



**PAGOSA SPRINGS  
SANITATION  
GENERAL IMPROVEMENT  
DISTRICT**

**Amended and Restated  
Rules and Regulations**

**Adopted and approved by the  
Board of Directors as of March 18, 2021**

<b>TABLE OF CONTENTS</b>	<b>Page</b>
SECTION 1. GENERAL .....	1
1.1 The District.....	1
1.2 Powers of the District .....	1
1.3 Board of Directors .....	1
1.4 Meetings and Notices .....	1
1.5 District Agents and Representatives .....	1
1.6 Rules and Regulation Scope.....	1
1.7 Effective Date .....	2
1.8 Rules and Regulations Amendment Procedure.....	2
1.9 Repeal of Conflicting Resolutions .....	2
1.10 Severance Clause.....	2
1.11 Regulation by Other Entities .....	2
1.12 Variances.....	2
1.13 District Not Liable.....	2
1.14 Officials Not Liable .....	3
1.15 Not Liable for Work of Others.....	3
1.16 Indemnity .....	3
SECTION 2. DEFINITIONS AND ACRONYMS.....	3
2.1 Definitions.....	3
2.2 Acronyms .....	10
SECTION 3. OBLIGATIONS AND RESPONSIBILITIES .....	11
3.1 District Ownership.....	11
3.2 District Obligation.....	12
3.3 District Responsibility.....	12
3.4 Right of Entry for Inspections .....	12
SECTION 4. RATES, TOLLS AND CHARGES .....	12
4.1 Amounts Set by Board .....	12
4.2 Capital Investment Fee (CIF) .....	12
4.3 Monthly Service Charge.....	14
4.4 Non-Residential Users .....	14
4.5 Availability of Service Charge.....	14
4.6 Line Extension Charge.....	14
4.7 Plan Review Charge .....	14
4.8 Inspection Charge.....	14
4.9 Unauthorized Connection.....	14
4.10 Excessive Pollutant Charge .....	15
4.11 Charges for Violation of Rules and Regulations, Order, or Permit.....	15
4.12 Additional Charges.....	15
4.13 Collection; Nonpayment of Rates, Tolls and Charges .....	15
4.14 Request for Reconsideration of Charges; Hearing. ....	16
SECTION 5. CONNECTION TO THE DISTRICT .....	16
5.1 Use of Sewers Required .....	16
5.2 District's Power to Compel Connection .....	16
5.3 Connection to Sewer System.....	17
5.4 New Tap Connections.....	17

5.5	Sewer Improvements .....	17
5.6	Tap Transfer .....	17
5.7	Discharge of Sewage .....	17
5.8	Storm Water .....	17
5.9	Hazardous Waste .....	18
5.10	Existing Sewer Lines .....	18
5.11	Temporary Disposal Facilities .....	18
5.12	Unauthorized Use .....	18
5.13	Acceptance of Sewer Improvements by the District .....	18
5.14	District Not Responsible for Service Lines .....	18
5.15	District Not Responsible for Privately-Owned Wastewater Facilities .....	19
5.16	Connection to Property Not in the District .....	19
5.17	Dormant Accounts .....	19
5.18	Voluntary Termination of Sewer Service .....	19
SECTION 6. APPLICATION AND PERMITTING PROCEDURES .....		19
6.1	Extension of Sewer Collection Facilities; Individual Connections .....	19
6.2	Application Procedure .....	20
6.3	Submission of Sewer Extension Plans to District .....	20
6.4	Preliminary Design Plans .....	21
6.5	Right of Way Permits .....	21
6.6	Service Connection Permit Required .....	21
6.7	Cancellation of Permits .....	21
6.8	Denial of Application for Service .....	21
6.9	Line Extension Agreements (LEA) .....	22
6.10	New Trunkline Development .....	22
6.11	Reimbursement When the District Participates in a Trunkline Extension .....	22
6.12	Oversizing Reimbursement When Required by the District .....	23
6.13	Sewage Flow Measuring Instrument .....	23
6.14	Contractor Requirements .....	23
SECTION 7. SANITARY SEWER DESIGN .....		23
7.1	General .....	23
7.2	Design Criteria .....	25
7.3	Inverted Siphons .....	30
7.4	Service Connections .....	30
7.5	Oil, Grease, and Grit Interceptors .....	31
SECTION 8. CONSTRUCTION OF SANITARY SEWERS .....		31
8.1	General .....	31
8.2	Execution .....	34
8.3	Initial Acceptance .....	38
8.4	Warranty of Work .....	39
8.5	Warranty Bond .....	40
8.6	Final Acceptance .....	40
SECTION 9. ADDITIONAL PROHIBITIONS .....		40
9.1	False Statements .....	40
9.2	Tampering .....	40
9.3	Right-of-Way/Easement Interference .....	40
9.4	Access to the Sewer System .....	41

