

**METRO WASTEWATER
RECLAMATION DISTRICT
RULES AND REGULATIONS**

**GOVERNING THE
OPERATION, USE, AND SERVICES
OF THE SYSTEM**

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SECTION 1

INTRODUCTION

1.1 PURPOSE

Section 206 of the Service Contract and Section 205 of the Special Connectors Agreement state in part that "The Metro District shall establish and enforce reasonable Rules and Regulations governing the operation, use and services of the system." This document is for the purpose of not only fulfilling that requirement, but of providing for the orderly development of the system so as not to allow uncontrolled practices which may, in the future, prove to be detrimental to the Metro District, any of its members or any special connector. It is also hoped that it will help to create better understanding and cooperation between the Board of Directors and staff of the Metro District and the officials of its member municipalities and special connectors. It is intended that the policies set forth herein will conform with and supplement the provisions set forth in the Service Contract and Special Connectors Agreement.

These *Rules and Regulations* may be added to or modified by Resolution of the Board of Directors.

1.2 APPEAL AND HEARING PROCEDURE

1.2.1 Any connector who is aggrieved by, or disagrees with, any determination, order, or finding (under these *Rules and Regulations* or under the Service Contract or Special Connectors Agreement) shall have the right to appeal to the Metro District. Such connector shall mail a letter of appeal to the District Manager, first class postage prepaid, within thirty (30) days of the receipt of notice of the determination, order, or finding being appealed, except in the case of annual summaries of flows and loadings. These summaries shall be appealed in accordance with the requirements of the Service Contract and Special Connectors Agreement. The letter of appeal shall state all points of disagreement and objection to the determination, order, or finding.

- (a) Upon receipt of a letter of appeal, the District Manager shall forward a copy of the letter to the Chairman of the Board who shall, within fourteen (14) days from receipt of the letter, appoint a Hearing Committee comprised of three to six Directors and designate the chairman of such Committee, or appoint a Hearing Officer who may be a member of the Board of Directors or a third party. The District Manager shall advise the Appealing Connector of the choice of the Chairman and the names of the Committee and its chairman, or the name of the Hearing Officer. A staff member designated by the District Manager shall coordinate arrangements for the hearing, prepare the District's evidence, and arrange for the attendance of the District's witnesses at the hearing.
- (b) The chairman of the Hearing Committee or the Hearing Officer shall set a time and place for the hearing which shall be within forty-five (45) days from the date of the receipt of the Letter of Appeal. A letter setting the date for hearing shall be forwarded no less than twenty-one (21) days before the date set for the hearing.

- (c) The District Manager shall provide the Hearing Committee or Hearing Officer a copy of the determination, order, or finding being appealed, a copy of the appeal letter, and a factual and objective written summary of the issues raised in the appeal letter and any pertinent exhibits. A copy of the written summary and exhibits shall be mailed to the Appellant not less than fourteen (14) days prior to the date of the hearing. The Appellant shall also mail a summary of the issues and pertinent exhibits to the Hearing Committee or Hearing Officer not less than seven (7) calendar days prior to the date of the hearing and shall, at the same time, mail a copy of such summary to the District Manager.
- (d) If the Metro District or the Appellant intend to be represented at the hearing by legal counsel, notice shall be given to the other party at least ten (10) days before the hearing. If any party provides such notice, all parties may be represented by legal counsel without further notice. Unless notice is given, no party shall be represented by counsel.

1.2.2 All hearings pursuant to the right of appeal under these *Rules and Regulations* shall be conducted as follows:

- (a) The Hearing Committee or Hearing Officer shall receive and consider evidence presented by the appealing party and by the Metro District, may take notice of general, technical, or scientific facts within their knowledge, and shall be the judge of the relevance or materiality of the evidence offered. The Committee chairman or Hearing Officer shall have the authority to determine the course of the hearing, limit the number of witnesses, exclude from the hearing any person for any improper or indecorous conduct, fix the time for filing of briefs and other documents, and establish the time and place for a continuation of the hearing if necessary. With approval of the Committee chairman or Hearing Officer, both parties may make opening statements and may cross-examine witnesses.
- (b) Conformity to the legal rules of evidence shall not be necessary.
- (c) If a party wishes to have a stenographic record made of the hearing, the party shall, at its own expense, arrange for such a record.
- (d) When all evidence is presented and the arguments, if any, are concluded, the Committee chairman or Hearing Officer shall declare the hearing closed. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the Committee chairman or Hearing Officer for the receipt of briefs. Unless for good cause shown, all hearings shall be concluded within twenty (20) days from the opening of the hearings.
- (e) The Committee or Hearing Officer shall render a decision within ten (10) days after the hearing is closed. The Committee chairman or Hearing Officer shall send a notice, by first class mail postage prepaid, of the decision to the Appellant within fifteen (15) days after the hearing is closed and shall, at the same time, deliver a notice of the decision to the Board Chairman and to the District Manager.

- (f) The decision of the Hearing Committee or Hearing Officer shall be final and binding as to the Metro District. The Appellant shall be entitled to seek judicial review of the ruling providing such review is filed with the Court within 30 days after the date of the ruling. If not filed within such date, the ruling shall be final.
- (g) For a period of three (3) years after the close of the hearing, the Metro District shall maintain a file of the names of all witnesses and of all written materials submitted at the hearing.

1.2.3 The Metro District and an appellant connector will constitute the primary parties in an appeal hearing. Other connectors who may be affected by the hearing decision may submit their positions in writing to the Hearing Officer or Hearing Committee on or before the date that the hearing begins. Non-connectors may not appeal directly to the Metro District.

1.3 **REMEDIES FOR VIOLATIONS**

Any user or connector who violates any provision of these *Rules and Regulations* shall be liable for any costs, penalties, and damages incurred or suffered by the Metro District as a result of such violation, including, but not limited to, reimbursement of any fines or penalties paid by the District under any permit or state or federal law or regulation and attorneys fees and legal costs. The remedies provided in this subsection are in addition to any other remedies available to the Metro District, including those in Section 6 of these *Rules and Regulations*.

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SECTION 2

DEFINITION OF TERMS

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

1. **Act** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*
2. **Administrator** means the Administrator of the United States Environmental Protection Agency.
3. **Altered Sewer Connection** or **Altered Connection** means any direct or indirect sewer connection which serves a building or structure in which the number of single family units (as defined in Section 7.4.1) is increased, single family units are converted to other than single family units, or where there is an increase in the size of the water service tap.
4. **Amalgam**, for the purpose of these Rules and Regulations, means an alloy of mercury with various metals used by dentists to fill cavities in teeth.
5. **Amalgam Separator** means a device designed to remove Amalgam from a Dental Facility's wastewater before it discharges to the sanitary sewer system.
6. **Amalgam Waste** means any waste from a Dental Facility containing Amalgam. This includes any Amalgam generated or collected by chair side traps, screens, filters, vacuum system filters, Amalgam Separators, and Amalgam that may have accumulated in the plumbing system.
 - (a) "Non-contact amalgam" includes scrap or excess Amalgam after the procedure is complete, as well as pre-encapsulated dental Amalgam capsules and the remaining Amalgam capsule.
 - (b) "Contact amalgam" means Amalgam that has come into contact with the patient or body fluids, including but not limited to, extracted teeth with dental Amalgam and scrap collected chair side and by chair side traps and vacuum pump filters or other Amalgam capture devices.
7. **Annual Charges** or **Annual Charges for Service** means the sums paid or becoming payable to the Metro District pursuant to the Service Contract, pursuant to the Special Connectors Agreement, and pursuant to any agreement supplemental thereto.
8. **Approval Authority** means the Regional Administrator of the Environmental Protection Agency Region VIII or if the state is authorized the pretreatment program, the Director of the Water Quality Control Division of the Colorado Department of Public Health and Environment.
9. **Associated Municipality** means a member municipality, as herein defined, which is not a connecting municipality, as herein defined. (An associated municipality is a member of the Metro District which indirectly receives service through a connecting municipality.)

10. **Authorized Representative of Industrial User** means
- (a) a responsible officer if the Industrial User is a corporation, specifically the president, secretary, treasurer, or vice president in charge of principal business activity or any other person who performs similar policy or decision making functions for the corporation, or the manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (b) a general partner if the Industrial User is a partnership, or the proprietor if the Industrial User is a sole proprietorship;
 - (c) a duly authorized representative of the individual designated in (a) or (b) having overall responsibility for the facility from which the wastewater discharge originates if the authorization is made in writing.
 - (d) a specific individual or position having responsibility for the overall operation of the facility or overall responsibility for environmental matters for the facility if the Industrial User is a governmental facility.
 - (e) If an authorization under (c) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of (c) must be submitted to the Metro District prior to or together with any reports to be signed by an authorized representative.
11. **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.
12. **Board or Board of Directors** means the Board of Directors of the Metro Wastewater Reclamation District.
13. **BOD** means 5-day biochemical oxygen demand. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
14. **Capital Recovery Charge** means the charge assessed in lieu of a Sewer Connection Charge for the discharge of waste not required to be accepted by the District under the conditions of the Service Contract or Special Connectors Agreement.

15. **Categorical Industrial User (CIU)** means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
16. **Categorical Standard** or **Categorical Pretreatment Standard** or **National Categorical Pretreatment Standard** means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
17. **Chemical Oxygen Demand (COD)**. A measure of the dissolved oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.
18. **Connecting Municipality** means a member municipality, as herein defined, all or any part of the sewer system of which, for the disposition of sewage therefrom, is directly connected with a sewer interceptor of the Metro District which terminates at a sewage treatment and disposal plant of the Metro District.
19. **Connector** means a member municipality or special connector or corporate connector, as herein defined.
20. **Construction** or **Initiation of Construction** for the purposes of the sewer connection charge system shall be evidenced by documentation of the first inspection of concrete pouring by the appropriate regulatory agency.
21. **Contracting Municipality** means a municipality, as herein defined, which although not a member of the Metro District receives by right of contract with either a connecting municipality, an associated municipality, or a special connector service indirectly by discharging sewage into a trunk or interceptor sewer of such entity.
22. **Corporate Connector** means a corporate entity having a service agreement with the Metro District appertaining to the acquisition of any site for sewage disposal facilities or sewage treatment plant.
23. **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. For the purposes of the sewer connection charge system, a municipality may select the date of sewer inspection, the date a certificate of occupancy is issued, the water meter set date, or the date evidenced by any equivalent documentation to represent the date of connection. The date of connection for an altered sewer connection shall be when the additional single family units are completed and available for use or when the enlarged water service tap is installed, whichever is applicable. Each municipality shall select one method of determining the date of connection and use it consistently.
24. **Dental Facility** means any facility that practices dentistry including, but not limited to, dental clinics, offices, hospitals, and schools.

25. **Direct Connector** means a connecting municipality or special connector which receives sewage service from the Metro District through a direct connection to a trunk or interceptor of the Metro District.
26. **District** or **Metro District** means the Metro Wastewater Reclamation District located at 6450 York Street, Denver, Colorado 80229. Wherever approval of or correspondence with the District is referred to, it shall mean the District Manager of the District unless otherwise specified.
27. **Environmental Protection Agency** or **EPA**. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said Agency.
28. **Existing Source**. Any source of discharge that is not a New Source.
29. **Expected Service Area** means the geographical area which the Metro District has anticipated providing wastewater service. This expected service area is normally evidenced by and defined in an approved facility plan or facility report which shows the area which the District has planned to be able to serve. Other Board-approved Metro District documents may be used where appropriate to make the determination of expected service area. Expected service area is used solely for the purpose of determining whether additional service areas requested by special connectors are within the area the District has planned to serve.
30. **Flow** means the quantity of sewage measured in gallons received from a connecting municipality.
31. **Inactive Connection** means a sewer connection through which no flow has been discharged for ten years or more. A sewer connection shall be considered to have been inactive when records of the water supply agency serving the building or premises show that no measurable water was supplied to the building or premises for ten consecutive years or more, regardless of whether any payment for water was made during or after the ten years. The date of reactivation shall be the date that the water supply agency resumes water service.
32. **Indirect Connector** means an associated municipality or contracting municipality which receives sewage service indirectly from the Metro District through a connection to a sewer system of a connecting municipality or special connector.
33. **Industrial User** means any non-domestic source discharging or with a potential to discharge Pollutants into a Publicly Owned Treatment Works under Section 307(b), (c) or (d) of the Act.
34. **Interceptor** means any one of the intercepting sewers, outfalls, or force mains owned and operated by the Metro District.
35. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (a) Inhibits or disrupts the Metro District's treatment processes or operations, or its sludge processes, use or disposal; and

- (b) Therefore is a cause of a violation of any requirement of the Metro District's NPDES Permit(s) (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.
36. **ISO 11143** means the International Organization of Standardization's standard for dental equipment – Amalgam Separators.
37. **Local Limit.** Specific discharge limit developed and enforced by the Metro District upon industrial users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and these *Rules and Regulations*.
38. **Manager or District Manager** means the Manager of the Metro Wastewater Reclamation District.
39. **Member Municipality** or **Member** means a member of the Metro Wastewater Reclamation District.
40. **Metro Standards** means those commonly used construction standards of the Metro District. If standards have not been previously established by the District for particular construction materials or methods, this term shall include those materials or methods subsequently approved by the District Manager of the District.
41. **MG** means million gallons.
42. **Municipality** means any city, city and county, incorporated town, sanitation district, water and sanitation district, or any other political subdivision or public entity heretofore or hereafter created under the laws of the State of Colorado having specific boundaries within which it is authorized or empowered to provide sewer service for the area within its boundaries.
43. **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.
44. **National Pollutant Discharge Elimination System** or **NPDES Permit** means a permit issued pursuant to Section 402 of The Act (33 U.S.C. 1342).
45. **National Pretreatment Standard, Pretreatment Standard, or Standard** means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5.

46. **New Sewer Connection** means any direct or indirect sewer connection serving any building or structure which was not physically attached to the sewer system of a servicing municipality.
47. **New Source** means any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that Section, provided that:
- (a) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) the production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a New Source as defined under this Section has commenced if the owner or operator has:

- (a) begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
48. **Pass Through** means a discharge which exits the facilities of the Metro District into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is

a cause of a violation of any requirement of the District's NPDES/CDPS Permit(s) (including an increase in the magnitude or duration of a violation).

49. **Period Represented** means the period of time over which the results of a sampling period are applied for the determination of annual charges.
50. **Period Sampled** means the period of time, normally seven (7) days, during which the flow from a particular connector is sampled for the purpose of computing annual charges.
51. **Person** means not only a natural person, corporation, or other legal entity, but also two or more natural persons, corporations, or other legal entities acting jointly as a firm, partnership, unincorporated association, joint venture, joint stock company, trust, estate, governmental entity (federal, state and local), or any other legal entity; or their legal representatives, agents, or assigns.
52. **pH** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution. It is a measure of the acidity or alkalinity of a solution, expressed in standard units.
53. **Pollutant** means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, agricultural waste and certain characteristics of wastewater (e.g., pH, LEL, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
54. **POTW** or **Publicly Owned Treatment Works** means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Metro District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage and any sewers that convey wastewater to the Metro District's treatment plant. For the purposes of these *Rules and Regulations*, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are users of the District's POTW.
55. **POTW Treatment Plant** means that portion of the POTW designed to provide treatment to wastewater.
56. **Pretreatment** or **Treatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means, except as prohibited by 40 CFR §403.6(d).
57. **Pretreatment Requirement** or **Requirement** means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed on an Industrial User.
58. **SS** means suspended solids or total suspended solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

59. **Service Contract** means the contract among the Metro District and each member municipality for the interception and treatment of sewage from the municipality.
60. **Servicing Municipality** means any municipality having direct responsibility for providing and regulating sewage service to individual customer connections.
61. **Sewage** or **Wastewater** 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.
62. **Sewer Connection** means any physical connection to a sewage disposal system or sewer system, whether direct or indirect, which flow does or may enter into the Metro District 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.
63. **Sewer Connection Charge** means the charge set by the Board for each Single Family Residential Equivalent.
64. **Sewer Connection Charges** or **Total Sewer Connection Charges** means the sum total of charges due from a connecting municipality or special connector in a quarter or a year under the Sewer Connection Charge System.
65. **Sewer Connection Permit** means any document or permit issued by a municipality which authorizes for a specific address(es) the use of the sewer system of such municipality through a new or altered connection(s).
66. **Sewer System** means a system provided by a municipality to provide sewer service to its inhabitants by the collection of sewage arising within its corporate limits and to the extent determined by its governing body without its corporate limits.
67. **Single Family Residential Equivalent (SFRE)** means the capacity of sewer service or water service required for a single family household.
68. **Significant Industrial User** means:
- (a) any Industrial User subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N;
 - (b) any Industrial User designated as such by the Metro District on the basis that the Industrial User has a reasonable potential for adversely affecting District operations or for violating any Pretreatment Standard or Requirement;
 - (c) any Industrial User discharging an average of 25,000 gallons per day or more of process wastewater to the sanitary Sewer System (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); and
 - (d) any Industrial User discharging a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Metro District's treatment plant.

Upon a finding that an Industrial User meeting the criteria in paragraph (a) above never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standards) the Metro District may determine the Industrial User a Nonsignificant Categorical Industrial User if the following conditions are met:

1. the Industrial User, prior to the Metro District's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
2. the Industrial User annually submits the certification statement required in 403.12(q) together with any additional information necessary to support the certification statement; and
3. the Industrial User never discharges any untreated concentrated wastewater.

Upon a finding that an Industrial User meeting the criteria in paragraphs (b), (c), or (d) above has no reasonable potential for adversely affecting the Metro District's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from a Municipality or Industrial User, determine that such Industrial User is not a Significant Industrial User.

