuant to this Section 3.27 may request that the Metro District Manager review the enforcement action. If the Metro District Manager reaffirms the action, the User may appeal this decision pursuant to the terms and conditions of the District's appeal and hearing procedure as set forth in Section 1.2 of Metro's Rules and Regulations.

Section 3.29. Charges and Fees.

Charges and fees to be assessed against Users will be determined by the Metro District Manager and, where instituted, will be set at a level to allow the Metro District to recover its costs for administering elements of the Pretreatment/Industrial Waste Control Program. Program elements for which charges and fees may be assessed include, but are not limited to, permit applications; monitoring, inspection, and surveillance activities; and general program administration.

ARTICLE IV - PERMITS

Section 4.01. Service Line.

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

Section 4.02. Performance of the Permit.

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

#### Section 4.03. Separate Permit.

Each permit shall specify the number of connections or disconnections allowed to be made to the public sewer system. The manner of connection shall be determined and all fees for connection to the public sewer system shall be calculated in accordance with the relevant rules of the District. A permit shall apply only to that property specified within the application and shall not be transferable to any other property. Any permit issued after the date of adoption of these rules shall expire six (6) months after the date of issuance of the permit.

#### Section 4.04. Disconnection.

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

#### Section 4.05. Stub-In Permit.

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

#### Section 4.06. Trenchless Reconstruction and Repair Permit.

No service line shall be reconstructed or repaired by the pushed-in-place liner (PIPL) reconstruction and rehabilitation method without first submitting an application and obtaining a permit from the District's Engineer.

#### Section 4.07. Special Permits.

A special permit must be obtained from the Board of Directors of the District for any use not specifically allowed defining the conditions, limitations and restrictions prescribed by the District therefor and the amount, category and classification of fees and charges, if any, as to each of the same determined by the Board to be for the best interest of the District and the inhabitants thereof.

#### Section 4.08. Permits by Others.

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

Section 4.09. Time Limit of Permit.

No permit issued under these regulations shall be valid for a period to exceed ninety (90) days, unless expressly extended by the District's Engineer for good cause shown and then for a total period not to exceed 180 days.

ARTICLE V - DRAINLAYER'S LICENSE

Section 5.01. License Required.

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

Section 5.02. Application for License.

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

Section 5.03. Requirements for Issuance of License.

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

Section 5.04. Certificate of Insurance.

Before the issuance of any drainlayer's license, the applicant shall file with the District a Certificate of Insurance stating that applicant is covered by public liability insurance with limits of not less than \$1,000,000 per person-\$2,000,000 per occurrence for public liability and \$100,000 for property damage.

Section 5.05. Bond.

Before the issuance of any drainlayer's license, the applicant shall furnish a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000.00) with a corporate surety approved by the Board of Directors. The bond shall be accompanied by the surety's power of attorney and shall be in a form to be approved by the Board of Directors.

Section 5.06. Worker's Compensation Insurance.

Before the issuance of any drainlayer's license, the applicant shall file with the District a certificate certifying compliance with the provisions of the Worker's Compensation Act of the State of Colorado, in the amount of \$100,000 sickness - \$100,000 accident and \$500,000 aggregate.



Section 5.07. Issuance of License.

A drainlayer's license shall be granted by the action of the Board or its authorized representative and shall be valid for the remainder of the calendar year for which it is issued, unless revoked as herein prescribed. Licenses may be renewed by the District if the work of the drainlayer, under a valid license, has been satisfactory to the Board or to its duly authorized representative, and upon the furnishing of a surety bond, certificate of liability insurance, certificate of compliance with the Workmen's Compensation Act of Colorado, and upon payment of the proper fee as provided in section 9.03 of these Rules.

Section 5.08. Renewal of License.

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

Section 5.09. Licensed Drainlayer Not to Allow Others to Use Name.

No licensed drainlayer shall allow his name to be used, directly or indirectly, by any other person to obtain a permit to do any work within the District.