9.5	Infiltration .....	41
9.6	Escape of Wastewater .....	41
9.7	Failure to Report .....	41
9.8	Failure to Notify of Use Changes .....	41
9.9	Violation of Stop Work Order .....	41
9.10	Failure to Provide Record Drawings .....	41
SECTION 10. EFFLUENT DISCHARGE REGULATIONS .....		41
10.1	Effluent Discharge Policy .....	41
10.2	No Unauthorized Discharge .....	41
10.3	General Discharge Prohibitions .....	42
10.4	Categorical Pretreatment Standards .....	43
10.5	Other Requirements .....	43
10.6	District Right of Revision .....	44
10.7	Dilution .....	44
10.8	Accidental Discharges .....	44
10.9	Special User Agreement .....	44
10.10	Bypass .....	44
10.11	Non-critical Wastewater Discharge Permit .....	45
10.12	Critical Wastewater Discharge Permit .....	45
10.13	Compliance Date Report .....	47
10.14	Periodic Compliance Reports .....	48
10.15	Spill Management Plan .....	48
10.16	Signatory Requirements .....	49
10.17	Monitoring Inspections .....	49
10.18	Pretreatment .....	50
10.19	Food Preparation Establishments .....	50
10.20	List of Non-Complying Users .....	51
10.21	Confidential Information .....	51
10.22	Disconnection or Cessation of Discharge .....	51
10.23	Specific Pollutant Limitations .....	52
10.24	Sampling Schedule for Critical Industries .....	52
SECTION 11. ENFORCEMENT .....		52
11.1	Generally .....	52
11.2	Notice of Violation .....	52
11.3	Show-Cause Hearing .....	53
11.4	Notice of Appeal .....	53
11.5	Conduct of Hearings .....	53
11.6	Compliance Order .....	53
11.7	Consent Orders .....	53
11.8	Emergency Suspension Order .....	54
11.9	Injunctive Relief .....	54
11.10	Denial of Permits .....	54
11.11	Reinstatement of Suspended Service .....	54
11.12	Grounds for Termination of Service .....	54
11.13	Stopping or Eliminating Discharge upon Suspension or Termination of Service .....	55
11.14	Civil Fine Pass-Through .....	55
11.15	Remedies Cumulative .....	55

## **SECTION 1. GENERAL**

### **1.1 The District**

The Pagosa Springs Sanitation General Improvement District, referred to herein as “District” was organized by the Town Council of the Town of Pagosa Springs in July of 2002, pursuant to § 31-25-601, *et seq.*, C.R.S., to accept the assets of the Pagosa Springs Sanitation District (“Sanitation District”), upon the Sanitation District’s dissolution and to assume the Sanitation District’s duties, function and responsibility for providing sanitary sewer service.

### **1.2 Powers of the District**

The rights, powers, privileges, authorities, functions, and duties of the District are established by the laws of the State of Colorado, particularly Title 31, Article 25, Part 6, C.R.S., which provides that the District has been created for the purpose of acquiring, constructing, installing, operating, or maintaining sanitary sewer improvements within the District’s jurisdictional boundaries.

### **1.3 Board of Directors**

The Town Council of the Town of Pagosa Springs shall constitute ex officio the Board of Directors of the District, referred to herein as the “Board.” The Mayor shall be ex officio the presiding officer. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. The Town Clerk shall be ex officio the secretary and ex officio the treasurer of the Board and District. The Town Manager shall serve as the ex officio District Manager of the Board and District.

### **1.4 Meetings and Notices**

The Board shall hold meetings, on notice to each member of the Board, which shall be open to the public in a place to be designated by the Board as often as the needs of the District require. A quorum (more than one-half of the number of Directors serving on the Board) must be present before the District may take any official action or vote. The secretary/treasurer shall keep a digital and written record of all its proceedings, minutes of all meetings, certificates, contracts, and all corporate acts which shall be open to public inspection, and keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the District.