69. **Slug Discharge** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violates the District's *Rules and Regulations*, local limits or permit conditions.
70. **Special Connector** means a municipality which receives service from the Metro District by contract and is not a member, but is directly connected with a sewer interceptor of the Metro District.
71. **Special Connectors Agreement** means the standard form of contract which the Metro District enters into with special connectors.
72. **Staff** means the staff of the Metro Wastewater Reclamation District.
73. **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 not 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.
74. **Summary of Period Represented** means the determination of quantity, quality, and characteristics of sewage which is sent to each connecting Municipality showing the results of a sampling period including the computation of the total flow, BOD, SS, and TKN for each period represented.
75. **System** means the sanitary sewer and other sanitation facilities installed or otherwise acquired, initially and as thereafter modified, by the Metro District.

- 76. **Total Kjeldahl Nitrogen (TKN)** means the sum, expressed in parts per million (ppm) or milligrams per liter (mg/L), of free-ammonia nitrogen and organic nitrogen compounds which are converted to ammonia under digestion conditions specified by the Kjeldahl Nitrogen Test Method.
- 77. **Toxic Pollutant** means, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of Section 307(a) of The Act or other acts.
- 78. **User** means any person who contributes, causes, or permits the contribution of wastewater into the Metro District's POTW.
- 79. **Water Service Tap** means the physical attachment to a water supply system through which water may enter a building or structure.

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SECTION 3

INTERCEPTOR SEWER SYSTEM

3.1 GENERAL

The interceptor sewers of the Metro District are for the purpose of intercepting wastewater flows from the sewer system of each of the member municipalities and special connectors and transporting such wastewaters to appropriate wastewater treatment facilities. The interceptor sewer system is for the use of all member municipalities and special connectors and no interceptor shall be construed as being for the sole use of any one member municipality or special connector.

Access to and use of the system shall be controlled solely by the Metro District. Entry into District facilities will be allowed only after consent has been received from the Metro District. Use of the system, modifications to the system, or other construction work directly affecting the system will be allowed only after written approval has been issued by the Metro District. In the event of an emergency, the requirement for written approval can be waived by the District. Work on District facilities must meet all applicable federal, state, and local safety requirements and comply with safety practices specified by the Metro District as being suitable to minimize risk to human life and safety, damage to property, and degradation to the environment.

3.2 CONNECTIONS TO THE SYSTEM

- 3.2.1 **Eligibility for Connections.** Only Metro District member municipalities, special connectors, and special corporate connectors who are signatories of the Service Contract or a Special Connectors Agreement are eligible to make connections to the system of the Metro District. Under extreme or unusual circumstances, special temporary connections may be approved by the Board of Directors for other parties. If such a special connection is approved, a contract shall be entered into with the connector which shall include a specific time limitation for the connector to either become a member of the Metro District, a special connector, or to disconnect from the system.
- 3.2.2 **Responsibility for Costs of Connections.** The Service Contract and the standard Special Connectors Agreement provide that upon the mutual agreement of a member municipality or special connector and the Metro District, connections to the system can be authorized. The specific member municipality or special connector shall pay the cost of such additional connections and the cost of any metering and sampling facilities which are required. When the Metro District authorizes a connection with less than permanent metering and sampling facilities, such approval is for the benefit of both the direct connector and the Metro District. Approval of such a connection shall not be construed to release the direct connector from the obligation to pay for full metering and sampling facilities when the Metro District determines that such facilities are required.
- 3.2.3 **Limitations on Connections.** In general, new connections to the system will be allowed only from major outfalls, sewer mains, and other interceptor sewers. The connection of minor collector lines or individual service lines to a Metro District interceptor sewer will only be permitted where no other

alternative is feasible. Only lines which are the property of and/or under the complete control of the direct connector will be allowed to be connected to the system. Where minor collection lines or individual service lines are allowed to be connected, the permission to connect is granted to the direct connector and the direct connector shall be responsible for the connection and for all flows through the connection.

The number of connections authorized for each member municipality and special connector shall be kept to a minimum. Wherever feasible, flows from newly developed areas shall enter the system at existing points of connection. The member municipalities and special connectors should not consider the Metro District interceptor sewers to be a replacement for portions of their collection system but rather for the purpose of intercepting the flow from the outfall points of their collection systems.

New connections shall be made in such a manner that the quantity and quality of flow from each direct connector may be measured or otherwise estimated, as stipulated elsewhere in these *Rules and Regulations*, for the purpose of determining annual charges. Two general types of connections may be made to the system: Type 1, on which the quantity and quality of flow must be determined for that individual connection and Type 2, for which the quantity and quality of flow will be determined at a point downstream on the total interceptor sewer system. Type 2 connections may be allowed in cases where the flow introduced into any section of an interceptor is from a single direct connector and will be metered and sampled at the downstream end of the section. The Metro District shall consider possible future connections which other direct connectors may wish to make to the interceptor segment before granting approval for a Type 2 connection. Direct connectors who receive permission for a Type 2 connection may be required to make provisions for possible future metering and sampling facilities, and agreement on the part of the member municipality or special connector to provide such facilities in the future may be included as a part of the permission to connect. This determination will be made by the Manager and will be based on the existing and/or anticipated physical conditions for each individual case. Nothing herein shall be construed as prohibiting the Metro District from requiring the direct connector to install necessary metering and sampling facilities in the future as the system of the Metro District and connections to it change.

Connections may not be altered or enlarged without the written permission of the Metro District. When the change is for the purpose of increasing the capacity of the connection, the request for alteration shall be considered as a request for a new connection and must follow the requirements of this Section 3 for requests for new connections.

- 3.2.4 **Physical Requirements for the Connection.** All work performed in making a new connection to a Metro District interceptor sewer shall conform to Metro standards and shall be subject to the approval of Metro District inspectors.

All connections to Metro District Interceptor Sewers where the connecting line is larger than eight (8) inches in diameter shall be made at an existing manhole. If it is not feasible to connect to an existing manhole, permission may be requested for constructing a new manhole on the Interceptor Sewer. The final determination of feasibility shall be made by the District

Manager based upon information provided by the Member Municipality or Special Connector and upon information obtained independently by the Metro District. Where the line to be connected is eight (8) or less inches in diameter, the District Manager may authorize the connection to be made without a manhole if the Manager determines that such an attachment is in the best interest of the Metro District.

Metro standard drawings and specifications shall be used on all connections. Modifications to these drawings and specifications may be required by the Metro District to meet specific physical conditions.

New manholes constructed on Metro District interceptor sewers and new metering and sampling facilities, plus connecting sewers between metering and sampling facilities and the Metro District interceptor sewer, shall become the property of the Metro District upon acceptance by the Metro District. All necessary deeds, easements, and rights-of-way shall also be transferred to the Metro District. Where the Metro District determines that it is not in the best interest of the District to own certain facilities, the District will not accept such transfer, and the direct connector will provide the District with an agreement allowing Metro District use of the facilities and defining maintenance responsibilities.

3.2.5 Request for Connection. A Member Municipality or Special Connector wishing to make a new connection to the system shall submit a request in writing to the Manager of the Metro District. The request shall include the following:

1. If the Member Municipality or Special Connector already has one or more connections to the System, an explanation of why an additional connection is needed rather than using the existing connection(s).
2. Plans or preliminary sketches showing the details of the proposed connection to the interceptor. If final plans are not submitted with the original request, submission and approval of such plans will be required prior to final approval for the connection.
3. A statement that the Member Municipality or Special Connector will, at the appropriate time, provide the following:
 - (a) Notification to the Metro District at least forty-eight (48) hours prior to starting construction so that a Metro District inspector can be present during the construction. (No construction shall begin on or around Metro District facilities until a Metro District inspector is present.)
 - (b) All necessary deeds, easements or other documents shall be transferred to the Metro District by the direct connector within sixty (60) days of acceptance by the Metro District.
 - (c) Any additional information as may be deemed necessary by the Metro District.
4. In addition, for connections with a projected ultimate flow of less than 0.5 mgd:

- (a) A description of the property, size of the connection, location of the connection to the Metro District's system, and the approximate timeline for connection.
5. In addition, for connections with a projected ultimate flow greater than or equal to 0.5 mgd:
- (a) A map of the general area showing the boundaries of the ultimate area to be served by the connection, the Metro District's interceptor sewer including the proposed point of connection, the proposed major sewers which will be tributary to the connection and any existing sewers in the areas adjacent to the area to be served.
 - (b) The estimated average and peak quantity of flow expressed in million gallons per day (MGD) at the proposed time of connection plus the estimated flow versus time curve projected to the ultimate development of the area.
 - (c) The estimated quality of flow expressed in biochemical oxygen demand (BOD) suspended solids (SS), and Total Kjeldahl Nitrogen (TKN) plus any additional pertinent information regarding the quality of flow expected, particularly from industrial sources.

The member municipality or special connector requesting the connection shall be totally responsible to the Metro District in all matters regarding the request for and the actual construction of the connection. All correspondence and dealings concerning the connection shall be with the member municipality or special connector as opposed to a connector of the municipality or a contractor.

Member municipalities and special connectors are advised that the submission of a request for a connection does not assure the member municipality or special connector of approval. It is therefore necessary that requests be submitted and approved prior to proceeding with the construction of facilities for which a connection will be required. It is also necessary that ample time be allowed for Metro District review of the request.

3.2.6 Action Required for Approval of a Request for Connection. When a request for connection is submitted by a member municipality or special connector, the District Manager shall decide whether a Type 1 connection or a Type 2 connection is required.

1. **Type 1 Connections.** When the separate determination of quantity and quality of flow through that connection (by either metering and sampling or estimating) is required, the request for connection shall be studied by the staff and a recommendation shall be submitted to the District Manager. If the projected ultimate flow through the requested connection is less than or equal to ten (10) million gallons per year (MGY), then the District Manager may act on the connection request. If the projected ultimate flow through the requested connection is greater than ten (10) MGY, then the District Manager shall submit the request and recommendation to the Board

of Directors through the appropriate Board Committees. Member municipalities and special connectors are advised that a minimum of forty-five (45) days is required when Board approval is needed, and a minimum of twenty (20) days is required when District Manager approval is necessary. Approval is valid only when received by the member municipality or special connector in writing.

2. **Type 2 Connections.** When the separate determination of quantity and quality of flow is not required because it is measured elsewhere, the Manager has the authority to approve or disapprove a request for connection. Such approval is valid only when received by the member municipality or special connector in writing. Member municipalities and special connectors are advised that a minimum of twenty (20) days is required for staff review of a request for a connection when the Manager determines a Type 2 connection is appropriate.
 - (a) **Interceptor Segments Where Type 2 Connections are Allowed.** The Manager shall review the District's facility drawings, active project listings, and the Ten-Year Plan to determine all interceptors (and segments of interceptors) which (by virtue of the quantity and quality of flow being determined at a point downstream) are eligible for Type 2 connections. This review shall consider possible future connections which other Member Municipalities or Special Connectors may wish to make. This review shall indicate which Member Municipality or Special Connector may connect to each segment under the Type 2 requirements.
 - (b) **Numerous Type 2 Connections.** When a member municipality, a special connector or the Manager is aware that a certain direct connector will be requesting numerous Type 2 connections to a specific segment of an interceptor, that direct connector should prepare a connection plan for that segment of interceptor. The connection plan should at least address those items of information and assurances required under Section 3.2.5. The connection plan should specifically consider the number of physical connections to the interceptor segment and should keep the number of physical connections needed to the minimum through the use of collecting lines parallel to the interceptor and such other physical arrangements as are appropriate. The scope of the connection plan should be based on developing a long-term plan for providing service to the entire area.

When a connection plan for Type 2 connections to a specific interceptor segment has been approved in writing by the Manager, requests for connections which are in compliance with the connection plan will require only simplified application and review. Each application for connection shall cite the connection plan and the specific connection requested. The Manager shall make every effort to approve, in less than five (5) working days, a request for a Type 2 connection where the connection is in compliance with an approved plan. When the request for connection differs from the approved connection plan, the normal procedure for Type 2

connections including submission of all information and assurances under Section 3.2.5 shall apply.

- 3.2.7 **Expiration of Connection Approval.** New connection approvals expire if construction of the connection is not initiated within two (2) years of the date of the Metro District's letter of approval unless otherwise specified during the approval process. If the connector making the request anticipates a delay before construction of the connection, the request should indicate the reasons for this delay in the original request. For connections approved by the Metro District Board of Directors, any timing cited in the approval resolution shall supercede this general policy. For connections approved by the District Manager, the Manager may extend the connection approval period if requested in writing by the connector and provided that the anticipated service through the connection has not changed.

3.3 **INDIRECT CONNECTIONS**

- 3.3.1 **General.** In general, direct connectors are responsible for all flows through their connection points to Metro District facilities. However, situations may arise in which it may be beneficial to the Metro District to provide for metering and charging for an area of a member municipality or special connector which is not directly connected to facilities of the Metro District. Arrangements with the parties of interest for such indirect connections will be considered independently by the Board based on the merits of each case.

3.4 **ABANDONMENT OF CONNECTIONS**

- 3.4.1 **General.** Existing connections to the Metro District Interceptor Sewer System may be abandoned only with prior approval of the District Manager. A Connector wishing to abandon a connection to the system shall submit a request in writing to the Manager of the Metro District along with the proposed method of permanently abandoning the connection. Upon review and written approval by the District Manager, the approved physical changes to permanently abandon the connection shall occur within sixty (60) days of approval. The Connector must provide 48 hours' notice of the intent to perform the work necessary to abandon the connection to the District and schedule an inspection. It shall be the responsibility of the Connector to cover all costs of abandonment and ensure that the inspection notification to the District and the physical modification of the connection is performed in accordance with Metro District requirements.

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SECTION 4

ANNUAL CHARGES FOR SERVICE

4.1 GENERAL

Each connector shall be assessed Annual Charges for Service based on its contributions of flow and loadings (BOD, SS, and TKN) to the system, and on the costs of determining such contributions. The District shall determine each connector's flow and loadings by metering, sampling, and/or estimating; the costs of these determinations, measured by Customer Equivalent Connection Units, shall reflect the level of metering, sampling, and/or estimating used.

4.2 CUSTOMER CATEGORIES AND CUSTOMER EQUIVALENT CONNECTION UNITS

4.2.1 **Description of Customer Categories.** Customer categories shall be assigned to all points of connection to the system where flows and loadings are determined for Annual Charges for Service. The category assignments shall dictate the level of metering, sampling, and estimating wastewater flow and loadings to be used in calculating Annual Charges for Service:

<u>CUSTOMER CATEGORY</u>	<u>FLOW METERING</u>	<u>SAMPLING</u>
A	Continuous	11-13 Periods*/Year
B	Continuous	5- 7 Periods*/Year
C	5-7 Weeks/Year*	5- 7 Periods*/Year
D1	Continuous	Loadings Estimated
D2	Minimum of 4 Wks/Yr*	Loadings Estimated
E	Flow Estimated	Loadings Estimated

*Metering and sampling periods shall be distributed so as to allow for seasonal variations to be monitored. For the definition of "Sampling Period," see Section 4.3.2

4.2.2 **Customer Equivalent Connection Units.** Each customer category described in Section 4.2.1 shall be assigned a customer equivalent connection unit (CECU) value representing the operation and maintenance costs required to conduct the metering, sampling, and estimating activities associated with the particular category. Category A shall be assigned a CECU value of 1.00; all other categories shall be assigned CECU values equal to the ratio of projected costs for the given category to the projected costs for Category A.

4.2.3 **Assignment of Customer Categories and CECU Values to Connectors.** The customer category and CECU value for a given connection point shall in general be assigned to the connector whose flows and loadings are determined at that connection point.

Where the flow through a connection's metering and sampling station is attributed to more than one connector (common station), and where the flows and loadings are determined upstream of the common station for all but one of the connectors contributing flow through the connection, the

customer category and CECU value for the connection point shall be assigned to the remaining connector. Where contributing connectors' flows and/or loadings are not determined upstream, but are determined by prorating flows and/or loadings measured at the common station, the customer category for the connection point shall be assigned to each contributing connector, with the CECU value divided equally among the connectors.

For existing connections to the system, customer category assignments and CECU values shall be recommended annually by the Manager and certified by the Board no later than September 1 of each year for the following calendar year. For new connections, customer category and CECU assignments will be made at the time of approval of such new connections by the District. Customer category assignments and CECU values may be revised by the Board during the process of estimating and adjusting Annual Charges for Service as described in Section 4.7.

Where circumstances require that the level of metering, sampling and estimating at a particular connection point be changed during the year, the CECU value assigned to a connector for that connection point shall be prorated to reflect the change.

4.2.4 **Guidelines for Assignment of Customer Categories.** Assignment of customer categories to connection points shall in general conform to the following guidelines:

Category A: The flow is projected to exceed 100 MG/Yr., and the variability of loadings is such that the reliable determination of Annual Charges for Service requires the metering and sampling frequency specified for Category A.

Category B: The flow is projected to exceed 100 MG/Yr., and Annual Charges for Service may be reliably determined with the metering and sampling frequency specified for Category B.

Category C: (1) The flow is projected to be in the range of 50-100 MG/Yr., or
(2) The flow is projected to be below 50 MG/Yr., but the loadings are such that Annual Charges for Service cannot be reliably determined by estimating.

Category D1: The flow is projected to be in the range of 25-50 MG/Yr., and loadings are such that they may be reliably determined by estimating, but the potential variability of the flow rate is such that the reliable determination of flow requires continuous metering.

Category D2: The flow is projected to be in the range of 25-50 MG/Yr., loadings are such that they may be reliably determined by estimating, and the flow rate is sufficiently constant that flow may be reliably determined by periodic metering.

Category E: The flow is projected to be below 25 MG/Yr., and Annual Charges for Service may be reliably determined by estimating flows and loadings.

The flows used to guide the category assignments will generally ignore short-term fluctuations due to rainfall and other transient conditions.