Section 5.10 Unauthorized Installation, Repairs, or Maintenance of District System. Where a contractor or individual has undertaken the installation, construction, repair or maintenance of a District service line or public sewer line requiring the issuance of a Drainlayer's Permit, and such contractor or individual has failed to obtain said Drainlayer's License, the following remedial action shall be required:

- (a) The responsible party shall apply for and obtain a Drainlayer's License from the District, which shall include the payment of the required Drainlayer's fee, as well meeting all requirements of this Section 5.
- (b) At the direction of the District's Engineer, the project shall be re-excavated for inspection and approval by the District's Engineer.
- (c) The responsible party may appeal to the Board of Directors for a waiver of the requirements for re-excavation and inspection. The Board of Directors, in its sole discretion, may grant a waiver, and in lieu thereof, obtain a certification from the applicant confirming that the work was done in conformance with District Rules and Regulations and construction standards, and indemnifying and holding the District harmless from any injury, damage, or costs incurred for any future issues reasonably relating to the project. An application for waiver shall also be accompanied by all fees otherwise required for issuance of the Drainlayer's license.
- (d) Upon application for waiver as set forth in subsection c. above, the matter will be set for a hearing before the Board of Directors at its next regularly scheduled meeting.

## ARTICLE VI - SEWER LINE EXTENSIONS

### Section 6.01. Application for Sewer Line Extension.

Any person desiring extension of a sewer line shall submit a letter of application to the Board of Directors for its consideration at a regular meeting of the Board. (The Board meets regularly on the second Wednesday of each month.) The application must contain a legal description of the property for which service is requested. A copy of the application shall be sent to the District Engineer. Where needed, the applicant shall make a commitment that rights-of-way or easements will be granted to the District without charge. Attached to the application shall be a check in the amount as prescribed by the Board as a preliminary deposit for engineering services related to the extension. (See Appendix B.) The deposit will be applied toward the total cost of the extension. If the applicant elects not to proceed with the extension, the deposit will be forfeited. The District "Sanitary Sewer Construction Criteria Manual" is available for review at the District Engineer's Office.

### Section 6.02. Bids for Construction.

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

### Section 6.03. Engineering and Observation of Construction.

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

### Section 6.04. Cost of Construction.

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

### Section 6.05. Contract.

Upon receipt of the funds necessary for the construction cost, contingency costs, and other incidental costs, the District shall enter into a contract with the successful bidder for the construction of the sewer facility. The successful bidder will provide to the District a certificate of public liability and property damage insurance, a certificate showing compliance with the Workmen's Compensation Act of Colorado, and a performance and payment bond equal to the contract price of the facility. The bond shall guarantee the

faithful performance of the contract, the payment of all persons furnishing labor and materials under the contract, and the repair and/or replacement for the period of one (1) year of any faulty work or materials.

Section 6.06. Acceptance.

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

Section 6.07. Sub-Area Designation and Charges.

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

Section 6.08. District Option To Allow Applicant to Construct Line extension.

Notwithstanding anything in this Article VI to the contrary, the District Board of Directors may enter into an agreement with an applicant for a line extension for purposes of allowing the applicant to design and construct a sewer line extension under terms and conditions specified in the agreement. Such an agreement must, however, provide that the District retains the authority to reject accepting a sewer line extension for ownership and maintenance in the event that the sewer line extension does not satisfy District requirements and specifications.

ARTICLE VII - SERVICE CONNECTIONS

Section 7.01. Responsibility.

After approval by the District of an application for connection of an individual sewer service line to the public sewer, the applicant shall, at his own expense, engage the service of a drainlayer licensed by the District, to construct a sanitary sewer service line in accord with these Rules and Regulations. A representative of the District shall inspect the completed service line installation before the sewer trench is backfilled, to guard the District against groundwater infiltration that might result from poor installation or workmanship. Complete responsibility for service lines is on the property owner. The District shall have no responsibility to maintain or protect service lines.

## Section 7.02. Size of Sewer Service Lines.

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

## Section 7.03. Materials.

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

(a) Rigid polyvinyl chloride (PVC) pipes and fittings with a minimum dimension ratio of 35 and otherwise conforming to the provisions of American Society for Testing and Materials (ASTM) Specification Designation D-3034.

(b) Integral compression type joints between PVC pipes and fittings must conform to the provisions of ASTM Specification Designation D-3212.