### **1.5 District Agents and Representatives**

The District Manager and any other employee or agent of the District designated by the District Manager or the Board shall have the full authority to act for and on behalf of the District in any manner affecting the administration or enforcement of these Rules and Regulations. The District Manager may appoint a Sanitation Supervisor and other employees of the District as necessary.

### **1.6 Rules and Regulation Scope**

These Rules and Regulations shall be considered a comprehensive set of rules and regulations governing certain aspects of the control, management and operation of the District. It should be noted, however, that not every conceivable aspect of the control, management and operation of the District and its systems is covered in these Rules and Regulations, and the Board reserves the right to make rulings concerning matters not covered herein as and when appropriate, in the opinion of the Board. In addition, these Rules and Regulations are not intended to supersede or contravene specific terms or conditions of any agreement, contract, or other document entered into between the District and a party. Where silent, the District may utilize the policies and procedures of the Town of Pagosa Springs for guidance regarding any matter, including but not limited to personnel policies, purchasing and contracting procedures, fiscal management and

ethics. These Rules and Regulations shall not be construed as a limitation on the authority of the Board to exercise the powers conferred upon it by Colorado law.

### **1.7 Effective Date**

These Rules and Regulations shall be effective immediately upon adoption by a majority of the Board at a public meeting.

### **1.8 Rules and Regulations Amendment Procedure**

These Rules and Regulations may be amended from time to time by the Board in the same manner as the original Rules and Regulations herein were adopted.

### **1.9 Repeal of Conflicting Resolutions**

All resolutions or parts of resolutions in conflict herewith are hereby repealed, except as may be expressly provided herein.

### **1.10 Severance Clause**

If any section, paragraph, sentence, clause, or phrase of these Rules and Regulations is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of these Rules and Regulations. The Board hereby declares that it would have passed these Rules and Regulations and each section or parts thereof, irrespective of the fact that any one section or part be declared invalid or unconstitutional.

### **1.11 Regulation by Other Entities**

Any limitation, restriction, or prohibition validly placed upon the District by any governmental entity or by any agreement between the District and any other governmental entity is hereby incorporated into these Rules and Regulations by this reference and shall constitute a limitation, restriction and/or prohibition on each user.

### **1.12 Variances**

The District reserves the right to waive or modify the provisions of these Rules and Regulations at its sole discretion. Any person seeking a variance of a provision of the Rules and Regulations shall have the burden of proving that the operation of such a provision would cause undue hardship, or should not be applied to the person for another justifiable reason, and such variance shall not endanger the health, safety and welfare of the residents and inhabitants of the District. The Board's decision to grant or to deny the variance shall be final and conclusive.

### **1.13 District Not Liable**

No claim for damage shall be made against the District, and the District and its officials and employees shall not be liable by reason of damage resulting from any of the following: breaking of any service or supply line, pipe, cock, or meter by any employee of the District; the making of connections or extensions; burst service line pipes or other facilities not owned by the District; blockage in the system causing the backup of effluent; damage caused by "smoking" of lines to determine drainage connections to District lines; pressure cleaning and televising of sewer lines; breakage of main lines by District personnel; interruption of sanitary sewer service and the conditions resulting there from where said interruption of service is brought about by request of claimant or by circumstances beyond the District's control; failure of any facilities to be located where the District's map indicates they should be; the malfunctioning of a wastewater lift station and possible backflow resulting there from; failure to obtain access to isolation valve; or for doing anything to the wastewater system of the District deemed necessary by the Board or its agents. This paragraph shall not relieve the District from liability for negligence of its employees, if such liability would otherwise have existed; however, the foregoing shall not

constitute a waiver by the District of the defense of sovereign immunity or the Colorado Governmental Immunity Act, or any other defenses it may have to an action against the District, its officials or employees, nor a waiver of its insurance coverage.

These Rules and Regulations shall not be construed to hold the District in any manner responsible for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance of court action as allowed by law, or the forbearance of the District to so proceed.

#### **1.14 Officials Not Liable**

Any District official or employee, charged with the enforcement of these Rules and Regulations, acting in good faith and without malice on behalf of the District in the discharge of their official duties, shall not thereby render themselves personally liable for any damages that may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed by them in the enforcement or attempted enforcement of any provision of these Rules and Regulations, shall be defended, indemnified and held harmless by the District until final termination of the proceedings. This section shall be construed in such a manner as to be consistent with the District's resolution indemnifying such officials and employees.