4.2.5 **Multiple Category E Connection Points.** Where a connector has multiple Category E connection points to the system, the number of Category E assignments shall be based on the total flow through all such connection points. One Category E assignment shall be made for each 25 MG/Year of flow, or part thereof.

4.2.6 **Exceptions to Guidelines for Customer Category Assignments.**

1. Where the Manager determines that a special circumstance exists for a given connection point, including but not limited to unusual variation in flow or loadings or excessive loadings in relation to flow, the Manager may recommend a higher (i.e., A vs. B) customer category for the connection point than would be indicated under Section 4.2.4.

2. Where the Manager recommends and the Board determines that it is not feasible to meter and/or sample at a given connection point, the Manager shall use the most appropriate system available for estimating flows and/or loadings. The customer category assigned to the connection shall be the category which would normally be assigned under Section 4.2.4. Circumstances where such estimating may be considered include, but are not limited to, the following:

(a) The flow is too low to accurately meter and/or sample.

(b) The flow is so low that it would not be economically feasible to construct, operate, and maintain a metering and sampling station.

(c) Due to the lack of grade on the incoming line or other physical restriction, it is not feasible to operate a metering and sampling station.

At such time that it becomes feasible to meter and/or sample at the connection point, a metering and sampling station shall be constructed by the connector, and the flow shall be metered and sampled as appropriate to determine the flows and loadings.

3. Where a connector desires more frequent metering and/or sampling than that provided by the normal customer category assignment, a written request to that effect may be submitted to the Manager prior to category certification by the Board. The Manager may then recommend that a higher category assignment be approved by the Board.

4.2.7 **Temporary Suspension of Metering and/or Sampling.** Notwithstanding the metering and sampling requirements of Section 4.2.1, when the Manager determines that a temporary condition exists which will not allow

the District to obtain reliable data by metering and sampling, the Manager shall use the most appropriate system available for estimating flows and loadings for the duration of the temporary condition. Such conditions include, but are not limited to, metering and/or sampling equipment malfunctions, construction activities, and safety hazards. In such cases, the Manager shall direct that the temporary condition be remedied in the shortest reasonable time so that metering and sampling can be instituted or resumed.

4.3 METHODS OF DETERMINING FLOW AND LOADINGS

- 4.3.1 **Metering of Flow.** Techniques used in metering the quantity of flow discharged to the system shall conform to sound engineering practices. Where feasible, a primary measuring device with a recording and totalizing meter shall be used.
- 4.3.2 **Measurement of Loadings.** Measurement of BOD, SS, and TKN shall be made on representative samples of the wastewater discharged to the system. Methods and procedures used in the sampling and analysis shall be in accordance with, or have accuracy and precision equal to or greater than, those published in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Each sampling period used to determine loadings shall be at least seven consecutive days. In the event of equipment malfunctions or other sampling accidents, a maximum of one missing day out of the consecutive sampling days will be allowed for the sampling period to be considered valid without additional sampling. If more than one day is missed, the missing samples shall be replaced with samples collected subsequently on the same days of the week as the missing samples, until at least six samples have been collected.

Notification shall not be given to any connector prior to the start of any sampling period.

4.3.3 Estimating Flow and Loadings

1. **Estimating Loadings.** For Category D1 and D2 connection points, where flow is determined by metering, loadings shall be estimated by the following formulas:

$$\begin{aligned}\text{BOD (lbs/day)} &= \text{Flow (MG/day)} \times 8.34 \times \text{BOD (mg/L)} \\ \text{SS (lbs/day)} &= \text{Flow (MG/day)} \times 8.34 \times \text{SS (mg/L)} \\ \text{TKN (lbs/day)} &= \text{Flow (MG/day)} \times 8.34 \times \text{TKN (mg/L)}\end{aligned}$$

For connection points where all or nearly all wastewater constituents are contributed by residential sources, the values used for BOD (mg/L), SS (mg/L), and TKN (mg/L) shall be those shown for single family residences in Table 4-1. Where such is not the case, the Metro District may use other appropriate values from Table 4-1 or may, at its option, conduct such sampling activities as may be necessary to determine the appropriate values for any given connection point.

2. **Estimating Flow and Loadings.** For Category E connection points, flow and loadings shall be estimated based on the number, type, and

dates in service of sources discharging wastewater through the connections. The flow and pollutant concentration values used in such estimating shall be those shown in Table 4-1 (or Table 4-2, if applicable), except where it can be shown by temporary metering and/or sampling that the values for a particular source or connection should be greater or less than those indicated. When values other than those shown in Table 4-1 (or Table 4-2, if applicable) are used, a check of at least once every twelve months shall be made by the Metro District to verify the values being used.

Each connector with Category E connection points shall provide the individual tap and water use information necessary for using Table 4-1 (or Table 4-2, if applicable). The connector shall update this information at least annually and shall send the updated information for the previous calendar year to the District no later than January 31 of each year. More frequent updating may be required at the discretion of the District. The Metro District shall from time to time verify the information submitted by each connector, and, where requested to do so by the Manager, the connector shall provide such assistance to District personnel as may be required for such verification.

3. **Temporary Estimating.** Where flows and/or loadings through any connection point are being temporarily estimated, the Manager may use the methods described in this Section, or may use other appropriate methods. Such methods include, but are not limited to, estimates based on reasonable projections of data obtained during metering and/or sampling at the connection being temporarily estimated, and estimates based on metering and/or sampling at connections similar to the connection being temporarily estimated.

4.4 **DETERMINATION OF ANNUAL FLOWS AND LOADINGS AT SYSTEM CONNECTIONS**

- 4.4.1 **Representative Periods.** The Metro District determines flows and loadings at connections to the system over various periods of time, depending upon the customer categories assigned to the connections. For example, Category A connections are metered continuously, but sampling is done only 11-13 weeks per year; Category D2 connections are metered only four weeks per year. The data acquired during these metering and sampling periods must be extrapolated to cover the entire year, so that each connector's annual contributions can be determined. This extrapolation is done by dividing the year into "representative periods," with the flow and loadings in each period determined by the metering, sampling, and estimating performed during the period.

For Category A, B, and C connection points, the representative period for each sampling period shall begin at a point in time halfway between the first day of the sampling period and the last day of the previous sampling period, and shall end at a point in time halfway between the last day of the sampling period and the first day of the next sampling period. This procedure shall be followed even though a representative period may fall into two different calendar years. In such cases, the representative period shall be divided into two periods, the first ending on December 31 and the next beginning on January 1 of the following year, so that the contributions for each year may be determined separately.

TABLE 4-1

FLOW, BOD, SS, AND TKN FACTORS FOR ESTIMATING QUANTITY AND QUALITY OF FLOW

<u>SOURCE</u>		<u>FLOW (gpd)</u>	<u>BOD (mg/L)</u>	<u>SS (mg/L)</u>	<u>TKN (mg/L)</u>
<u>Residential</u>					
Single Family Residences	<u>Effective Through 12/31/14</u>	225	205	210	26
	<u>Effective 01/01/15</u>	<u>148</u>	<u>255</u>	<u>260</u>	<u>40</u>
(Includes each unit in duplexes and each unit with separately connected water service in multi-family structures, and mobile homes)					
Multi-Family Residences	<u>Effective Through 12/31/14</u>	170	205	210	26
	<u>Effective 01/01/15</u>	<u>104</u>	<u>255</u>	<u>260</u>	<u>40</u>
(Master water metered, each unit)					
<u>Commercial</u>					
	Metered Winter Water*				
Restaurants			840	840	126
Schools			340	340	51
Offices			400	400	60
Hotels and Motels			360	360	54
Hospitals			180	270	34
Self-Service Laundries			600	1,200	133
Theaters			480	480	72
Service Stations			400	400	60
Factories and Warehouses (Excluding industrial and cafeteria wastes)			400	400	60
Other			Shall be evaluated separately.		
<u>Industrial</u>					
	Metered Winter Water*				
			Shall be evaluated separately.		

* Metered winter water use information must include at least two months' data during the period October through March. With the approval of the District Manager, the connector may submit annual water use or non-winter water use information in lieu of winter water use. Where water usage information is not available, or does not appropriately represent water discharged to the sewer, fixture unit information (see Table 4-2) must be submitted. Where the nature of the business is seasonal or the direct connector can show that the flow to the sewer is significantly different from the water use, the District Manager may specify an alternative method of estimating flow.

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Table 4-2

FIXTURE UNIT VALUES

(1 Fixture Unit = 19.7 GPD of Flow)

Type of Fixture or Group of Fixtures	Fixture Unit Value
Automatic Clothes Washer (2 Inch Stand-pipe)	3
Bathroom Group, Consisting of a Water Closet, Lavatory and Bathtub or Shower Stall:	
Flushometer Valve Closet	8
Tank Type Closet	6
Bathtub (with or without Overhead Shower)	2
Bidet	1
Clinic Sink	6
Combination Sink and Tray with Food Waste Grinder	4
Combination Sink and Tray with one 1-1/2 Inch Trap	2
Combination Sink and Tray with Separate 1-1/2 Inch Traps	3
Dental Unit or Cuspidor	1
Dental Lavatory	1
Drinking Fountain	1/2
Dishwasher, Domestic.....	2
Floor Drains with 2 Inch Waste	2
Kitchen Sink, Domestic, with Food Waste Grinder	2
Kitchen Sink, Domestic, with One 1-1/2 Inch Trap	2
Kitchen Sink, Domestic, with Food Waste Grinder and Dishwasher, 1-1/2 Inch Trap	3
Kitchen Sink, Domestic, with Dishwasher, 1-1/2 Inch Trap	3
Lavatory with 1-1/4 Inch Waste	1
Laundry Tray (1 or 2 Compartments)	2
Showers (Per Head)	2
Sinks:	
Surgeons	3
Flushing Rim (with Flushometer Valve)	6
Service (Trap Standard)	3
Service (P-Trap)	2
Pot, Scullery, etc.	4
Urinal, Pedestal, Syphon Jet Blowout	6
Urinal, Wall Lip	3
Urinal, Stall, Washout	3
Wash Sink (Circular or Multiple) Each Set of Faucets	2
Water Closet, Tank Operated	4
Water Closet, Flushometer Valve Operated	6
All Other Fixtures:	
Trap Size 1-1/4 Inch or Less.	1
Trap Size 1-1/2 Inch	2
Trap Size 2 Inch	3
Trap Size 2-1/2 Inch	4
Trap Size 3 Inch	5
Trap Size 4 Inch	6

For Category D1 and D2 connection points, the representative periods shall be calendar quarters.

For Category E connection points, the representative period shall encompass the entire year.

- 4.4.2 **Determination of Flows and Loadings for the Representative Period.** The total flow for any representative period shall be expressed in millions of gallons (MG) and shall be determined as follows:

Category A, B, D1: Total flow metered
Category C: Total flow = $F_S \times N$
Category D2: Total flow = $F_M \times N$
Category E: Total flow estimated

The total loadings for any representative period shall be expressed in tons and shall be determined as follows:

$$\text{Tons (BOD, SS, or TKN)} = \frac{C \times \frac{F_r}{F_s} \times N}{2000}$$

C = Average daily contribution of BOD, SS, or TKN (in pounds) for the period sampled (or average daily contribution estimated).

F_r = Average daily flow for the representative period (not applicable for Category D1, D2, or E).

F_M = Average daily flow for the period metered.

F_S = Average daily flow for the period sampled (not applicable for Category D1, D2, or E).

N = Number of days in the representative period.

- 4.4.3 **Determination of Annual Flows and Loadings.** The annual flows and loadings at each connection shall be the sum of the flows and loadings determined for all representative periods in the calendar year.

4.5 DETERMINATION OF CONNECTOR ANNUAL FLOWS AND LOADINGS

- 4.5.1 **Infiltration Credit Allowance.** Where a metering and sampling station used to meter flows is so situated that the measurement may include flows infiltrating into a Metro District interceptor, the connector(s) whose flows are being determined at that station shall be given an infiltration credit allowance which shall be subtracted from the measured flow. The credit allowance shall be 400 gallons per day per inch diameter per mile of interceptor, and shall be given only when the length of interceptor which may be contributing infiltration to the metering and sampling station exceeds 0.5 mile.

- 4.5.2 **Connections Serving a Single Connector.** Where a connection to the system serves a single connector, the annual flows and loadings determined at the connection in accordance with Section 4.4.3 shall be

attributed to that connector, subject only to the Infiltration Credit Allowance described in Section 4.5.1.

4.5.3 **Connections Serving Multiple Connectors - Method of Subtraction.** Where the flow through a metering and sampling station is attributable to more than one connector (common station), and where the flows and loadings are determined upstream of the common station for all but one of the connectors contributing flows through the common station, the annual flows and loadings for the remaining connector shall normally be computed by subtracting the upstream annual flows and loadings of all other contributors, and the Infiltration Credit Allowance, if applicable (Section 4.5.1), from those measured at the common station. When the District Manager determines the flows and/or loadings of the remaining connector may not be reliably determined by measuring at the common station, they shall be determined by estimating as provided in section 4.3.

4.5.4 **Connections Serving Multiple Connectors - Method of Prorating.** Where the flow through a metering and sampling station is attributable to more than one connector (common station), the Metro District may, with the consent of all connectors affected, and in lieu of determining upstream flows and/or loadings, determine the annual flows and/or loadings of the contributing connectors by a method of prorating as described in either paragraph 1 or 2 below.

1. **Prorating of Flows and Loadings - Tap Method.** For prorating purposes, separate estimates of the annual flows and loadings contributed through the common station shall be made for each connector, as described in Section 4.3.3, paragraph 2. The annual flows and loadings attributable to each connector shall then be computed as follows:

$$\text{Flow} = \text{Flow}_C \times \frac{\text{Flow}_e}{\text{Flow}_{te}}$$

$$\text{Tons (BOD,SS, or TKN)} = \text{Tons}_C \times \frac{\text{Tons}_e}{\text{Tons}_{te}}$$

Flow_C (Tons_C) = Measured flow (tons) through the common station, less the Infiltration Credit Allowance, if applicable.

Flow_e (Tons_e) = Estimated flow (tons) for given connector.

Flow_{te} (Tons_{te}) = Estimated flow (tons) for all connectors through the common station.

The tap method of prorating requires a combination of metering and sampling and estimating to determine connector flows and loadings. Accordingly, connections at which such prorating is performed shall be assigned customer categories appropriate to both methods of determination.

2. **Prorating of Loadings - Flow Method.** Where flow determinations have been made for all connectors contributing flow through a

common station, and where loadings are determined only at the common station, the annual loadings shall be prorated among all connectors contributing flow through the common station as follows:

$$\text{Tons (BOD,SS, or TKN)} = \text{Tons}_C \times \frac{\text{Flow}_m}{\text{Flow}_C}$$

Flow_C (Tons_C) = Measured flow (tons) through the common station, less the Infiltration Credit Allowance, if applicable.

Flow_m = Flow attributed to given connector.

4.6 REPORTING OF FLOWS AND LOADINGS

- 4.6.1 **Preliminary Flows and Loadings Reports.** The Metro District shall provide preliminary flows and loadings reports to each connector discharging wastewater to the system. Each report shall provide preliminary information on the connector's discharge through a specific connection point, for a period of time coinciding with the "representative period" described in Section 4.4.1. For Category E connection points, where the representative period is the entire year, these preliminary reports may be provided more frequently than annually.

These preliminary reports provide connectors with ongoing information relating to their wastewater contributions to the system. For a number of reasons involving the ways that flows and loadings are determined for different connectors, the reports must be considered preliminary and should not be relied upon as final determinations of flows and loadings. Final contributions attributable to each connector are determined only after the end of each calendar year.

- 4.6.2 **Annual Summaries of Flows and Loadings.** Following each calendar year, the Metro District shall provide "Annual Summary of Flows and Loadings" reports to each connector discharging wastewater to the system during the year. Each report shall provide the final annual flows and loadings determinations for the connector's discharge through a specific connection point. Connectors shall receive such reports for all connection points at which their flows and loadings are determined for the purpose of computing Annual Charges for Service.

The annual summary reports may be revised by the District any time prior to the Final Adjustment of Annual Charges for Service made by the Board. In such cases, revised annual summary reports will be immediately provided to the affected connectors.

- 4.6.3 **Disagreement Over Reported Flows and Loadings.**

1. **Preliminary Reports.** Although the preliminary flows and loadings reports may contain only approximate determinations of the flows and loadings attributable to a connector's discharge, much of the information reflects actual District data which will be used in the final determination of annual flows and loadings. For this reason, these reports should be reviewed carefully by each connector at the time of receipt. Any disagreements with or inquiries concerning these

preliminary reports should be directed to the staff of the Metro District. If a disagreement is not resolved to the connector's satisfaction, the connector should send a written notice of disagreement, together with all facts pertinent to the disagreement, to the Manager within sixty days after receipt of the preliminary report. If the disagreement cannot be satisfactorily resolved by the Manager, the connector may appeal the determinations in accordance with the procedures in Section 1.2 of these *Rules and Regulations*.

2. **Annual Summaries.** The determinations provided in the "Annual Summary of Flows and Loadings" reports will be used to determine each connector's Annual Charges for Service. These determinations will be deemed correct unless, within sixty days from the date the reports are mailed by the District, a connector files with the District a written objection to the determinations. In such instance, if the objection cannot be satisfactorily resolved by the Manager, the connector may appeal the determinations in accordance with the procedures in Section 1.2 of these *Rules and Regulations*.

- 4.6.4 **Notifications of Unusual Conditions.** If the staff of the Metro District observes, at any time, any unusual conditions relating to the quantity or quality of wastewater contributed to the system by a connector, they shall immediately notify the connector of such conditions. Similarly, if a connector observes any unusual conditions, or anticipates any changes in the quantity or quality of wastewater to be discharged to the system, the connector shall immediately notify the Metro District.