(c) Joints between dissimilar pipe materials using strong back, PVC solid guard and solid PVC adapter fittings must be factory fabricated for joining the particular size and material pipes and secured by stainless steel compression bands or epoxy cement as specified by the manufacturer of the adapter fitting.

### (d) PVC Sewer Pipe Materials:

(1) PSM SDR 26 and PVC SDR 35 sanitary sewer that meets the requirements of ASTM D-3034. Pipes shall have elastomeric gasket joints that are oil resistant and must conform to A.S.T.M. F-477.

(2) AWWA C900, Class 200 (DR 14)

(3) Fusible C-900 and fusible C-905 PVC pipe must create a monolithic, fully restrained, gasket-free and leak free pipe system. Pipe shall meet the requirements of AWWA C900 and C905, NSF-61, and ASTM Code classification 12454.

### (e) HDPE Sewer Pipe Materials:

(1) HDPE, SDR 17 sewer pipes shall meet the requirements of ASTM D3350.

(2) Factory molded fittings must be HDPE fittings and shall be plain or bell and spigot.

(3) Couplings shall be elastomeric PVC non-shear flexible couplings with stainless steel screws, nuts and housings, or equal.

(f) Ductile Iron Pipe Materials:

(1) Ductile iron pipe conforming to the requirements of ANSI/AWWA C150/A21.50 cl. 200.

(2) Ductile iron pipe must be coated with a minimum of 2 layers of asphaltic product or various linings that are unaffected by the hydrogen sulfide forming within the sanitary sewer.

(g) Cast Iron Soil Pipe Materials:

(1) Cast iron pipes conforming to the requirements of AWWA specifications C-106, Class 22 thickness, 100 pounds per square inch, with two (2) coats of asphalt or coal tar and oil preparation.

(2) Compression type joints between cast iron and ductile iron pipe and fittings must conform to AWWA specification C-111.

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

Section 7.04. Road and Street Cuts.

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

Section 7.05. Grade and Alignment.

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

#### Section 7.06. Installation.

Sewer service line construction procedures and techniques shall be the responsibility of the licensed drainlayer and shall conform to American Society for Testing and Materials (A.S.T.M.) or American Water Works Association (A.W.W.A.) standard specifications applicable to the particular pipe and joint materials in use. The drainlayer's procedures and operations shall also conform to all requirements of any entities exercising jurisdiction over occupational safety and health. The District "Sanitary Sewer Construction Criteria Manual" is available for review at the District Engineer's Office.

#### Section 7.07. Connection to Public Sewer.

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

#### Section 7.08. Inspection.

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

#### Section 7.09. Interceptors (Traps).

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

#### Section 7.10. Unauthorized Connections.

Any connection made to a public sewer line without first obtaining (a) a permit, (b) a drainlayer's license, and (c) the approval and consent of the District Engineer or his designee, shall be disconnected by the District at the cost of the person making such unauthorized connection. If any person violates the Rules and Regulations of the District governing the installation, connection and repair of the service lines, such connections to the public sewer line shall be disconnected by the District Engineer or his designee at the cost of the person making such unauthorized connection. Such costs of disconnection until paid shall constitute a lien against the property upon which such unauthorized connection was attempted to be made. In the event that the unauthorized connection was made by a licensed drainlayer or contractor, he may, in the discretion of the Board, be prohibited from doing any work within the District for a period not to exceed one year.

#### Section 7.11. Unauthorized Disconnections.

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

#### Section 7.12. Use of Public Sewer Required.

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

#### Section 7.13. Miscellaneous Drains.

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

### ARTICLE VIII - INCLUSION AND EXCLUSION OF PROPERTY

#### Section 8.01. Inclusion--General.

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

### Section 8.02. Procedure for Inclusion.

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

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

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

(c) The Board's attorney will review the petition to be certain it meets all legal requirements. The petition will be presented to the Board at its regular meeting and the applicant may attend such meeting if desired to formally present the petition. Once presented to the Board, the Chairman will cause the petition to be published in a newspaper of local circulation in the District, setting forth the time and place for a formal hearing on the petition. The newspaper publication requires about thirty days to complete.