#### **1.15 Not Liable for Work of Others**

The District does not assume any liability for any work performed or failed to be performed by others. No claim shall be made against the District or any of its officers or employees on account of errors of omission or commission made by the District's licensees.

#### **1.16 Indemnity**

The user, contractor, and/or developer, as applicable, shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of wastewater system facilities.

### **SECTION 2. DEFINITIONS AND ACRONYMS**

#### **2.1 Definitions**

For the purpose of these Rules and Regulations, the following terms, phrases, acronyms, words, and their derivations shall have the meanings set forth below, regardless of whether they are capitalized. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular include the plural number. The word "shall" is always mandatory and not merely directory. May is permissive.

- 1) **ACCESSORY DWELLING UNIT (ADU):** An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot and uses the same utilities as the single-family residence. The first ADU results in no additional EUs.unless a separate tap is established
- 2) **ACT OR THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 3 U.S.C.1251 *et seq.*
- 3) **APARTMENTS/CONDOS.** A building or complex of buildings containing a group of residences with shared heating & plumbing, shared access hallways, with single land ownership on a master water meter.

- 4) **APPLICANT.** Any person, firm, corporation, association, or agency who desires to obtain sewer system service from the District.
- 5) **APPROVAL AUTHORITY.** The District Manager or his/her designated agents or representatives.
- 6) **AREA MEDIAN INCOME (AMI).** The median household income for Archuleta County, as estimated by the most recent U.S. Census Small Area Income and Poverty Estimates.
- 7) **AS-BUILTS.** The surveyed data and final detailed drawings of the actual construction of the installed sewer system and/or service lines.
- 8) **AUTHORIZED REPRESENTATIVE.** (a) A user who is: (1) a principal executive officer of at least the level of vice president, if the user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. (b) Any person designated by the District to act on its behalf.
- 9) **BACKFILL.** Excavated dirt or soil used to refill a trench or hole.
- 10) **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration milligrams per liter (mg/l).
- 11) **BEDDING.** Dirt/soil that surrounds a pipe after installation.
- 12) **BOARD OF DIRECTORS or BOARD.** The Board of Directors of the Pagosa Springs Sanitation General Improvement District.
- 13) **BUILDING DRAIN.** That part of the lowest horizontal piping of an internal sewer system which receives the discharge from waste and other drainage inside the walls of the building 5' outside the outer face of the building wall.
- 14) **CAPITAL INVESTMENT FEE (CIF).** A fee assessed on new construction, new connections, or any increase in use of sewer through existing connections that cause an increase in equivalent units (EUs), used to pay for the incremental expansion of capital improvements necessary to serve increasing sewer service demand.
- 15) **CATEGORICAL INDUSTRY.** One of the industries for which the E.P.A. has established or is in the process of establishing categorical pretreatment standards.
- 16) **CLEAN OUTS.** Access points to a pipe system. A pair of clean outs with access directed to both the sewer main and the connected property is required at the property line or other location approved by an authorized District representative.
- 17) **CODE OF FEDERAL REGULATIONS (CFR).** Code of Federal Regulations as amended or as it may be subsequently amended.
- 18) **CONTRACTOR.** Any person, firm or corporation approved by the District to perform work on and to furnish materials to District facilities.
- 19) **CONTROL AUTHORITY.** The District Manager or his/her designated agents or representatives.