It is the intent of this Section that the staffs of the Metro District and its connectors should work together to prevent any situations from arising which might cause problems in the District's determining Annual Charges for Service fairly and accurately, and to solve any problems as quickly as possible while the facts involved are readily available.

4.7 COMPUTATION OF ANNUAL CHARGES FOR SERVICE

- 4.7.1 **Determination of Total Annual Charges for Service.** The total Annual Charges for Service to be assessed by the District for any calendar year are determined by the Board. The Charges so assessed shall be sufficient to pay the amounts estimated to be needed by the District, as shown in its annual budget for such calendar year.
- 4.7.2 **Allocation of Annual Charges for Service to Charge Parameters.** Annual Charges for Service are based upon five charge parameters; flow (sewage volume), BOD, SS, TKN, and Customer Equivalent Connection Units (CECUs). The District shall annually review its total costs to determine the percentage of these costs associated with each charge parameter. These percentages will then be applied to the total Annual Charges for Service, to determine the amount of Annual Charges for Service to be applied to each charge parameter.
- 4.7.3 **Calculation of Estimated Unit Charges.** Prior to September 1 of each year, for the following calendar year, the Board shall prepare a Certified Estimate of Unit Charges for each of the five charge parameters. The estimated unit charge for each parameter will be based on the total Annual Charges for Service applied to that parameter (Section 4.7.2), and the

total quantity of that parameter estimated to be received or charged for by the District:

$$\text{Unit Charge, Flow (\$/MG)} = \frac{\text{Total Annual Flow Charge}}{\text{Total Flow to System (MG)}}$$

$$\text{Unit Charge, BOD (\$/Ton)} = \frac{\text{Total Annual BOD Charge}}{\text{Total BOD to System (Tons)}}$$

$$\text{Unit Charge, SS (\$/Ton)} = \frac{\text{Total Annual SS Charge}}{\text{Total SS to System (Tons)}}$$

$$\text{Unit Charge, TKN (\$/Ton)} = \frac{\text{Total Annual TKN Charge}}{\text{Total TKN to System (Tons)}}$$

$$\text{Unit Charge, CECU (\$/CECU)} = \frac{\text{Total Annual CECU Charge}}{\text{Total CECUs}}$$

4.7.4 **Determination of Estimated Annual Charges for Service.** Prior to September 1 of each year, for the following calendar year, the Board shall adopt and deliver to each connector a Certified Estimate of Annual Charges for Service. This estimate shall be calculated by multiplying the estimated unit charge for each charge parameter (Section 4.7.3) by the quantity of that parameter estimated to be contributed by the connector. The total for all charge parameters shall be the connector's estimated Annual Charges for Service. These charges are payable in the calendar year following the adoption of the Certified Estimate, that is, in the year for which the Certified Estimate is made (See Section 4.7.7).

4.7.5 **Revised Estimate of Unit Charges and Annual Charges for Service.** At any time following the adoption of the Certified Estimate of Unit Charges and Annual Charges for Service as described in Sections 4.7.3 and 4.7.4, the Board may adopt a Revised Estimate based on updated estimates of connector contributions or other information. This shall generally be done during the calendar year for which the revised estimate is being made. Where the Revised Estimate is based on updated estimates of connector contributions, the procedures followed in preparing the Revised Estimate are identical to those described in Sections 4.7.3 and 4.7.4, using the revised estimates of connector contributions as the basis for the calculations.

When a Revised Estimate of Annual Charges for Service for any year is adopted by the Board, the difference in charges compared to the Certified Estimate shall be added to or subtracted from each connector's Annual Charges for Service payments in the calendar year for which the connector prepares its next annual budget. (See Section 4.7.7)

- 4.7.6 **Final Adjustment of Unit Charges and Annual Charges for Service.** On or before the last day of June of each year, the District Board shall adopt a Final Adjustment of Unit Charges and Annual Charges for Service for the preceding calendar year. The procedures followed in preparing the Final Adjustment are identical to those described in Section 4.7.3 and 4.7.4, using the actual connector contributions during the year as the basis for the calculations.

The difference in charges calculated in the Final Adjustment, compared to the most recent Revised Estimate or, if no Revised Estimate was adopted for the calendar year in question, the Certified Estimate, shall be added to or subtracted from each connector's Annual Charges for Service payments in the calendar year following the Final Adjustment, that is, in the second year after the year for which the Final Adjustment is made (See Section 4.7.8).

- 4.7.7 **Payment of Annual Charges for Service.** Each connector shall pay in any calendar year the Certified Estimate of Annual Charges for Service for that year as determined under Section 4.7.4. Each connector shall also pay, or be credited for, any adjustments to the Annual Charges for Service for prior years, as determined under Sections 4.7.5 and 4.7.6. Payment shall be in four substantially equal quarterly installments, due on or before the 15th day of March, June, September, and December.

- 4.7.8 **Minimum Payment.** Notwithstanding the above determinations of Annual Charges for Service payments, in any calendar year in which the Metro District collects Annual Charges for Service, each connector shall pay a minimum of \$2,000.

- 4.7.9 **Disagreement over Annual Charges for Service.** Any disagreements with or inquiries concerning any estimates or adjustments to the Annual Charges for Service should be directed to the staff of the Metro District. If a disagreement cannot be satisfactorily resolved, a connector may appeal the District's determinations in accordance with the procedures in Section 1.2 of these *Rules and Regulations*.

Prior to adopting the Final Adjustment of Annual Charges for Service, the District Board shall hold, at a regular meeting no later than June next following the last day of that fiscal year, a hearing on the proposed final adjustment. Any connector, or any holder of any security issued by the District, may present objections to the adjustment at this hearing.

4.8 REQUIREMENT FOR USER CHARGE COMPLIANCE

All municipal connectors and corporate connectors which use the system of the Metro District including, but not limited to, member municipalities, special connectors, contracting municipalities, and any connector to or user of the sewer systems of these entities shall have a User Charge System as required by Title 40, Part 35 of the Code of Federal Regulations as amended, in particular Section 35.2140 thereof.

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SECTION 5

HAULED WASTES

5.1 GENERAL

Discharge of liquid or solid wastes into the Interceptor Sewer System of the Metro District is prohibited unless provided for within a Service Contract with the District or authorized either by a special permit, or in emergency circumstances by written authorization from the District Manager, issued in accordance with these *Rules and Regulations*. Discharge of wastes under such a permit or written authorization will be allowed only at authorized points in the system.

5.2 PERMITS

- 5.2.1 **Application for Discharge Permits.** No person or company shall discharge hauled wastes into the interceptor Sewer System of the Metro District until a discharge permit has been obtained in accordance with these *Rules and Regulations*. Such discharge permits will only be issued for the discharge of wastes from septic tanks, grease traps, privies, and sewer cleanings, and for the discharge of other non-hazardous materials and wastes which can be effectively and efficiently treated by District facilities. Individuals or companies desiring to discharge such wastes to the system shall file an application with the District for a discharge permit. A separate vehicle permit must be obtained in accordance with Section 5.2.3 for each vehicle which will be used to discharge wastes to the System. Discharge permit application forms may be obtained from the District's website or by writing or calling the District. All waste grease transporters must be registered with the Colorado Department of Public Health and Environment.
- 5.2.2 **Discharge Permit Application Fee.** A one-time fee of \$25 shall be charged for each discharge permit application for the discharge of routine wastes from septic tanks, grease traps, privies, and sewer cleanings. A one-time fee of \$75 shall be charged for each discharge permit application for the discharge of other non-hazardous materials and wastes which can be effectively and efficiently treated by the District. The discharge permit application fee, payable to the Metro Wastewater Reclamation District, must accompany the completed discharge permit application form. Application fees are non-refundable.
- 5.2.3 **Vehicle Permit Fee.** A fee of \$10, payable to the Metro Wastewater Reclamation District, shall be charged for each vehicle permit issued. This payment must accompany the completed application form. A separate vehicle permit must be obtained for each vehicle which will be used to discharge wastes to the system. Each permit will include the license plate number of the vehicle for which it is issued and cannot be transferred to another vehicle, unless it is a replacement vehicle and license plates from the previous vehicle are being transferred to the new vehicle.
- 5.2.4 **Vehicle Inspection.** Prior to the issuance of a vehicle permit, the vehicle for which the permit will be issued shall be inspected by Metro District personnel. The applicant may make an appointment for such a vehicle inspection by calling the Environmental Services Department of the District.

Vehicles for which permits have been issued are subject to subsequent inspection by District personnel. Any items of nonconformance regarding the condition of the vehicle, which have developed since the permit was issued, may be noted by the inspector and a written notice will be provided to the permittee notifying him of the need to correct the deficiency within a specific time limit.

Vehicles for which a permit has been issued must display such permit in a window of the vehicle during the discharge of wastes to the system such that it can be seen from the outside of the vehicle by an inspector and will not obstruct the view of the driver of the vehicle.

5.2.5 **Surety Bond (Escrow).** Each applicant for a discharge permit shall execute and deposit with the District a surety bond in the sum of \$1,000, or in an amount equal to the anticipated Metro District charges for an average sixty-day period, whichever is greater. Alternatively, the applicant may place such monies in an escrow account, under terms and conditions acceptable to the Manager. The bond or escrow monies shall provide reimbursement to the Metro Wastewater Reclamation District for any work required for the elimination of any unsanitary conditions caused by the permittee on or around the facilities of the District, for the repair of facilities of the District damaged by the permittee, or for any unpaid charges owed to the District by the permittee. A suitable escrow account shall be established or bond received by the District before a discharge permit will be issued. Escrow and bonding requirements may be revised by the Manager from time to time, in consideration of changes in District charges or volume of business done with the permittee.

5.2.6 **Insurance.** Each permittee shall keep on file with the Metro District a current valid certificate of insurance for Workers Compensation and current valid certificates of insurance for auto liability and general liability coverage in the amounts as determined from time to time by the Manager of the Metro District. Such certificate(s) of insurance shall be received by the District before a discharge permit is issued or renewed. Upon request of an owner of a company who is the sole operator/employee, the Metro District may waive, in writing, the requirement for workers compensation insurance.

5.2.7 **Discharge Permit Renewal.** Discharge permits for discharge of wastes shall be issued for a specified time period, not to exceed five (5) years. The permittee shall apply for permit renewal a minimum of ninety (90) days prior to the expiration of the permittee's existing permit. Applications for such permit renewals must be accompanied by a \$5 fee for each vehicle to handle the cost of renewal. If the renewal application is not received within the allotted time, the discharge permit will expire on the existing permit's expiration date. Once a permit has expired, a new application, along with the appropriate application fee, must be submitted to the Metro District before any new permit will be issued.

In addition, a vehicle inspection must be performed by Metro District personnel, on each vehicle to be renewed, prior to the issuance of a renewed discharge permit. The renewal applicant may make an appointment for such a vehicle inspection by calling the Metro District.

5.2.8 **Permit Suspension and Revocation.** Any discharge or vehicle permit(s) issued in accordance with these *Rules and Regulations* will be subject to

suspension or revocation by the Metro District, at its discretion, for failure to submit accurate monthly reports, failure to submit timely reports, failure to pay proper charges, failure to discharge at authorized disposal site(s), failure to meet sanitation standards, discharging of industrial sludges or other unacceptable wastes into the system, for any other infraction of these *Rules and Regulations*, or if the District Manager determines it is necessary to protect the District's facilities.

5.3 MONTHLY REPORTS

A report containing a list of all sources of waste material(s) discharged to the Metro District must be submitted monthly to the District by each permittee. This requirement may be waived by the District for permittees hauling only portable toilet wastes to the District. Failure to submit accurate or timely monthly reports shall be cause for suspension or revocation of the permit, at the discretion of the District. Copies of the report form to be used may be obtained from the District upon request. Section 6.27 of these *Rules and Regulations* applies to all reports submitted.

5.4 DETERMINATION OF QUANTITY BY DISTRICT

The District will make determinations of the quantity of material discharged to the District from all vehicles, and will use these determinations for charges.

5.5 CHARGES

The unit charge for wastes from septic tanks, grease traps, privies, or other classes of hauled wastes to the permittee for discharging waste to the system shall be established by resolution of the Executive Committee. The charges shall be based on the working tank capacity and the Metro District's determinations as to the strength of material discharged. Any permittees discharging wastes significantly higher in Pollutant concentration than anticipated by the District may be charged additional fees.

For all other requests for disposal of hauled wastes, the Metro District Manager is authorized to determine a charge on a case-by-case basis if the amount of projected income is within the District Manager's Board-approved spending authority per year or by the Executive Committee if the projected annual income is greater than the District Manager's Board-approved spending authority. At the discretion of the District Manager or the Executive Committee, the determination of such charges may be referred to the Board of Directors.

5.6 PAYMENT

The District shall bill the permittee for all discharges, with payment due no later than thirty (30) days following the date of the billing. If any payment or any part thereof remains unpaid following the due date, the District may charge and collect interest on the amount unpaid from its due date until paid at the rate of one per centum (1%) per month (or fraction thereof). Additionally, failure of the permittee to make full payment within the allotted time or to pay any interest due shall be cause for suspension or revocation of the permit, at the discretion of the District.

5.7 AUTHORIZED DISPOSAL SITES

5.7.1 **Site Limitations.** Only those disposal sites which have been authorized by the Metro District and approved by the appropriate city, county, sanitation district, and health department and which are specifically

authorized in these *Rules and Regulations* shall be used for the disposal of wastes under the permits granted by these *Rules and Regulations*.

5.7.2 **Approved Site Locations.** The authorized sites for the disposal of wastes by a permittee will be designated by the Manager of the Metro District.

5.8 **SANITATION AND SAFETY STANDARDS**

Each permittee who discharges wastes to the system shall be responsible for the cleanliness and safety practices at the points of disposal. It shall be the permittee's responsibility to have available the proper tools to remove and replace the manhole lids, where necessary, in a safe and proper manner. It shall be the responsibility of the permittee to discharge wastes in such a manner as to keep the area clean and free from spills or other debris. Any spills shall be promptly cleaned up. The permittee is also responsible for keeping his vehicle and related facilities clean and in good repair while being used for disposal to the District's system. These sanitary and safety practices shall be carried out in a manner acceptable to the District and to appropriate health departments. Failure to comply with these sanitation and safety standards shall be grounds for revocation of the permit.

5.9 **QUALITY OF WASTES**

Wastes discharged to the System under a permit granted by these *Rules and Regulations* shall conform to the requirements and limitations of any applicable *Rules and Regulations*, including Section 6. In addition, the discharge of any Pollutants by the permittee shall be controlled and regulated in accordance with all applicable state and federal regulations. It shall be the responsibility of each permittee to be familiar with the provisions of these documents.

The permittee consents to the Metro District's right to sample and analyze the contents of any vehicle utilizing the District's System for the discharge of wastes. The purpose of such sampling and analysis will be to determine conformance with the *Rules and Regulations*. It shall be the responsibility of the permittee's driver or other personnel authorized by the District to obtain any necessary samples required by the District.

5.10 **EMERGENCY HAULED WASTE DISCHARGE SERVICES**

Emergency discharge of hauled wastes may be authorized in accordance with these *Rules and Regulations* if the quantity and quality of the discharge will have no material effect on the Metro District's operations, including the quality of its effluent or biosolids. Written approval from the District Manager must be received before the discharge may commence, and discharge must take place at authorized points in the District System as provided for in Section 5.7 of these *Rules and Regulations* and must comply with Sections 5.8 and 5.9 of these *Rules and Regulations*. Approval of such a discharge is entirely at the discretion of the District and shall not constitute approval of any additional or similar discharges. In the event a proposed emergency discharge is not approved by the District, said decision shall not be subject to the appeal and hearing procedure set forth in Section 1.2 of these *Rules and Regulations*.

5.10.1 **Metro District Authorization.** The requesting entity shall provide all information necessary for the Metro District to determine the existence of an emergency. If the request is verbal, the requesting entity shall provide written documentation within 24 hours. The District Manager shall determine (1) whether an emergency condition exists; (2) whether the discharge will have any material effect on the District's operations, including the quality of its effluent and biosolids; and (3) whether the

District chooses to provide such service under the Hauled Wastes program. After such determination, the requesting entity shall be notified of the decision. If the decision is to authorize the emergency service, the Metro District, in coordination with the entity involved, shall make those physical arrangements necessary for service to be provided by the Metro District. No physical arrangement for emergency service shall be undertaken and no emergency discharge shall occur by any entity without the written permission of the Metro District Manager.

5.10.2 **Form of Authorization and Written Notification.** Form of Authorization and Written Notification. The District Manager shall notify the requesting entity in writing if the request has been granted or denied. If granted, the notification will specify the requirements of the *Rules and Regulations* and of any specific conditions or limitations on the approval.

5.10.3 **Vehicle Inspection.** Metro District personnel shall have the right to inspect the vehicle used to discharge at any time before, during, or after the discharge.

5.10.4 **Insurance.** The requesting entity shall provide the Metro District a current valid certificate of insurance for Workers Compensation and current valid certificates of insurance for auto liability and general liability coverage in the amounts as determined by the District Manager. The District shall receive such certificate(s) of insurance before emergency discharge is allowed.

5.10.5 **Charges.** The requesting entity shall pay for each request for emergency hauled wastes discharge services. The charge for services shall be the sum of:

1. A deposit of \$1,000 applicable before discharge for each emergency service authorized, to be held by the Metro District for the purposes described in section 5.2.5.
2. A service fee of \$200 applicable upon approval of each emergency request by the Metro District.
3. All direct costs (including applicable overhead costs) incurred by the Metro District related to providing emergency services.
4. A charge for the hauled waste, based on Flow, BOD, TKN, and SS, equal to three (3) times the unit rates in the current Estimated Annual Charges for these parameters.

5.10.6 **Payment.** The charges for emergency service shall be payable within thirty (30) days after a bill is submitted to the requesting entity by the Metro District. Late payments shall be charged interest at a rate of eighteen percent (18%) per annum. The Metro District may bill for services rendered to date at any time after the initiation of emergency service.