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

### Section 8.03. Exclusion--General.

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

### Section 8.04. Procedure for Exclusion.

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

(a) The person or persons desiring to exclude land shall file a petition for exclusion with the Board of Directors of the District setting forth a legal description of the property, acknowledged by the fee owner or owners of 100% of the property in the same manner as required for conveyance of land. The petition shall



be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings. Minimum deposit shall be Five Hundred Dollars (\$500.00).

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

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

(d) At the public hearing on the Petition for Exclusion, the Petitioner(s) must satisfy all of the required factors for Board findings pursuant to provisions of §32-1-501(3), C.R.S.

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

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

(h) Any District mill levy in effect at the time of exclusion imposed to fund any indebtedness of the District shall continue to apply to excluded property until such time as the related indebtedness is fully retired.

## ARTICLE IX - RATES, TOLLS, FEES & CHARGES

### Section 9.01. Connection Fee.

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

- (a) Each and every single family residential equivalent:
  - (1) Applewood Sanitation District  
Fee set by the Board - See Appendix B
  - (2) Metro Wastewater Reclamation District (METRO)  
as may be established from time to time by the METRO Board - See Appendix B

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

- (1) Applewood Sanitation District  
as determined by the Board - See Appendix B
- (2) Metro Wastewater Reclamation District (METRO)  
as determined from time to time by the METRO Board - See Appendix B

(c) For each stub-in connection of a service line to the District's facilities, where such service line is not physically connected to a building, there shall be paid unto the District, before a stub-in permit shall be issued, an connection fee as set by the Board and depicted in Appendix B.

(d) The basis for determining the number of single family residential equivalents is set forth in Article X.

(e) Tap Fee Surcharge: An additional tap fee surcharge may be charged to all connectors in any designated sub-area of the District in accordance with the terms of any line extension agreement or resolution of the District.

(f) Special Service Charge: An additional special service charge may be applied to all connectors in any designated sub-area of the District in accordance with the terms of any line extension agreement or resolution of the District.

#### Section 9.02. Inspection Fees.

(a) For each connection (direct or stub-in) made to or disconnection from the District's facilities, there shall be paid unto the District, before a tap or disconnection permit shall be issued, an inspection fee as set by the Board and depicted in Appendix B.

#### Section 9.03. Drainlayer's License Fees.

Each applicant for a drainlayer's license from the District shall pay the following fees:

- (a) For processing and consideration of an application for an original license or a renewal of a license that has lapsed over three years, and if approved by the Board, the privilege of doing business for the remainder of the calendar year in which the license is issued, a fee as set by the Board in Appendix B.

- (b) Renewal of license for each succeeding continuous year or within three years of an original license being issued, a fee as set by the Board in Appendix B.

#### Section 9.04. Inclusion Fees.

(a) Each application for inclusion of property into the District, regardless of size or area thereof, shall be accompanied by a payment as depicted in Appendix B, being a fee for the costs of processing of the application, publishing notice of its filing and hearing thereon. None of such application fee shall be refundable to the applicant.

(b) Each application for inclusion of property shall be accompanied with the payment of a sum of dollars as set by the Board in Appendix B as multiplied by the number of total and fractional acres of land sought to be so included and specifically described upon the petition for inclusion of the property, exclusive of public roads. In no instance, regardless of size of the property so described, shall such inclusion fee be less than the application fee provided in paragraph 9.04 (a). In the event the petition for inclusion is denied by the Board of Directors, the total amount of the inclusion fee deposited with the District will be refunded, but only unto the named petitioner and applicant for the inclusion and making the payment at the time of the application for the inclusion.

#### Section 9.05. Right to Lien.

Until paid, all rates, tolls, fees or charges constitute a first and perpetual lien on and against property served and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado pertaining to sanitation districts.

#### Section 9.06. Sewer Service Charges.

(a) Residential Contributors. All residential customers contributing sewage to the public sewer system shall be charged an annual Sewer Service Charge in amount as determined by the Board and set forth in Appendix B attached hereto. Such Sewer Service Charge shall be assessed annually, on February 1<sup>st</sup>, and shall be due and payable upon receipt.