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4/96	4/03	09/09
4/99	6/06	10/13

SECTION 6

PRETREATMENT/INDUSTRIAL WASTE CONTROL

6.1 GENERAL

The Pretreatment/Industrial Waste Control Program of the Metro District is designed to enable the District to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), conditions of its National Pollutant Discharge Elimination System (NPDES) Permit or Colorado Discharge Pollutant System (CDPS) Permit, as applicable, Operating Permit (Air), and any other permit and applicable sludge disposal regulations, and to meet the following objectives:

1. To prevent the introduction of Pollutants into the Metro District's System which will interfere with the operation of the System or contaminate the sludge.
2. To prevent the introduction of Pollutants into the System which will Pass Through the System, inadequately treated, into the receiving waters or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works.
3. To prevent the introduction of Pollutants into the System which might constitute a hazard to humans or to animals.
4. To assure the Metro District's ability to recycle and reclaim wastewater and sludge.
5. To enable the Metro District to comply with its NPDES or CDPS permit conditions, sludge use and disposal requirements, and any other applicable federal or state laws.

6.2 APPLICABILITY

Any User, the sewage from which directly or indirectly enters or has the potential to enter the Metro District's System from areas within or without the boundaries of the District, shall be bound by these *Rules and Regulations* as they now exist or may hereafter be amended. These *Rules and Regulations* may be enforced against any User.

Where Pretreatment/Industrial Waste Control responsibilities are not delegated to the Metro District, the Municipality must design and administer a Pretreatment/Industrial Waste Control Program which is in accordance with Section 6, and which will enable the District to comply with all pretreatment and effluent limitation conditions of its NPDES or CDPS Permit, Federal Pretreatment Regulations, State Pretreatment Regulations and applicable sludge disposal and air regulations. Where Pretreatment/Industrial Waste Control responsibilities have been delegated to the District, the District is required to design and administer its Pretreatment/Industrial Waste Control Program in accordance with this Section. Any Municipality which has delegated Pretreatment/Industrial Waste Control responsibilities to the District must demonstrate, to the District's satisfaction, compliance with this Section 6 prior to resuming any responsibilities of the District's Pretreatment/Industrial Waste Control Program.

6.3 COMPLIANCE WITH REQUIREMENTS

Each Municipality--or where Pretreatment Program authority has been delegated by the Municipality--the Metro District 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 District. In all cases where the application or the enforcement of said requirements involve technical or scientific analyses or determinations, the 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 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. If the Municipality currently has not delegated Pretreatment responsibilities, 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.

- 6.3.1. **Penalties.** Any Municipality found to have violated any provision of this Section 6, the Service Contract, Special Connectors Agreement, or the Metro District's Procedures for Implementing the Pretreatment/Industrial Waste Control Program or any other written requirement of the District shall be subject to a penalty not to exceed, except as noted below, five thousand dollars (\$5,000) for such violation. Penalty amounts shall be determined in accordance with the District's Pretreatment Enforcement Management System, as may be amended from time to time, up to the maximum amount allowed by this regulation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. Such penalty shall be in addition to any actual damages the District may incur because of such violation.

In addition to the penalties provided here, 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 Municipality found to have violated these *Rules and Regulations*.

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

6.4 LEGAL AUTHORITY REQUIREMENTS

- 6.4.1 **Ordinance/Resolution.** Except as provided in Subsection 6.4.3, 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 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:

1. A provision requiring any Industrial User responsible for an accidental, unusual, or Slug Discharge to notify immediately both the Municipality and the Metro District, and a provision requiring any Significant Industrial User to notify the District immediately of any changes at the facility affecting the potential for a Slug Discharge.
2. 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.
3. A provision forbidding and where possible penalizing the knowing transmittal of false information by an Industrial User to the Municipality or Metro District.
4. 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.
5. 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.
6. A provision adopting discharge limitations for Industrial Users at least as stringent as the corresponding limitations in this Section 6.
7. A provision requiring that Industrial Users agree to act and allow the Metro District to act as provided under the provisions of this Section 6.
8. A provision requiring that any Industrial 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.

6.4.2 **Attorney's Statement.** Except as provided in Subsection 6.4.3, 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. Where Pretreatment/Industrial Waste Control responsibilities are delegated to the District, the District will maintain the attorney's statement which conforms to 40 CFR §403.9(b)(1).

- 6.4.3 **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 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 District's Pretreatment/Industrial Waste Control Program, including the requirements of these *Rules and Regulations*, and the National Pretreatment Standards prior to allowing that User to connect to the Sewer System. The 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 District.

Any Connecting Municipality, Special Connector, or Contracting Municipality that has delegated all pretreatment responsibilities to the Metro District is exempt from enacting (or updating) the pretreatment ordinance or resolution, submitting the attorney's statement, and the procedural requirements of these *Rules and Regulations*.

6.5 PROGRAM PROCEDURE REQUIREMENTS

- 6.5.1 **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 National Pretreatment Standards and which will enable compliance with the requirements of these *Rules and Regulations*. Any Connecting Municipality, Special Connector, or Contracting Municipality that has delegated all pretreatment responsibilities to the District is exempt from enacting (or updating) the pretreatment ordinance or resolution, submitting the attorney's statement, and the procedural requirements of these *Rules and Regulations*.
- 6.5.2 **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 District requirements on formulating, funding, and implementing Pretreatment/Industrial Waste Control Program procedures, and shall provide guidance to Municipalities and District staff 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 and District staff performing pretreatment duties under the District's Pretreatment/ Industrial Waste Control Program.

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

6.5.3 **Industrial Waste Survey.** Each Municipality shall formulate and implement procedures for conducting ongoing, comprehensive industrial waste surveys to locate and identify all Industrial Users within the municipal Sewer System which may be subject to the Metro District's Pretreatment/Industrial Waste Control Program.

6.5.4 **Notification to Industrial Users.** Each Municipality is responsible for notifying its Industrial Users of their obligations under the Pretreatment/Industrial Waste Control Program.

6.5.5 **Permitting of Industrial Users.** Each Municipality shall control, through permit, industrial waste discharges from each Significant Industrial User, and other Industrial Users as required by the Metro District, within its service area.

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

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

6.5.6 **Monitoring of Industrial Users.** Each Municipality must sample, monitor, and inspect its Significant Industrial Users and other Industrial Users as required by the Metro District, and where appropriate, require industrial self-monitoring, at a frequency adequate to determine if such Industrial Users are in compliance with applicable Pretreatment/Industrial Waste Control Program Standards and Requirements.

6.5.7 **Slug Discharge Determinations.** Each Municipality must evaluate whether each Significant Industrial User needs a plan to control Slug Discharges. This evaluation must be conducted in accordance with 40 CFR 403.8(f)(2)(vi). If needed, the Slug Control Plan must contain the minimum elements listed at 40 CFR §403.8(f)(2)(vi).

6.5.8 **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.

- 6.5.9 **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.
- 6.5.10 **Public Participation.**
1. Each Municipality and the Metro District must comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards.
 2. 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).
 3. The Metro District will publish an annual notice in a newspaper of general circulation that provides meaningful public notice within the District's service area, a list of Industrial 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 in 40 CFR §403.8(f)(2)(viii) and in the District's Procedures Manual.
- 6.5.11 **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:
1. 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.
 2. Copies of all Discharge, General, and Zero Discharge permits issued pursuant to the Requirements of the Pretreatment/Industrial Waste Control Program.
 3. Copies of all industrial survey, monitoring, and inspection reports.
 4. Any information needed to enable the Metro District to determine whether a particular Industrial User is subject to a particular Categorical Standard.
 5. Notices of all compliance and enforcement activities, and all related correspondence.
 6. An annual staffing, costs, and funding report, if requested by the Metro District Manager (see Subsection 6.5.12).

6.5.12 **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 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.

6.6 EXTRA-JURISDICTIONAL INDUSTRIAL USERS

Except where delegated to the Metro District, each Municipality shall have the responsibility for those Industrial Users located outside its corporate limits, which 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 legal provisions mandated by these *Rules and Regulations*. Each extra-jurisdictional Industrial User shall also be subject to all Requirements of the District's Pretreatment/Industrial Waste Control Program.

6.7 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 Public Health and Environment in accordance with §403.11 of the Federal Pretreatment Regulations, may be exempted from compliance with certain provisions of this Section 6, as determined by the District.

6.8 PROGRAM REVIEW

Where a Municipality performs any responsibilities of the Metro District's Pretreatment/Industrial Waste Control Program, the 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 District shall participate in all enforcement efforts of Municipalities to ascertain whether the District's approved Pretreatment/Industrial Waste Control Requirements and Standards are being diligently enforced.

Insofar as a Municipality participates in the administration of 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 National Pretreatment Standards and to the provisions of these *Rules and Regulations*. Any significant Program changes shall be subject to District approval prior to implementation.

6.9 REMEDIES

6.9.1 **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 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 District shall seek injunctive

relief against the violating Municipality and any User contributing significantly to the emergency condition.

- 6.9.2 **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 District Standards, the 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. Penalties may also be assessed in accordance with Section 6.3.1 of these *Rules and Regulations*.

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 District may assume in whole or in part Pretreatment/Industrial Waste Control Program responsibilities in lieu of the violating Municipality. The 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.

6.10 PROGRAM PREEMPTION

Where the Metro District preempts a Municipality in the execution of Pretreatment/Industrial Waste Control Program responsibilities, the District shall directly enforce National Pretreatment Standards, including Categorical Standards, and the provisions of Section 6 of these *Rules and Regulations* against the Industrial Users located within the service area of the Municipality. All industrial self-monitoring reports, including those required under 40 CFR §403.12, must be conveyed directly to the District. Moreover, the District 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 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 District may bill the Municipality for costs incurred by the District in conjunction with the administration of the Program in lieu of the Municipality. The District shall have the right to require the cessation of any industrial wastewater discharge in violation of Pretreatment/Industrial Waste Control Standards and Requirements.

6.11 PROGRAM DELEGATION

Any Municipality may enter into an agreement with the Metro District delegating some or all technical and administrative procedures necessary to implement the District's approved Pretreatment/ Industrial Waste Control Program to the District. 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. The procedures do not include surcharge programs, grease trap/sand trap programs, or other

similarly established local programs that are not part of the District's approved Pretreatment/Industrial Waste Control Program, unless specifically identified in a delegation agreement. Where Program delegation occurs, the delegation agreement may contain provisions for the District to recover the costs incurred by the District in conjunction with the administration of the Program on behalf of the Municipality.

6.12 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 shall have the right at all reasonable times to enter and to inspect the Sewer System of the Municipality or any industrial or commercial installations connected thereto or any other connections which contribute or have a potential to 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 with a potential to enter, or to be discharged into such Sewer System; and to require the installation of facilities and equipment necessary to monitor such discharges or to ensure that no discharge occurs. The District will make and will keep records of tests, measurements, and analyses of such Sewage or other wastes entering such Sewer Systems, and where appropriate or requested, forward to each Municipality the results of such tests, measurements, and analyses appertaining thereto.

6.13 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 or into the Sewer System of any Municipality by any User. These Requirements and prohibitions may be imposed directly on process wastewaters prior to dilution by domestic and other wastewaters discharged by Industrial Users. Site-specific limitations and/or Best Management Practices may be developed and imposed on Users to ensure compliance with these *Rules and Regulations*.

1. 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.
2. 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.
3. Sewage having a flash point lower than 187°F, as determined by the test methods specified in 40 CFR §261.21.
4. Any radioactive substance, the discharge of which, does not comply with Section RH 4.35 of the Colorado *Rules and Regulations pertaining to Radiation Control* (Volume 6 of the Code of Colorado Regulations, 6 CCR 1007-1, Part 4, et seq.).
5. 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 (1/2) inch in any dimension.

6. 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.
7. 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 these *Rules and Regulations* or as otherwise authorized in writing by the Metro District.
8. 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.
9. 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.
10. 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.
11. 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 a hazard, or of preventing entry into the sewers for maintenance and repair.
12. 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 prior written permission of the Metro District.
13. 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.
14. 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 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.
15. Any substance which may cause the District to violate its National Pollutant Discharge Elimination System (NPDES) Permit or the receiving water quality standards.

16. Except for existing combined sewer facilities, any stormwater, directly or indirectly, from surface drains, ditches, or streams, storm or combined sewers, roof, areaway, sumps and sump pumps, or foundation drains, or from any other means, including subsurface drainage or groundwater.
17. Any water or wastes potentially contaminated with (1) transmissible spongiform encephalopathy agents from diseases such as chronic wasting disease, bovine spongiform encephalopathy, scrapie, Creutzfeldt-Jakob disease, (2) foot-and-mouth disease agents, or (3) anthrax, except by prior written permission of the Metro District.
18. Any waste or wastewater associated with hydraulic fracturing (fracking) and drilling activities, without prior written approval of the Metro District.
19. Any water or wastewater from alkaline hydrolysis or other chemical decomposition processes of human or animal tissues, remains, or bodies without prior written approval of the Metro District.

6.14 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 any Municipality by any User. These Requirements and prohibitions may be imposed directly on process wastewaters prior to dilution by domestic and other wastewaters discharged by Industrial Users. Site-specific limitations and/or Best Management Practices may be developed and imposed on Users to ensure compliance with these *Rules and Regulations*.

1. 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 District. At no time shall any reading on an explosion hazard meter, at the point of discharge into the 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 District in a Wastewater Discharge 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
2. 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, wipes, diapers, paper towels, napkins, toilet bowl scrub products, 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.
3. Any wastewater having a pH less than 5.0 for discharges from Industrial Users into the Metro District's System or the Sewer System of a Municipality or that of any of its Connectors, or less than 6.0 or greater than 9.0 for other

discharges into the District's System, or wastewater having any other corrosive property capable of causing damage or hazard to any part of the District's System or the Sewer System of a Municipality or any of its Connectors, or to personnel.

4. 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).
5. 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.
6. 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.
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, each in amounts that will cause Interference or Pass Through.
8. 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.
9. Any trucked or hauled pollutants except at discharge points designated by the Metro District.
10. Any water or wastes containing Pollutant quantities or concentrations exceeding the limitations in Section 6.18 of these *Rules and Regulations* or the limitations in any applicable Categorical Standards.
11. Any wastewater discharges to the Metro District's System, except at locations approved by the Metro District.
12. Solids, sludges, filter backwash, or other Pollutants removed in the course of treatment or control of wastewaters (including, but not limited to, materials which have been removed by catch basins, grease traps, sand traps or pretreatment systems/devices), or acquired from another person or location.
13. Wastewater which alone or in conjunction with other sources causes the Metro District's effluent to fail toxicity testing.
14. Detergents, surface-active agents or other substances which alone or in conjunction with other sources cause excessive foaming in the collection system or at the treatment plant.
15. Any solid wastes from hospitals, clinics, offices of medical doctors, medical laboratories, or other medical facilities, including, but not limited to, hypodermic needles, syringes, instruments, utensils, or other paper and plastic items.

16. Any blood and other bodily fluids from hospitals, clinics, offices of medical doctors, medical laboratories, or other medical facilities that have not been rendered noninfectious, without prior approval of the Metro District.

6.15 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:

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

6.16 BEST MANAGEMENT PRACTICES (BMPs)

6.16.1 Dental Amalgam Control Program.

1. Within six months of the effective date of the Rule, all Dental Facilities shall have implemented BMPs according to the requirements contained below and, within one year of the effective date of the Rule, shall have installed and are required to maintain and utilize an Amalgam Separator(s) as specified below.
2. Amalgam Separators. All of the Dental Facility's Amalgam-containing wastewater shall be discharged through an Amalgam Separator that:
 - (a) Complies with ISO 11143 standards, or equivalent, and designed with a minimum removal of 98% solids, unless otherwise approved by the Metro District;
 - (b) Has been properly sized for the volume and flow of the Dental Facility's Amalgam wastewater in accordance with the manufacturer's specifications and recommendations; and
 - (c) Has been installed and is operated and maintained according to the manufacturer's specifications.
3. Operations and Maintenance (O&M) Plan. Each Dental Facility shall develop an O&M Plan to ensure proper operation and maintenance of all Amalgam Separators and documentation of all maintenance activities. This plan must be kept current and must contain, at a minimum, the items identified in the District's Dental Amalgam Control Program Advisor.
4. At a minimum, unless specifically waived in writing by the Metro District, the following BMPs shall be implemented and compliance certified to annually.
 - (a) Amalgam selection. The Dental Facility shall use pre-encapsulated, single-use Amalgam.

- (b) Equipment. All dental chairs shall be equipped with chair-side traps and all vacuum pumps shall be equipped with traps or filters. All equipment shall be cleaned and maintained in accordance with the manufacturer's instructions.
 - (c) Staff shall be trained in the proper handling and disposal of Amalgam material and keep a log documenting such training.
 - (d) The Dental Facility shall use non-chlorine or non-oxidizing disinfectants and neutral cleaners. When cleaning filters or collecting scrap Amalgam, the Dental Facility shall not rinse screens, filters, traps, or Amalgam Separators, or any other Amalgam-containing equipment over sinks or drains. Spilled Amalgam must be cleaned up immediately. Each Dental Facility must provide protection from accidental discharges.
 - (e) All contact and non-contact amalgam scrap shall be salvaged and stored in structurally sound, tightly closed, and appropriately labeled containers.
 - (f) The Dental Facility shall recycle all Amalgam waste by transferring the waste to an offsite recycling facility or shall manage and dispose of the waste in accordance with applicable federal, state and local hazardous waste laws and regulations. At no time shall Amalgam waste be disposed, or flushed, down the drain or toilet.
5. Record Keeping. The following documentation shall be established and maintained for no less than three (3) years and made available for review upon request from the Metro District:
- (a) The receipts or documentation from recycling or disposal facility of all recycling and disposal shipments of Amalgam waste;
 - (b) Logs of Amalgam waste removed for the vacuum system or plumbing;
 - (c) Documentation of maintenance performed on any Amalgam Separator; and
 - (d) Employee training logs.
6. Certifications. Within 30 days of installation of an initial Amalgam Separator(s) or the replacement of an existing Amalgam Separator, a certification of the Amalgam Separator installation must be submitted to the Metro District. Thereafter, annual compliance certifications must be submitted, stating that all Amalgam Separators were properly used and maintained and all BMPs followed. All certifications must be signed by an authorized representative of the Dental Facility.