(b) Service charges for all exempt and non-residential users contributing sewage to the public sewer system and for any user contributing greater than normal sewage loads (i.e., using average domestic loadings as the basis) to the public sewer system will be assessed annually, and shall be due and payable on receipt. When actual service commences after the billing date, the District will prorate such charges upon a six-month basis, with any fraction of a month considered as a whole month. In no event shall termination of service by the District or otherwise, regardless of the reason, constitute grounds for any prorata return of such semi-annual charge.

(c) All service charges shall be considered delinquent on March 1<sup>st</sup>, and shall be subject to late charges as set forth in Appendix B attached hereto. Should the District place a lien on the delinquent property, and/or certify the delinquent account to the Jefferson County Treasurer, additional legal fees

and costs shall be charged to the account, including any fees and costs imposed by the Treasurer's Office in collecting the delinquent amount with the general property taxes.

(d) Tax Exempt Contributors. Service charges for processing sewage from all tax exempt contributors will be based upon total contributions. Such charges shall be adjusted to reflect the actual cost of serving such contributors. At the beginning of each year, the Board will establish a standard equivalent charge per residential dwelling unit, which will be used as the basis for determining such service charges against all contributors within this assessable category. The service charge will then be calculated by determining the equivalent dwelling units therein from the net fixture units (with a fixture unit value of 30 equaling one equivalent dwelling unit) and by multiplying said standard equivalent charge times the equivalent dwelling units.

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

(f) The service charge provision of this section shall become effective on March 1, 1979.

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

Section 10.01. General.

The Metropolitan Denver Sewage Disposal District No. 1 (Metro District) has established a sewer connection charge system for the purpose of assessing a portion of the capital costs of new sewers and treatment facilities to those new developments that will eventually utilize said facilities. For each new or altered sewer connection to a sewer system served directly or indirectly by the Metro District's sewage disposal system, a sewer connection charge shall be collected by this District. The amount of such charges shall be based upon the number of single family residential equivalents attributable to each connection and the sewer connection charge as set from time to time by Metro District. This sewer connection charge is separate and apart from the connection (tap) fee that is charged by this District for a permit to connect to its system.

Section 10.02. Definition of Terms.

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

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

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

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

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

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

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

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

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

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

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

Section 10.03. Standard Application Form.

Each applicant for a permit to connect a new sewer or to make an altered sewer connection will do so on a form provided by this District. The form will include some of the same information that is shown on the permit for water service connection to municipal water system. This District shall receive and retain all completed standard application forms and file such forms in a systematic order for review by the Metro District.

Section 10.04. Residential Connection.

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

Section 10.05. Other Than Residential Connection.

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

<u>Non-Residential Water Service Tap Size (Inches)</u>	<u>The Number of Single Family Residential equivalents</u>
3/4	1.0
1	1.9
1-1/2	4.4
2	8.1
3	19
4	35
6	84
8	154
10	250
12	368

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

#### Section 10.06. Multiple Water and/or Sewer Taps.

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

#### Section 10.07. Water Supplied by Other Than a Municipal Water Supplier.

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

#### Section 10.08. Exemptions.

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

#### Section 10.09. Reduction in Assignment of SFRE and Appeal Procedure.

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

(a) Approve or disapprove the request for a reduction.

(b) If the applicant is approved, the District shall submit the application to the Metro District with all supporting data provided therewith and reports of actions taken.

(c) The Metro District will review all requests for reductions and shall promptly approve or modify the actions taken by this District.

(d) Within ten (10) days of the receipt of the notice of the Metro District's decision, a dissenting applicant may request a hearing in writing. Any such hearing shall be held within thirty (30) days from the date of such request. Such hearing shall be held under the hearing procedure as established by the Metro District Board, as it may from time to time be amended. The decision of the Hearing Board shall be final.

(e) Under no circumstances will a reduction of more than one tap size be authorized. Partial tap size reductions shall not be granted.

#### Section 10.10. Altered Connection.

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

#### Section 10.11. Credit.

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

#### Section 10.12. Inactive Connections.

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

### ARTICLE XI - MISCELLANEOUS PROVISIONS

#### Section 11.01. Violations of Rules and Regulations.

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

#### Section 11.02. Revocation of Permit.

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



Section 11.03. Revocation of License.