7. Exempt Dental Facility. At the Metro District's discretion, waivers may be granted to Dental Facilities in which no dentist places or removes Amalgam and/or teeth containing Amalgam. A written request for a waiver must be sent to the District's Pretreatment/Industrial Waste Control Program. If approved, annual certifications of "no Amalgam work" must be signed by an authorized representative of the Dental Facility and submitted to the Metro District.

6.17 GENERAL DISCHARGE PROHIBITIONS

No Industrial User shall contribute or cause to be contributed, directly or indirectly, any Pollutant or wastewater which will Pass Through or Interfere with the operation or performance of the Metro District. These general prohibitions apply to all Industrial Users of the System whether or not the Industrial User is subject to National Categorical Pretreatment Standards or any other national, State, district, or local Pretreatment Standards or Requirements: Industrial Users may not discharge any of the Sewage, water, substances, materials, or wastes listed in Sections 6.13 or 6.14 of these *Rules and Regulations*. These requirements and prohibitions may be imposed directly on process wastewaters prior to dilution by domestic and other wastewaters discharged by the Industrial Users. Site-specific limitations and/or Best Management Practices may be developed and imposed on Industrial Users to ensure compliance with these *Rules and Regulations*.

6.18 SPECIFIC DISCHARGE LIMITATIONS - USERS

- 6.18.1 **Metro District Limitations.** No Industrial 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 Industrial User:

	<u>Limit mg/L</u>
1. Arsenic	0.33
2. Cadmium	3.4
3. Chromium	3.6
4. Copper	6.1
5. Lead	2.2
6. Mercury	0.13
7. Molybdenum	0.43*
8. Nickel	5.6
9. Selenium	0.66
10. Silver	2.9
11. Tetrachloroethene	1.5**
12. Zinc	15.6

* Notwithstanding this numeric limitation, discharge from cooling towers, boilers, closed-loop heat transfer systems and any other cooling/heating system treated with molybdenum-containing water treatment chemicals is prohibited entirely. Where necessary, the Metro District may require that these wastes be physically prevented from discharging into the sanitary sewer system.

** 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.

- 6.18.2 **National Pretreatment Standards and Requirements.** Once promulgated, Categorical Standards for a particular industrial subcategory, if more stringent, shall supersede all conflicting discharge limitations contained in this Section 6, as they apply to that industrial subcategory. All Industrial Users must comply with all applicable National Pretreatment Standards and Requirements.
- 6.18.3 **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 6.
- 6.18.4 **Dilution Prohibited.** Except where permitted by Categorical Standards, no Industrial 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 6. The Metro District may set or require a Municipality to set mass limitations or alternate concentration-based limitations for those Industrial Users which are using improper dilution to meet these limitations.

6.19 **INSIGNIFICANT DISCHARGES**

Notwithstanding the prohibitions and limitations contained in Section 6.17 of these *Rules and Regulations*, the Metro District Manager may allow a proposed discharge to the System if the 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 District Manager must be received in writing before the discharge may commence, and the discharge must adhere to any terms and conditions of the 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 District Manager shall not be subject to the appeal and hearing procedure set forth in Section 1.2 of these *Rules and Regulations*.

6.20 **NOTIFICATION/REPORTING OF POTENTIAL PROBLEM DISCHARGES**

- 6.20.1 **Accidental, Unusual, or Slug Discharges.** An accidental or unusual discharge is a discharge which differs significantly in quantity or quality from discharges under normal conditions and may disrupt System treatment processes or operations, Pass Through the System into the receiving waters or the atmosphere, damage System facilities, cause an NPDES/CDPS Permit violation at the Metro District's treatment plant, degrade sludge quality, or constitute a hazard to humans or to animals. A Slug Discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the District's *Rules and Regulations*, local limits or permit conditions.

6.20.1a **Accidental Discharge Protection.** Each Industrial 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 Industrial User's own cost and expense.

6.20.1b **Notification Requirements.**

1. **Telephone Notification.** In the case of any accidental, unusual, or Slug Discharge, it is the responsibility of the Industrial User to immediately telephone and notify the Metro District of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.
2. **Written Notice.** Within five (5) days following an accidental, unusual, or Slug Discharge, the Industrial User shall, unless this requirement is waived by the Metro District, submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial 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 Industrial User of any fines, civil penalties, or other liability which may be imposed by these *Rules and Regulations* or other applicable law.
3. **Notice To Employees.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of an accidental, unusual or slug discharge. Employers shall ensure that all employees who may cause or suffer such an accidental, unusual or slug discharge to occur are advised of the emergency notification procedure.
4. **Slug Notification.** Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for slug discharge.

6.20.2 **Slug Discharge Plan Requirements.** In accordance with 40 CFR §403.8(f)(2)(vi), 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 District for review and approval as directed by the District, and shall contain, at a minimum, the following elements:

1. A description of discharge practices, including non-routine batch discharges.
2. A description of stored chemicals.
3. Procedures for immediately notifying the Metro District of Slug Discharges, including any discharge that would violate any prohibition or limitation under Sections 6.17 or 6.18 of these *Rules and Regulations*, with procedures for follow-up written notification within 5 days.

4. 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.

6.20.3 **Discharge Violation/Repeat Sampling and Reporting**

If sampling performed by an Industrial User indicates a violation of these *Rules and Regulations* or any permit or any other pollutant limits established pursuant thereto, the Industrial User must notify the Metro District within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis for any Pollutants in violation and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the District performs sampling at the Industrial User's facility at least once a month, or if the District performs sampling at the Industrial User's facility between the time the initial sampling was conducted and the time the Industrial User or the District receives the results of this sampling, or if the District performed the sampling and analysis which showed the violation(s) in lieu of the Industrial User.

The Metro District may also require additional sampling and analysis upon a finding of a discharge violation based on sampling performed by any other entity.

Unless waived by the Metro District, within five (5) working days of becoming aware of any violation from self-monitoring, District monitoring, or other agency monitoring events, the Industrial User shall submit to the District a detailed written report describing the cause of the violation and the measures taken or to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial 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 Industrial User of any fines, civil penalties, or other liability which may be imposed by these *Rules and Regulations* or other applicable laws or regulations.

6.20.4 **Notification/Reporting Of Changed Conditions**

Each Industrial User must notify the Metro District in advance of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater, or any substantial change in the volume of flow or in the volume or character of pollutants in its discharge. The District may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition.

6.21 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. Each Industrial User shall notify the District in advance of any substantial change to such discharge. This notification requirement does not apply to Industrial Users subject to Categorical Pretreatment Standards that are already being reported under the reporting requirements contained in Section 6.23 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). The Industrial User is responsible for ensuring compliance with the *Rules and Regulations Pertaining to Hazardous Waste* issued by the Colorado Department of Public Health and Environment (Volume 6 of the *Code of Colorado Regulations* 1007-3, Part 260, et seq.).

6.22 WASTEWATER DISCHARGE PERMITS/GENERAL PERMITS/ZERO DISCHARGE PERMITS

6.22.1 **Applicability.** All Significant Industrial Users and other Industrial Users as required by the Metro District, discharging to, proposing to discharge to, or with a potential to discharge to the District or engaging in certain industrial processes shall obtain a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit. Such permit shall either be issued by the District or co-issued by the Municipality providing sewage services and the District.

Requirements pertaining to permits co-issued with Municipalities or issued solely by the Metro District are contained in the Metro District's *Rules and Regulations*. Permits co-issued with Municipalities may also contain requirements contained in the various municipal codes, ordinances, resolutions, and rules and regulations.

6.22.2 **Permit Application.** Industrial Users required to obtain a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit shall complete and file with the Metro District an application on the form prescribed by the District, and accompanied by a fee, as determined, pursuant to Section 6.29 of these *Rules and Regulations*.

Applications are due:

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

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 these *Rules and Regulations*, who have not previously obtained a Wastewater Discharge Permit or General Permit, within 30 days of the effective date of these *Rules and Regulations*.

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

In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the information identified below.

1. Name, mailing address, and facility location.
2. SIC number(s) according to the Standard Industrial Classification (SIC) Manual, Office of Management and Budget, 1987, as amended or the 1997 North American Industrial Classification System (NAICS), 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 6.17 and 6.18 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 6.17 and 6.18 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 Industrial 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 Industrial 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 Industrial 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.

6.22.3 **Permit Issuance.** The Metro District shall issue a Wastewater Discharge Permit or General Permit to the applicant if the District finds that all of the following conditions are met:

1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Sections 6.17 and 6.18 of these *Rules and Regulations*;
2. The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment System; and
3. The proposed discharge of the applicant would not result in a violation by the Metro District of the terms and conditions of its NPDES/CDPS Permit.

If the Metro District finds that the condition set out in Paragraph 1 of subsection is not met, the District may issue a Wastewater Discharge Permit or General 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 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*.

The Metro District may issue a Zero Discharge Permit that requires specific controls and/or process configurations to prevent the discharge from specified process operations, or of specified Pollutants, to the POTW.

6.22.4 **Permit Denial: Appeal and Hearing.** In the event an application for a Wastewater Discharge Permit, General Permit, or Zero Discharge 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 Discharge Permit, General Permit, or Zero Discharge Permit may request that the Metro District Manager review the denial and issue a permit. If the District Manager reaffirms the denial, the applicant 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 these *Rules and Regulations*.

6.22.5 **Permit Conditions.** Wastewater Discharge Permits, General Permits, or Zero Discharge Permits shall be expressly subject to all provisions of these *Rules and Regulations*. Wastewater Discharge Permits and General 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, including Best Management Practices, based on applicable Pretreatment Standards, Categorical Pretreatment Standards, specific discharge limitations, as cited in these *Rules and Regulations*; site-specific discharge limitations; and other federal, state, and local law and regulations. The Metro District reserves the right to establish in permits more stringent Standards or Requirements on discharges consistent with the purpose of these *Rules and Regulations*.
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 403.12[e][2], or a specific waived pollutant in the case of an individual control mechanism), 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.
5. 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.
6. Requirements to control slug discharges, if determined by the District to be necessary.
7. Requirements for notification of Slug Discharges and any changes at the facility affecting the potential for slug discharges.

Wastewater Discharge Permits and General Permits may also contain the following:

8. A Schedule of Industrial User Charges and Fees pursuant to Section 6.29 of these *Rules and Regulations*.
9. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.

10. Requirements for installation and maintenance of pretreatment equipment, pollution controls or containment devices to reduce, eliminate or prevent the discharge of Pollutants to the Metro District, and/or inspection and sampling facilities.
11. Requirements for notification to the Metro District of any new introduction of wastewater constituents or any substantial change in operations or in the volume or character of the wastewater constituents being introduced into the District.
12. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
13. Other conditions as deemed appropriate by the Metro District to ensure compliance with these *Rules and Regulations*.

Zero Discharge Permits may contain the following:

1. A statement of duration (not to exceed five [5] years).
2. Discharge prohibition requirements for specific controls and/or process configurations to prevent the discharge from specified process operations, or of specified Pollutants, to the POTW.
3. Reporting, notification, and record keeping requirements.
4. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements.
5. Requirements for notification of discharges of prohibited wastewater, or any accidental, unusual, or slug discharges.
6. Other conditions as deemed appropriate by the Metro District to ensure compliance with these *Rules and Regulations*.

6.22.6 **Permit Modifications**

1. The terms and conditions of a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit may be modified by the Metro District during the term of the permit as limitations or Requirements identified in these *Rules and Regulations* are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in its 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.
2. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit, General Permit, or Zero Discharge Permit of Industrial Users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.

6.22.7 **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.

6.23 REPORTING REQUIREMENTS FOR SIGNIFICANT INDUSTRIAL USERS

6.23.1 **Baseline Monitoring Report for Industrial Users subject to National Categorical Pretreatment Standards.** Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR §403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the Metro District shall submit to the District a report which contains the information required by 40 CFR §403.12(b)(1)–(7). At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the District a report which contains the information required by 40 CFR §403.12(b)(1)–(7). New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable Pretreatment Standards. New Sources shall give estimates of the anticipated flow and quantity of Pollutants to be discharged.

In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the CIU must submit documentation required by the Metro District to determine the compliance status of the Industrial User. New Sources can provide estimates of the information since discharge cannot commence until a permit is issued.

6.23.2 **Initial Compliance Report For Industrial 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 Sanitary Sewer System, or as specified by the Metro District, any Industrial User subject to National Categorical Pretreatment Standards shall submit to the District a report which contains the information required in 40 CFR 403.12(d). In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the Industrial User shall submit documentation required by the District to determine the compliance status of the Industrial User.

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 Industrial User into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an Authorized Repre-

sentative of the Industrial User, and certified to by a qualified professional.

6.23.3 **Periodic Compliance Reports.**

1. Except in the case of Nonsignificant Categorical Users, any Industrial 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 Sanitary Sewer System, 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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the Industrial User shall submit documentation required by the District to determine the compliance status of the Industrial User.

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 District may agree to alter the months during which the above reports are to be submitted.

2. 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 District), unless required more frequently by the District, a description of the nature, Pollutant concentrations, flows, and, where requested, Pollutant masses, of the discharges required to be reported by the District. In cases where a local limit requires compliance with a BMP or pollution prevention alternative, the Industrial User must submit the documentation required by the District to determine the compliance status of the Industrial User.
3. 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.

6.23.4 **Annual Certification by Nonsignificant Categorical Industrial Users**

A facility determined to be a Nonsignificant Categorical Industrial User pursuant to 403.3(v)(2) must annually submit the certification statement contained in 403.12.q, signed in accordance with the signatory

requirements in 403.12(I). This certification must accompany any alternative report required by the Metro District.

6.23.5 **Annual Certification by Zero Discharge Facilities.** A facility issued a Zero Discharge Permit must annually submit a statement certifying the facility has or has not discharged any prohibited process wastewater or Pollutants to the sanitary Sewer System. The statement must be signed in accordance with the signatory requirements in 403.12(I).

6.24 **MONITORING FACILITIES/REQUIREMENTS**

The Metro District may require to be installed and operated at the Industrial 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 representative of the discharge 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 Industrial User. All devices shall be calibrated in accordance with manufacturers' specifications to ensure their accuracy, unless a waiver is obtained from, or an alternative method specified by, the Metro District.

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.

Unless specifically stated otherwise, all samples must be preserved, handled, and analyzed according to title 40 Part 136 of the *Code of Federal Regulations* (40 CFR 136), *Guidelines Establishing Test Procedures for the Analysis of Pollutants* under the Clean Water Act, and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the Pollutant(s) in question, or where the Administrator of the United States Environmental Protection Agency determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant(s) in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures specified by the Metro District.

6.25 **INFORMATION SUBMITTAL, INSPECTION AND SAMPLING, RECORD KEEPING REQUIREMENTS**

The Metro District may require any User to submit information as necessary to determine compliance with the Requirements of these *Rules and Regulations*. All information required by these *Rules and Regulations*, or a permit or order issued hereunder, must be signed and certified for accuracy by an Authorized Representative of the User.

The Metro District shall have the right to enter and inspect the facilities of any User to ascertain compliance with the Requirements of these *Rules and Regulations* and any permit or order issued hereunder. Persons or occupants of premises where wastewater is created or discharged shall allow the 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 Metro District, the Colorado Department of Public Health and Environment, 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 Public Health and Environment, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing the District access to the User's premises shall be a violation of these *Rules and Regulations*

All records relating to compliance with Pretreatment Standards and Requirements shall be maintained for at least three years and made available to officials of the Metro District, the Colorado Department of Public Health and Environment, and EPA upon request. The period of retention may be extended by the District during the course of any unresolved enforcement proceedings or at the request of the District.

6.26 WASTEWATER TREATMENT

Industrial 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 Industrial User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these *Rules and Regulations*.

6.27 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 designates and is able to demonstrate to the satisfaction of the Metro District that the release of such information would divulge sales or marketing data, processes, or methods of production entitled to protection as "Confidential Business Information" of the User. Wastewater constituents and characteristics will not be recognized as confidential information. It shall be the User's obligation to stamp each page, which has been demonstrated to the District's satisfaction to contain trade secrets, with the words "Confidential Business Information," "Confidential Information," or "Confidential." A failure by the User to designate and identify any document in this manner may result in the document losing its protection from disclosure as confidential business information.

Confidential business information shall not be made available for inspection by the public but shall be made available upon request to governmental entities or agencies for uses related to these *Rules and Regulations*, the Metro District's NPDES/CDPS Permit and/or the Pretreatment/Industrial Waste Control Program in accordance with 40 CFR Part 2. Confidential business information shall not be transmitted to any governmental agency or entity for other uses by the District except upon written request and after a ten (10) day notification and right to object is given to the User. Such notification shall not be required in certain circumstances provided for in 40 CFR Part 2. If after a request for public inspection, a person or entity challenges the determination of any record to protection as confidential business information, the User shall cooperate, to the fullest extent possible and at the User's own expense, with the Metro District in the defense of the determination. At the request of the District the User shall, at the User's expense, provide a defense to such challenge.