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

Section 11.04. Compliance.

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

Section 11.05. Severability.

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

Section 11.06. Limitation.

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

Section 11.07. Revision.

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

**APPENDIX A**

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Director Garrison moved for the following Resolution:

BEFORE THE BOARD OF DIRECTORS  
OF THE  
APPLEWOOD SANITATION DISTRICT  
STATE OF COLORADO

RESOLUTION NO. 91-05

RE: DESIGNATION OF GEOGRAPHIC SUBAREA OF DISTRICT FOR SPECIAL ASSESSMENT FOR ADDITIONAL COSTS OF SERVICE

WHEREAS, pursuant to section 32-1-1006(1) C.R.S. the District is authorized to designate areas within the District according to services furnished within said areas and to fix different rates, fees, charges, or rates of levy of taxes for providing services and facilities for said designated areas; and

WHEREAS, the District Board has entered into an agreement with the TRI K B INVESTMENTS and KGC TRUST 1 (Kunz) on October 16, 1991 (October 16, 1991 Agreement) whereby the District has agreed to construct a sewer line extension at Kunz's cost which will serve Kunz owned property known as Youngfield Plaza; and

WHEREAS, the Kunz property is intended to be used for commercial or industrial purposes, while the remainder of the District is and will continue to remain residential in character; and

WHEREAS, the Board anticipates that the cost of serving the Kunz property due to additional state and federal regulatory requirements on commercial and industrial dischargers may exceed the revenues generated by the District's mill levy on the subject property; and

WHEREAS, in the October 16, 1991 Agreement the District stated that it would designate the Kunz property as a subarea subject to special service fees related to the additional costs of providing service to the designated area such that other areas of the District would not have to subsidize the cost of service to the Kunz property; and

WHEREAS, the purpose of the subarea designation is to prevent other areas of the District from bearing any of the costs of service to the designated area through the line and appurtenances built pursuant to the October 16, 1991 Agreement and to provide that special service fees for the subarea be sufficient to defray

## APPENDIX A

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all costs of the service to Youngfield Plaza (property described in Exhibit A of this resolution) which are not covered by the Applewood mill levy on the designated area; and

WHEREAS, the Board desires to formally designate consistent with the principles established by the Board in the October 16, 1991 Agreement an area of the District's service area pursuant to section 32-1-1006(1) C.R.S. for purposes of making sure that the costs of serving the designated area (Youngfield Plaza) are borne by the owners of the designated area and not subsidized by the taxpayers of the District.

NOW, THEREFORE, be it resolved that pursuant to section 32-1-1006(1) C.R.S., the Board of Directors of the Applewood Sanitation District hereby designates the area described on Exhibit A to this resolution as subject to a special fee assessment for purposes of having the landowners within the designated area bear their reasonable and equitable share of the costs of the sewer services to the designated area such that the special fee assessment be sufficient to cover all costs of providing sewer service to the designated area that are in excess of the District tax revenues generated from the designated area. The special additional fee will be charged against a land owners's property, based on the District's costs of serving the property as reduced by the property's mill levy received by the District. The allocation of costs to be collected by the fee shall be determined by the District's engineer and adopted by the Board of Directors and consider such matters as water quality monitoring costs, maintenance and new capital costs of facilities serving the designated area and fees to the Metro Wastewater Reclamation District paid by the District for wastewater flows generated within the designated area. In calculating the fee, the District may include any cost directly related to serving the designated area. The fee may be billed on a regular or irregular basis by the District whenever the District Board determines that the costs to serve the designated area are greater than the property tax revenue collected by the District from the designated area. The duration of this designation shall be perpetual, or until rescinded by formal vote of the Board.

BE IT FURTHER RESOLVED that this resolution be attached as an appendix to the District's Rules and Regulations.

Director Dinwiddie seconded the motion for the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

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Director Dinwiddie aye  
Director Edlund absent  
Director Garrison aye  
Director Haberl absent  
Director Walker aye

The Resolution was adopted by the Board of Directors of the Applewood Sanitation District on December 12, 1991.

APPLEWOOD SANITATION DISTRICT

BY: /s/ Richard N. Walker President

ATTEST:

By: /s/ Phil Garrison  
Secretary

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#### EXHIBIT A

#### LEGAL DESCRIPTION OF DESIGNATED AREA

##### PARCEL 1

A parcel of land lying within the E ½ of the SW ¼ of Section 20, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at a point which lies 1256.16 feet, S 89° 33' W, from the South ¼ corner of Section 20, Township 3 South, Range 69 West of the 6th P. M., said point lying on the Easterly Right-of-Way line of Youngfield Street; thence N 0° 44' 16" W, along said Easterly Right-of-way line of Youngfield Street, a distance of 675.99 feet to the TRUE POINT OF BEGINNING; thence continuing N 0° 44' 16" W along said Easterly Right-of-Way line of Youngfield Street, a distance of 833.48 feet; thence N 75° 46' 12" E, a distance of 462.77 feet; thence S 0° 44' 16" E, parallel with said Easterly Right-of-Way line of Youngfield Street, a distance of 941.25 feet; thence S 89° 15' 44" W, a distance of 450.00 feet to said TRUE POINT OF BEGINNING. Contains 9.166 acres, more or less.

Together with a 50 foot non-exclusive easement over and across said Tract as described hereinabove for ingress, egress and utility lines, said 50 foot easement to run parallel with and measured perpendicular to the northerly line of said Tract and to be the southerly 50 feet located within the northerly 150 feet of said Tract.

##### PARCEL 2

A Parcel of Land Lying Within the E½ of the SW¼ of Section 20, and the NE¼ of the NW¼ of Section 29, Township 3 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, More Particularly Described as follows:

Beginning at a Point Which Lies 1,306.06 Feet, S 73°22'02" W, (S 89°33' W, 1,256.16 Feet, S 0°44'16" E, 364.01 Feet) From the North ¼ Corner of Section 29, Township 3 South, Range 69 West of the 6th P.M., Which Point is Also the Northwest Corner of Ridge Subdivision, as Filed in the Records of Jefferson County, Colorado, and Which Point Lies N 89°33' E, 60.0 Feet, S 0°44'16" E, 364.01 Feet From the Northwest Corner of the Northeast ¼ of the Northwest ¼ of said Section 29, Thence Running N 64°25'23" E, a Distance of 495.87 Feet, Along the North Line of Ridge Subdivision, Thence N 0°44'16" W a Distance of 831.70 Feet, Thence S 89°15'44" W, a Distance of 450.00 Feet, to a Point on the East Right of Way Line of Youngfield Street, Thence S 0°44'16" E, a Distance of 1040.00 Feet to the Point of Beginning.

Together With a 50 Foot Non-Exclusive Easement Over and Across Tract as Described Hereinabove for Ingress, Egress and Utility Lines, Said 50 Foot Non-Exclusive Easement Over and Across the Northerly 55.10 Feet of the South 80.10 Feet of the Tract as Described Hereinabove, Said Easement to be Parallel to the Southerly Line of Said Tract With the 50 Foot Dimension Being Measured Perpendicular to the South Line of Said Tract.

## **APPENDIX C - HANDOUTS, STANDARD FORMS AND MANUALS**

1. Application for an Extension of Sanitary Sewer Facilities
2. Provision of Sanitary Sewer Service
3. Application for Drain Layer's License
4. Drain Layer's License
5. Application/Permit to Connect to the District Sewer Main
6. Definition of Categories of Work Performed (memorandum)
7. Confined Space Entry Policy and Procedures
8. Suggested Materials and Procedures for Sanitary Sewer Service - Installation and Repair w/Standard Detail Drawings
9. Sewer Renovation Program (Memorandum and chart)
10. District Data Sheet
11. Construction Criteria Manual
12. Construction Manual (under revision)

## APPENDIX D - DISTRICT MAP

ASD R&R 09/08/94  
AND REVISED 07/13/2011  
AND REVISED 06/13/2012  
AND REVISED 09/12/2012  
AND REVISED 02/13/2013