6.28 REMEDIES FOR NONCOMPLIANCE; ENFORCEMENT

- 6.28.1 **Notice Of Violation.** Whenever the Metro District determines that any Industrial User has violated or is violating any provision of these *Rules and Regulations* or a Permit or any directives or orders issued hereunder, the District may serve upon such Industrial 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 by the Industrial User, within a time frame as specified in the notice.
- 6.28.2 **Administrative Orders.** Whenever the Metro District determines that any Industrial User has violated or is violating any provision of these *Rules and Regulations*, or any directives, orders, or permits issued hereunder, the District may serve upon such Industrial User a written order stating the nature of the violations(s), and requiring that the Industrial User correct the violation(s) within a specified period of time; perform such tasks as the District determines are necessary for the Industrial User to correct the violations; or perform such tasks and submit such information as is necessary for the District to evaluate the extent of noncompliance or to determine appropriate enforcement actions to be taken.
- 6.28.3 **Compliance Orders; Compliance Schedules.** Whenever the Metro District determines that any Industrial User has violated or is violating any provision of these *Rules and Regulations*, or any directives, orders or permits issued hereunder, the District may serve upon the Industrial User a written order requiring that the Industrial 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 Industrial User will provide additional treatment or perform such other tasks as will enable the Industrial 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 Industrial User as an administrative order which contains the approved schedule milestones and any applicable reporting requirements. Issuance of a compliance schedule by the District does not release the Industrial 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 Industrial User to return to the schedule established.

6.28.4 **Suspension of Service.** The Metro District may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Pass Through or Interference or causes the District to violate any condition of its NPDES/CDPS Permit. Service may also be suspended in accordance with the District's Pretreatment Enforcement Management System. If necessary, the District may seek injunctive relief against the violating Municipality and any Industrial User contributing significantly to the emergency condition.

Any Industrial User notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial 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 District shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the Industrial 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.

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

1. Failure of an Industrial User to factually report the wastewater constituents and characteristics of his discharge.
2. Failure of the Industrial User to report significant changes in operations, or wastewater constituents and characteristics.
3. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring.
4. Violation of conditions of the permit.

6.28.6 **Penalties.** Any Industrial User found to have violated any provision of these *Rules and Regulations*, or any written requirements, orders or permits issued hereunder, shall be subject to a penalty not to exceed, except as noted below, five thousand dollars (\$5,000) for such violation. Penalty amounts shall be determined in accordance with the Metro District's Pretreatment Enforcement Management System, as may be amended from time to time, up to the maximum amount allowed by this regulation. 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 or equity against the Industrial User found to have violated these *Rules and Regulations*, or any written requirements, orders or permits issued hereunder. Such penalties shall be in addition to any actual damages the District may incur because of such violations. In addition, any Industrial User discharging toxic Pollutants which cause an increase in the cost of managing the influent, effluent, biosolids, or solid wastes of the District's treatment facility, shall pay for such increased costs.

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/CDPS Permit violations due to the Interference or Pass Through.

6.28.7 **Legal Action.** If any person discharges Sewage, industrial wastes or other wastes into the Metro District's System contrary to the provisions of these *Rules and Regulations*, or any orders or permits issued hereunder, or any other Pretreatment Standard or Requirement, the District's attorney may commence an action for appropriate legal and/or equitable relief in the District Court. When the District finds that an Industrial User has violated, or continues to violate, any provision of these *Rules and Regulations*, or any written requirements, orders or permits issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Court for the issuance of a temporary restraining order or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by these *Rules and Regulations* on the activities of the Industrial User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

6.28.8 **Federal Penalties for Falsification of Reports.** Sections 309(c)(4) and 309(c)(6) of the Clean Water Act, as amended, published at Title 33 of the *United States Code*, Section 1251, et seq. [33 U.S.C. §1251]), at 33 U.S.C. §1319, and 18 U.S.C. §1001, provide that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Section 6, including monitoring reports or reports of compliance or noncompliance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Section 6 shall, upon conviction, be punished by a fine of up to \$10,000, or by imprisonment for not more than two years, or by both, for the first such conviction. Subsequent convictions under this section shall be punished by fines of up to \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

6.28.9 **Appeal and Hearing Procedure.** Any Industrial User who is aggrieved by any enforcement action taken by the Metro District pursuant to this Section 6.28 may within thirty (30) days of the receipt of notice of the determination, order, or finding being appealed request in writing that the

District Manager review the enforcement action. The request (Letter of Appeal) shall state all points of disagreement and objection to the determination, order, or finding. If the District Manager reaffirms the action, the Industrial User may appeal this decision and request a hearing within fourteen (14) days of the receipt of the Manager's determination. It shall not be a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the regulated activity to maintain compliance with the conditions of these *Rules and Regulations*, a permit or directive, order issued hereunder, or any other Pretreatment Standard or Requirement.

1. Upon receipt of a Letter of Appeal requesting a hearing, the District Manager shall forward a copy of the letter to the Chairman of the Board who shall, within fourteen (14) days from receipt of the letter, appoint a Hearing Committee comprised of three to six Directors and designate the chairman of such Committee, or appoint a Hearing Officer who may be a member of the Board of Directors or a third party. The District Manager shall advise the Appealing User of the choice of the Chairman and the names of the Committee and its chairman, or the name of the Hearing Officer. A staff member designated by the District Manager shall coordinate arrangements for the hearing, prepare the District's evidence, and arrange for the attendance of the District's witnesses at the hearing.
2. The chairman of the Hearing Committee or the Hearing Officer shall set a time and place for the hearing which shall be within forty-five (45) days from the date of the receipt of the Letter of Appeal. A letter setting the date for the hearing shall be forwarded no less than twenty-one (21) days before the date set for the hearing.
3. The District Manager shall provide the Hearing Committee or Hearing Officer a copy of the determination, order, or finding being appealed, a copy of the appeal letter, and a factual and objective written summary of the issues raised in the appeal letter and any pertinent exhibits. A copy of the written summary and exhibits shall be mailed to the Appellant not less than fourteen (14) calendar days prior to the date of the hearing. The Appellant shall also mail a summary of the issues and pertinent exhibits to the Hearing Committee or Hearing Officer not less than seven (7) calendar days prior to the date of the hearing and shall, at the same time, mail a copy of such summary to the District Manager.
4. If the Metro District or the Appellant intend to be represented at the hearing by legal counsel, notice shall be given to the other party at least ten (10) days before the hearing. If any party provides such notice, all parties may be represented by legal counsel without further notice. Unless notice is given, no party shall be represented by counsel.
5. Hearings pursuant to the right of appeal under these *Rules and Regulations* shall be conducted in accordance with Section 1.2.2 of these *Rules and Regulations*.

6.29 CHARGES AND FEES

Charges and fees to be assessed against Users will be determined by the 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.

6.30 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

6.30.1 Upset

- A. For the purposes of this Section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The Industrial User has submitted the following information to the Metro District within twenty-four (24) hours of becoming aware of the Upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected at the time of the submission, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

- E. Industrial Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Pretreatment Standards.
- F. An Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

6.30.2 **Bypass**

- A. For the purposes of this Section,
 - (1) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. An Industrial User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. **Bypass Notifications**
 - (1) If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the Metro District at least ten (10) days before the date of the Bypass, if possible.
 - (2) An Industrial User shall submit oral notice to the Metro District of an unanticipated Bypass that results in an exceedance of applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, or, if the Bypass has not been corrected at the time of the submission, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Prohibition of Bypass

- (1) Bypass is prohibited, and the Metro District may take an enforcement action against an Industrial User for a Bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The Industrial User submitted notices as required under paragraph (C) of this section.
- (2) The District may approve an anticipated Bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

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SECTION 7

SEWER CONNECTION CHARGE SYSTEM

7.1 GENERAL

The Metro District has established a Sewer Connection Charge System for the purpose of distributing a portion of the capital costs of new facilities to those requiring the new facilities. Except as provided in Section 7.10, for each new or altered sewer connection served directly or indirectly by the Metro District's Sewage Disposal System, a sewer connection charge shall be paid to the Metro District. The amount due shall be based upon the number of single family residential equivalents attributable to each connection and the sewer connection charge at the rate set forth in Schedule C of the Service Contract. From time to time, this charge may be adjusted by the Board. Each connecting municipality and special connector has the obligation to pay the sewer connection charge to the Metro District. This obligation includes any associated municipality or contracting municipality receiving service through such connecting municipality or special connector of the Metro District. Each connecting municipality and special connector is required to report and pay the sewer connection charges due the Metro District pursuant to these *Rules and Regulations*. The method of collecting funds for payment of sewer connection charges is at their discretion.

7.2 GEOGRAPHICAL AREA OF APPLICATION AND RESPONSIBILITY

- 7.2.1 **Area of Application.** The sewer connection charge is applicable for all new or altered sewer connections in the entire service area from which wastewater flow enters the Metro District System. Each connecting municipality and special connector is responsible for meeting the obligations of the Sewer Connection Charge System for all sewer connections within its service area and those areas it serves by contract. A map of each servicing municipality's geographical service area and political boundaries showing street numbers and names at boundaries shall be furnished to the Metro District. Maps shall be of legible standard size and to a scale of not less than 1 inch equals one-half mile. All changes to the service area shall be reported to the Metro District and new maps furnished annually if changes are made. The map showing any changes must be submitted within sixty (60) days after the end of the calendar year.
- 7.2.2 **Overlap Area.** When the service area boundaries of a servicing municipality extend into the political boundaries of another municipality, the area shall be known as an overlap area. Overlap areas shall be the responsibility of the servicing municipality. Where there are disputes concerning such responsibility, the Manager or his designated representative shall assign responsibility and transmit this assignment in writing to the affected municipalities involved.
- 7.2.3 **Service Area Extensions.** After January 1, 1983, if a connecting municipality or a special connector extends service to an area with an existing sewer system or to an area with existing structures, each individual existing connection is considered a new sewer connection. The sewer connection charge is applicable to each new sewer connection in the service area extension, with the exception that for any connection which was served directly or indirectly by the Metro District on January 1, 1983, there shall be no charge.

7.2.4 **Service Area Codes.** All applications for new or altered connections required pursuant to these Regulations shall include a preassigned service area code for control and location purposes to identify the associated drainage basin, connecting municipality or special connector, and associated municipality or contracting municipality. A listing of service area codes may be obtained from the Metro District.

7.3 APPLICATION FOR CONNECTION TO SEWER

7.3.1 **Standard Forms.** The connecting municipality or special connector is responsible for seeing that all relevant information regarding connections within its service area and the service area of any contracting municipality served by it is provided to the Metro District. Copies of suggested report forms may be obtained from the Metro District.

7.3.2 **Disposition of Application.** The connecting municipality or special connector shall receive and retain all completed forms and file such forms in a systematic order for review by the Metro District.

7.4 SINGLE FAMILY RESIDENTIAL PROPERTY

7.4.1 **Single Family Residential Equivalent.** A Single Family Residential Equivalent (SFRE) is equal to one (1) Single Family Unit which means a building or structure used or designed to be used as only one residential unit (including a detached dwelling [single family house] and a mobile home); each residential unit in a duplex; and each residential unit having water service separately connected to the water main or private water distribution system in a building or structure with three or more residential units.

Residential Unit means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and nontransient basis. (Kitchen facilities include any or all of the following: sink, range, stove, conventional oven, microwave oven. Bathroom facilities include any or all of the following: toilet, bath, shower.) Notwithstanding the above, a room or group of rooms shall not be considered a residential unit if it contains wastewater-generating fixtures other than or in addition to those used or intended to be used in normal residential activities. For example, a group of rooms that includes a residence and a doctor's office, or a residence and a restaurant, in which separate fixtures serve the nonresidential uses, will be considered "other than single family residential property."

7.5 OTHER THAN SINGLE FAMILY RESIDENTIAL PROPERTY

7.5.1 **Single Family Residential Equivalent.** All connections which are not Single Family Units as defined in Section 7.4.1 shall have the number of Single Family Residential Equivalents (SFREs) determined through the size of water service taps serving the building, structure, or premise, and in certain cases specified below by the estimated quantities of flow, BOD, SS, and TKN to be discharged to the System.

The following table determines the SFREs for other than single family residential property for each water service tap size:

<u>Water Service Tap Size, Inches</u>	<u>Effective Through 12/31/14</u> <u>Number of SFREs</u>	<u>Effective 01/01/15</u> <u>Number of SFREs</u>
3/4	1.9	<u>2.0</u>
1	4.5	<u>4.8</u>
1-1/2	11	11
2	20	20
3	42	<u>43</u>
4	76	<u>86</u>
6 or larger	See Below	

New connections served by multiple new water service taps with a combined number of SFREs greater than or equal to 205 (**Effective 01/01/15 - 218**) shall have the number of SFREs determined as for connections with service taps 6 inches or larger.

For water service taps sizes 6 inches or larger, waste discharge not typically domestic in character, and waste discharge with expected strength exceeding domestic strength, the number of SFREs for calculating the sewer connection charge shall be determined from the formula below.

A waste discharge that is “not typically domestic in character” is any discharge that includes wastes or wastewaters other than from sanitary facilities such as toilets, showers, and the like; non-commercial preparation of food; non-commercial clothes washing; and any other activities that would reasonably be expected to occur in a domicile as opposed to commercial, industrial, or other establishments. Where waste discharges from food preparation occur in institutions such as assisted care facilities, nursing homes, and the like and where such food preparation is completely in lieu of residents of these facilities preparing their own food, such wastes will be considered as typically domestic in character.

Effective Through 12/31/14

$$\text{SFREs} = \frac{\text{Flow} \times \text{F}}{225} + \frac{\text{BOD} \times \text{B}}{0.385} + \frac{\text{SS} \times \text{S}}{0.394} + \frac{\text{TKN} \times \text{T}}{0.0488}$$

Effective 01/01/15

$$\text{SFREs} = \frac{\text{Flow} \times \text{F}}{\mathbf{148}} + \frac{\text{BOD} \times \text{B}}{\mathbf{0.3148}} + \frac{\text{SS} \times \text{S}}{\mathbf{0.3209}} + \frac{\text{TKN} \times \text{T}}{\mathbf{0.0494}}$$

- Where: Flow = estimated flow, gpd (peak month)
- BOD = estimated BOD, lbs/day (peak month)
- SS = estimated SS, lbs/day (peak month)
- TKN = estimated TKN, lbs/day (peak month)

AND

- Where: F = Fraction of District's capital investment used to treat flow
- B = Fraction of District's capital investment used to treat BOD

- S = Fraction of District's capital investment used to treat SS
- T = Fraction of District's capital investment used to treat TKN

At a minimum, the following values shall be used in the above formulas:

Effective Through 12/31/14

<u>TAP SIZE</u>	<u>FLOW</u>	<u>BOD</u>	<u>SS</u>	<u>TKN</u>
6 inches	46,125	78.86	80.78	10
8 inches	74,250	126.95	130.04	16.1
10 inches	136,125	232.73	238.41	29.52

Effective 01/01/15

<u>TAP SIZE</u>	<u>FLOW</u>	<u>BOD</u>	<u>SS</u>	<u>TKN</u>
6 inches	<u>32,264</u>	<u>68.62</u>	<u>69.96</u>	<u>10.76</u>
8 inches	<u>48,396</u>	<u>102.92</u>	<u>104.94</u>	<u>16.14</u>
10 inches	<u>76,516</u>	<u>162.73</u>	<u>165.92</u>	<u>25.53</u>

The District shall make the final determination of the estimated flow, BOD, SS, and TKN used to determine the number of SFREs for each new connection which is subject to the above formula.

The Capital Investment fractions may be adjusted annually, effective on January 1, by Resolution of the Board of Directors not later than its certification of Annual Charges. Current Capital Investment fractions shall be set forth in Schedule C of the Service Contract and Exhibit C of the Special Connectors Agreement.

- 7.5.2 **Other Water Service Tap Sizes.** For water service tap sizes which are not denoted in Section 7.5.1, 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 10 inches are made, SFREs shall be determined by the Metro District on the basis of expected wastewater discharge relative to those sizes shown.
- 7.5.3 **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 of 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.
- 7.5.4 **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.

7.5.5 **Water Supplied by a Water Distribution System Behind a Water Tap to a Municipal System.** This section applies to any new or altered, direct or indirect, sewer connection with a separate water distribution system serving a multi-building development with one or more taps to the municipal water system. If a sewer connection charge has been paid to the Metro District based on the size of the water tap(s) to the municipal water system, no additional sewer connection charge will be due unless the size of a water tap is increased or new water taps are needed. If a sewer connection charge was not paid to the Metro District based on the water tap(s), then each building shall be evaluated individually. A new or altered, direct or indirect, connection will result in a sewer connection charge being due. The SFRE assignment will be based upon the size of the new or altered water service line serving the building or structure.

7.5.6 **Exemptions.** Water service taps installed solely for fire protection purposes (such as fire hydrant branches, fire sprinkler systems, standpipes, etc.), irrigation purposes, redundant systems for public safety, or other purposes which do not discharge to the sewer system are excluded from the assignment of SFREs and payment of a sewer connection charge. Plans and specifications for all redundant systems must be approved by the Metro District prior to installation and any change whereby both systems can operate simultaneously will void the exemption. 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 District 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.

7.5.7 **Reduction in Assignment of SFRE.** An applicant for a sewer connection requesting a reduction in the assignment of the Single Family Residential Equivalent for water which will be used for an exempt use as defined in Section 7.5.6 and which cannot be discharged to the sewer shall request such reduction from its servicing municipality by completing the appropriate form. Copies of the required form and all supporting materials documenting the volume of water which will be used for an exempt purpose and cannot be discharged to the sanitary sewer, as well as the volume of water which can be used by all fixtures installed which will discharge to the sanitary sewer, will be submitted to the connecting municipality or special connector for its consideration based on the following:

1. If the servicing municipality is a connector to a connecting municipality or special connector of the Metro District, said connecting municipality or special connector shall approve or disapprove the request for a reduction.
2. The connecting municipality or special connector shall submit to the Metro District all approved applications, supporting data provided therewith, and reports of actions taken concerning the application for reduction.

3. The District Manager or his designated representative shall review all requests for reductions and shall promptly approve or modify the actions taken by the connecting municipality or special connector.
4. Within thirty (30) days of the receipt of the notice of the District Manager's decision, a dissenting party 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 Board, as it may from time to time be amended.
5. Under no circumstances will a reduction of more than one tap size be authorized. Partial tap size reductions shall not be granted.
6. An increase in the amount of discharge through a connection for which a reduction in the assignment of SFRE was approved, such that the reduction would not have been approved with the increased discharge, will render the approval null and void, and a Sewer Connection Charge at the then current per SFRE charge will be due the Metro District. Credit will be given for all previously charged SFREs.

7.6 ALTERED CONNECTION

- 7.6.1 **Single Family Residential Equivalent.** The sewer connection charge for any altered connection after January 1, 1983, shall be based on the increased or added number of SFREs. The number of SFREs shall be calculated before and after the alteration of the connection according to Sections 7.4 and 7.5. The difference between these calculations shall represent the additional SFRE units used to determine the sewer connection charge.
- 7.6.2 **Credit.** Where redevelopment of a tract of land occurs, all previously existing SFREs on that land may be credited. There shall be no rebate or future credit where alteration of property results in a reduction of Single Family Residential Equivalents.

Where redevelopment of a tract of land involves a multi-building development served by a separate water distribution system with one or more water service tap(s) to a municipal water system, calculation of the previously existing SFREs will depend upon whether a sewer connection charge was paid to the Metro District. If a sewer connection charge was paid to the Metro District based on the SFRE assignment for the water service tap(s) to the municipal water line, a credit will be given based upon the current SFRE assignment for a water service tap(s) of that size. If a sewer connection charge was not paid to the Metro District based on the size of the water service tap(s) to the municipal water system, credits will be given for the SFREs of individual buildings or structures based upon the water service lines serving the buildings or structures being redeveloped.

If a Sewer Connection Charge was paid to the Metro District for an SFRE assignment based on wastewater loadings as well as flow, credit for the previously existing SFREs will be given based upon the current SFRE assignment for a water service tap(s) of that size. The values for flow, BOD, SS, and TKN used in the original determination of SFREs, and the

Metro District's current Capital Investment fractions, will be used to calculate the SFRE credit in accordance with Section 7.5.1.

If a Sewer Connection Charge was paid to the Metro District for an SFRE assignment based only on water tap size without regard to wastewater loadings, the credit will be limited to the number of SFREs determined similarly.

- 7.6.3 **Inactive Connections.** When a sewer connection is inactive, as defined in Section 2 of these Rules and Regulation, for a period of more than ten (10) years, a reactivation charge shall be due when the connection is reactivated. The reactivation charge, per SFRE, shall be due for each year, or part thereof, beyond ten (10) which a connection is inactive. The reactivation charge shall be set by the Board of Directors, and may be adjusted from time to time by resolution of the Board of Directors. The reactivation charge shall not exceed the sewer connection charges in effect at the time the connection is reactivated.

7.7 REPORTING AND PAYMENT

- 7.7.1 **Sewer Connection Permits.** The amount of payment and the obligation for payment of sewer connection charges to the Metro District shall be based on the date a sewer connection permit is issued by a municipality.
- 7.7.2 **Quarterly Reports.** Each connecting municipality or special connector shall submit a written report to the Metro District listing all permits which were issued for new and altered connections in its service area during the preceding quarter. Reporting forms required by the Metro District shall be used and shall include all relevant information requested. Quarterly reports shall be submitted within fifteen (15) days from the last day of each quarter by each connecting municipality or special connector, including a listing of or attachment of reports from all associated municipalities or contracting municipalities, even if there were no permits issued during the quarter.
- 7.7.3 **Quarterly Payment.** Accompanying the quarterly report, the connecting municipality or special connector shall submit payment to the Metro District for all permits which were issued for new and altered sewer connections during the preceding quarter. The payment will reflect the total number of Single Family Residential Equivalent (SFREs) reported during the quarter multiplied times the sewer connection charge for that quarter. The payment shall also reflect any credits for canceled sewer connection permits (Section 7.7.5) and any adjustments previously authorized by the Manager.
- 7.7.4 **Expiration of Authorization to Connect.** The use of the sewer connection permit date as the date of obligating the sewer connection charge is based on the timely construction and physical connection of the project. If construction is not initiated within one year of the date that the municipality issued the sewer connection permit, the sewer connection charge due to the Metro District shall be revised. The revised amount due shall be that amount which would be due on the day a replacement permit is issued or, if no replacement permit is issued, on the date construction is initiated. Credit shall be allowed for amounts previously paid.

Connecting municipalities and special connectors may administer this one year limitation by terminating and reissuing sewer connection permits or by certifying the date that construction was initiated. Where multiple structures

are authorized under a single sewer connection permit, initiation of construction shall be determined for each separate structure for the purposes of this section. Termination and reissue of permits shall not be used to avoid an increase in the sewer connection charge rates.

7.7.5 Credit or Refund for Canceled Sewer Connection Permits. When a sewer connection permit is canceled by the connector because a sewer connection is no longer desired by the permittee or because the time limit for use of the permit has expired, a credit for the sewer connection charges paid to the District will be allowed on the next quarterly report submitted by the connector. No credit shall be allowed for a canceled permit more than five years after the date of issuance of the permit. The District will not pay interest on credits. Under special circumstances the Manager, at his discretion, may authorize a cash refund without interest. Such a credit or refund may only be authorized when a new or altered physical connection has not been made and will not be made as determined by the connector. When a credit or refund has been requested and granted, any and all rights related to the canceled permit are terminated.

7.7.6 Record-Keeping. Each connecting municipality and special connector shall establish and maintain a system to:

1. Document the date of the issuance of a sewer connection permit and, if necessary under Section 7.7.4, the date that construction is initiated.
2. Document, for each connection, that the number of Single Family Residential Units or Equivalents actually connected matches the number authorized in the permit and paid to the Metro District.

This documentation shall be maintained by the connecting municipality or the special connector, but reports to the District are not required unless specifically requested by the District.

7.7.7 Permit and Sewer Connection Charges Revisions. If the scope of a project changes after the original sewer connection permit is issued, the municipality shall revise the permit. Based on the revised permit, the connecting municipality or special connector shall adjust the sewer connection charges due to the Metro District on the next quarterly report. Where there is a decrease in the total number of Single Family Residential Equivalents, the credit shall be calculated based on the original rate paid. Where there is an increase in the total number of Single Family Residential Equivalents, the amount due shall be calculated by multiplying the rate per Single Family Residential Equivalent in effect on the date of the permit revision by the increased number of Single Family Residential Equivalent units. Discrepancies between the permit and the number of Single Family Residential Equivalents actually connected, as determined under the procedures of Subsection 7.7.6., shall be revised in accordance with this subsection; the date of connection shall be considered the date of permit revision.

7.8 RIGHT TO AUDIT

The Metro District shall have the right to audit the records of each connecting municipality or special connector to verify the accuracy of all sewer connection charges reported to the Metro District. In regard thereto:

1. Each connecting municipality or special connector shall maintain at its principal place of business all records and application forms pursuant to these Regulations to allow the Metro District to verify the accuracy of all sewer connection charges reported and submitted to the Metro District.
2. The Metro District will give a ten (10) working day written notice of its intent to audit such records.
3. If in the opinion of the Metro District the records are not sufficient to allow audit without extensive correction, the municipality may be permitted to update the records. If the municipality does not update the records within thirty (30) days of the notice from the Metro District that the records are not in proper order, the Metro District shall employ an accountant to reconstruct and update such records, the cost of which shall be charged to the connecting municipality or special connector involved.
4. Upon completion of the Metro District's audit, a copy of the audit findings and recommendations shall be furnished to the connecting municipality or special connector.
5. If within sixty (60) days of the receipt of the audit the connecting municipality or special connector and the Metro District cannot agree upon the sewer connection charges to be paid, the Metro District will bring action to collect the amount due under Section 610 of the Service Contract.

7.9 MANAGER'S RIGHT TO APPROVE/DISAPPROVE SEWER CONNECTION CHARGES

7.9.1 **District Managers Approval/Disapproval.** If, in the opinion of the District Manager, the number of SFREs reported and sewer connection charges paid on a quarterly report is not accurate for any reason, the District Manager may disapprove same and the connector shall be notified of such action in writing. Where the District Manager disapproves an SFRE assignment or sewer connection charge payment, the corrected amount and the reasons for the action of the District Manager shall be included in the written notification. The corrected amount plus interest shall be added to or deleted from the next quarter's payment. Interest shall be due from the date the payment should have been made, but the interest charged is limited to a maximum of twelve months. Notwithstanding the above, should a connector fail to pay an amount owing for a previous quarter with the next following quarter's payment, the payment shall be considered delinquent and interest shall be due from the time the payment should have been made without time limitation on interest charged. The Metro District shall invoke the provisions of Section 610 of the Service Contract to bring action to collect the amount due.

7.9.2 **Appeal of Disapproval Notice.** If a connector disagrees with a disapproval notice of the District Manager, that connector may file a letter of appeal to the District Manager. The letter of appeal must be sent to the Metro District within thirty (30) days after receipt of the District Manager's

disapproval notice. The letter of appeal must state all points of disagreement by the connector. An appeal will be heard as determined by the Metro Board in accordance with the Metro District's Hearing Procedure established by the Board. Pending hearing of the appeal, the connector shall owe and shall pay sewer connection charges based on the District Manager's original determination. The action in approving or disapproving the District Manager's determination shall be considered the final action of the Metro District. Should the hearing result in a total amount differing from the District Manager's determination, the adjustment of charges shall be made on the next quarterly payment report.

7.10 CAPITAL RECOVERY CHARGE IN LIEU OF SEWER CONNECTION CHARGE

For the discharge of wastes the Metro District is not required to accept under the conditions of the Service Contract or Special Connectors Agreement, the Metro District shall assess a Capital Recovery Charge. The Capital Recovery Charge will be determined in accordance with the guidelines adopted by the Board of Directors, as may be amended from time to time.

If the discharge of such waste occurs through an existing, new, or altered connection together with waste the Metro District is required to accept under the conditions of the Service Contract or Special Connectors Agreement, the Capital Recovery Charge will be in addition to any Sewer Connection Charge previously paid or due.

If the discharge of such waste occurs through a new connection that does not discharge waste the Metro District is required to accept under the conditions of the Service Contract or Special Connectors Agreement, the Capital Recovery Charge will be in lieu of a Sewer Connection Charge.

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SECTION 8
SPECIAL CONNECTOR SERVICE AREA

8.1 GENERAL

Under Section 303 of the Special Connectors Agreement, a special connector may only provide wastewater service outside its corporate limits or enlarge the geographic area of its wastewater service with the prior approval of the Metro District. This Section describes the procedures for requesting approval of an expanded wastewater service area. The service area for each special connector shall include the area within its corporate boundaries as of January 1, 1984, and shall also include specific areas outside its boundaries which were served as of January 1, 1984, unless a larger area is specifically approved by the Metro District.

8.2 REQUEST FOR APPROVAL

8.2.1 REQUEST. When a special connector wishes to provide wastewater service to any area outside the service area previously approved by the Metro District, the special connector shall submit a request in writing to the District Manager of the Metro District. The request shall include, at least, the following:

1. A map of the area showing the boundaries of the enlarged area and showing the existing and the proposed major sewers which will serve the area. The map shall show which existing connection point(s) will serve the additional area and if a new connection point(s) will be required.
2. Information on the projected land use, zoning, residential densities, and commercial/industrial nature of the area.
3. The estimated average and peak quantity of flow expressed in million gallons per day (MGD). This data shall be in the form of a flow versus time curve projected to the ultimate development of the area or any other form determined by the Metro District to adequately reflect the ultimate development of the area.
4. The estimated quality of flow expressed in biochemical oxygen demand (BOD) and suspended solids (SS), plus any additional pertinent information regarding the quality of flow expected, particularly from industrial sources.

The special connector shall supply other information concerning the proposed additional service area when the Metro District determines that the information is necessary to make a proper decision. It is necessary that requests be submitted and approved prior to proceeding with construction of facilities to serve the area.

8.2.2 Approval Procedures. When the additional service area requested by the special connector is within the Metro District's expected service area and the projected ultimate flow from the area is less than or equal to ten (10) MGY, the District Manager may act on the request. The District

Manager shall provide an annual report to the Board of Directors summarizing his actions on service area requests from special connectors. Where the future projected ultimate flow from the additional service area is greater than ten (10) MGY and/or the requested service area addition lies partially or completely outside the Metro District's expected service area, the Metro District Board of Directors must act on the request. Special connectors are advised that a minimum of twenty (20) days is required for consideration of the request by the District Manager and a minimum of sixty (60) days is required for consideration of the request by the Board of Directors.

8.3 MAPPING

- 8.3.1 **Standards.** Maps furnished to the Metro District under Sections 303 and 801 of the Special Connectors Agreement shall conform to standards established by the Metro District.
- 8.3.2 **Updating.** Updated maps of the boundaries and service area of each special connector as required under Section 801 of the Special Connectors Agreement shall be furnished annually to the Metro District between January 1 and March 31 of each year. The updated maps shall include all changes in service area previously approved by the Metro District.

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SECTION 9
EMERGENCY SERVICES

9.1 GENERAL

In compliance with the Colorado Disaster Emergency Act of 1973, C.R.S. 28-2-101 et. seq., the Metro District may render emergency wastewater services to areas not presently served by the facilities of the Metro District when the Metro District has the capacity and capability to do so.

9.2 PROCEDURES

9.2.1 **Direct Emergency Service.** An entity (Requesting Entity) desiring direct emergency service from the Metro District through a connection to the Metro District System shall submit the request to the Metro District Manager.

9.2.2 **Indirect Emergency Service.** An entity desiring emergency service from the Metro District where the wastewater flow enters the District System after passing through the wastewater System of a Direct Connector shall submit its request for emergency service to that Direct Connector. The Direct Connector, if it agrees to provide emergency services through its facilities, shall submit a request for emergency services to the District Manager. In all cases of indirect emergency service, the requesting Direct Connector shall assume the responsibilities to the District of acting for the entity receiving the emergency service and shall be the Requesting Entity for the purposes of this section.

9.2.3 **Metro District Authorization.** The Requesting Entity shall provide all information necessary for the District to determine the existence of an emergency. If the request is verbal, the Requesting Entity shall provide written documentation within 24 hours. The District Manager or his/her designee will contact the Chairman of the Board or his/her designee, who will, based on the information present, determine 1) whether an emergency condition exists; 2) whether the District has the capacity and capability to alleviate the emergency; and 3) whether the District chooses to provide such service. If the Chairman is not available the determination will be made by the District Manager or his/her designee. After such determination, the District Manager or his/her designee shall notify the Requesting Entity of the decision. If the decision is to authorize the emergency service, the District Manager or his/her designee, in coordination with the entities involved, shall make those physical arrangements necessary for service to be provided by the District. No physical arrangement for emergency service shall be constructed or activated by any entity without the permission of the District.

In compliance with the Colorado Disaster Emergency Act of 1992, any emergency service extending beyond seven (7) days must have the approval of the Board of Directors.

9.2.4 **Form of Authorization and Written Notification.** In rendering emergency wastewater service under this Section 9, there will not be a Sewer Connection Charge.

Upon authorization of the emergency service, the District Manager or his/her designee shall notify in writing the Requesting Entity of the requirements of the *Rules and Regulations* and of any specific conditions or limitations on the approval. The Requesting Entity shall agree in writing to abide by all provisions of the *Rules and Regulations* and to abide by any specific conditions or limitations required by the Metro District. If the District determines that the request should be denied, the District Manager shall notify the Requesting Entity in writing.

9.2.5 **Termination of Service.** The Metro District, at its discretion, reserves the right, with or without notice, to terminate its authorization for emergency service.

9.2.6 **Report on Emergency.** Within **24** hours after emergency service is initiated, the Requesting Entity shall provide a written report to the Metro District describing the current status of the emergency, the efforts to alleviate the emergency, and the projected schedule to correct the situation.

9.2.7 **Termination of Emergency and Severance of Service.** The Requesting Entity shall notify the Metro District as soon as the emergency conditions are over. The Requesting Entity and the District shall act to immediately terminate service and act to return the physical system to a configuration whereby Flow can no longer directly or indirectly (through a direct Connector) enter the District System.

9.2.8 For purposes of this Section 9.2, the Metro District Manager or the Chairman of the Board may also include their respective designees.

9.3 **CHARGES FOR EMERGENCY SERVICE**

9.3.1 **Charges.** The Requesting Entity shall pay for each request for emergency wastewater services. The charge for services shall be the sum of:

1. A service fee of \$2,000 applicable upon approval of each emergency request by the Metro District, whether services are rendered or not.
2. All direct costs (plus applicable overhead costs) incurred by the Metro District related to the provision of the emergency services.
3. A charge for sewage actually received based on rates for the flow, BOD, SS, and TKN equal to three (3) times the Unit Rates in the current Estimated Annual Charges for these parameters.

9.3.2 **Payment.** The charges for emergency service are not annual charges under the Service Contract and payment for these services shall be payable within thirty (30) days after a bill is submitted to the Requesting Entity by the Metro District. Late payments shall be charged interest at a rate of eighteen percent (18%) per annum. The Metro District may bill for services rendered to date at any time after the initiation of emergency service.

9.3.3 **Metering and Sampling.** The Metro District will meter and sample or otherwise estimate the flows and loadings received under these emergency provisions. The Requesting Entity and any other entities involved in the emergency service shall cooperate with the Metro District in performing the metering and sampling. The information collected by the

Metro District will be gathered with reasonable care as to its accuracy. If the Requesting Entity has any concerns about the data, it may submit information to the Metro District, but the Metro District will make the final determination.

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