- 20) COOLING WATER. Water to which the only pollutant added is heat.
- 21) DEFLECTION TEST. A test that is conducted by pulling a solid pointed mandrel with a diameter equal to 95% of the pipe diameter through the completed pipeline.
- 22) DEVELOPER. Any person, corporation, partnership, joint venture, local governmental entity or other entity preparing land within the District for the construction of buildings or facilities and who will be constructing, rebuilding, remodeling, or otherwise changing the demand for services within or outside the boundaries of the District.
- 23) DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the State of Colorado.
- 24) DISTRICT. The Pagosa Springs Sanitation General Improvement District, the Board of Directors of the Pagosa Springs Sanitation General Improvement District, or a person designated by the Board of Directors or the District Manager to act on behalf of and for the District.
- 25) DISTRICT MANAGER. The Town Manager of the Town of Pagosa Springs.
- 26) DOMESTIC OR SANITARY SEWAGE OR WASTEWATER. Liquid waste (a) from the noncommercial preparation, cooking and handling of food, or (b) containing by-products of washing, laundry and household cleaning found in a normal household, or (c) containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions or combination thereof.
- 27) EQUIVALENT UNIT (EU). The base unit of measurement to determine Capital Investment Fees and the Monthly Service Charge.
- 28) EXTENSION. Any pipeline construction that adds to or extends or lengthens an existing District sewer main including lateral and intercepting sewers.
- 29) FATS, OIL OR GREASE (FOG). Any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is extracted by Freon solvent, as specified in 40 CFR 136.3.
- 30) FINAL ACCEPTANCE. That point in time when the sewer lines and appurtenances constructed by others have been finally accepted by the District, as further described in Section 8.6 of these Rules and Regulations.
- 31) FOOD PREPARATION ESTABLISHMENTS. Any establishment that cooks or prepares food that is sold to or served to customers or patrons of that establishment for consumption either on or off premises.
- 32) GARBAGE. Solid waste from domestic and commercial preparation, cooking and dispensing of food and from handling, storage, and sale of produce. Properly ground garbage shall mean the wastes from the preparation, cooking, and dispensing of foods that have been ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers and with no particles greater than 1/2" in any dimension. All floatable objects such as FOG, plastics or other prohibitive discharges must be removed from the waste stream before being discharged to the sewer system.
- 33) GREASE INTERCEPTOR. A passive interceptor having a rated flow exceeding 50 gallons per minute and is located outside of the building. This device

separates and retains fats, oil, grease and other solids from the building while permitting wastewater to discharge to the sewer. Such devices must be designed by a Colorado licensed engineer, architect or approved by CDPHE

- 34) GREASE TRAP. A passive interceptor having a rated flow of less than 50 gallons per minute and may be located inside or outside of the building. This device separates and retains fats, oil, grease and other solids from the building while permitting wastewater to discharge to the sewer. Such devices must be designed by a Colorado licensed engineer, architect or approved by CDPHE.
- 35) GROUNDWATER. Underground water or referred to as the water table.
- 36) HARMFUL WASTE. Any solid, liquid, or gaseous substances, the discharge of which would violate these Rules and Regulations.
- 37) HOLDING TANK WASTE. Any waste from holding tanks including but not limited to vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 38) HOTEL/MOTEL. An establishment providing short term dwelling accommodations, meals, and/or other services for travelers and tourists.
- 39) INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317) into the collection system (including holding tank waste discharged into the system).
- 40) INDUSTRIAL USER. A source of indirect discharge, which contains non-domestic wastes.
- 41) INDUSTRIAL WASTEWATER. The liquid wastes from industrial manufacturing processes, trades or businesses as distinct from domestic or sanitary wastes. This wastewater may contain pollutants, elements and compounds such as but not limited to petroleum products, acids, solvents, salts and metals.
- 42) INFILTRATION. Groundwater, storm water or other sources of inappropriate water that leaks through the walls of the sewer line, or through damaged pipes or manholes, and drains into a collection system. Inappropriate water is from sources other than sanitary fixtures and drains.
- 43) INFLOW. Water entering sanitary sewers from inappropriate connections is called inflow. Typical sources include sump pumps, roof drains, cellar drains, yard drains, and storm drains. An inappropriate connection lets water from sources other than sanitary fixtures and drains to enter the sanitary sewer system.
- 44) INITIAL ACCEPTANCE. That point in time when sewer lines and appurtenances constructed by others have been initially accepted by the District, subject to the 2-year warranty period, as further described in Section 8.3 of these Rules and Regulations.
- 45) INSPECTOR. The District's duly authorized representative(s).
- 46) INTERCEPTOR. Refers to any grease interceptor, grease trap, oil separator or sand separator.
- 47) INTERCEPTING SEWER. A pipe or conduit that receives sewage from two or more lateral sewers.

- 48) INTERFERENCE. The inhibition or disruption of the sewer system processes or operations that contributes to a violation of any District requirement.
- 49) LATERAL SEWER LINE. A pipe or conduit that receives sewage from 1 or more service lines and has no other lateral sewer discharging into it.
- 50) LINE EXTENSION AGREEMENT (LEA). Written legal documents between the District and developer that deal with offsite sewer construction that brings sewer service to a legal parcel and how the developer will be reimbursed for the cost of construction of pipeline.
- 51) LIVING UNIT. A house or dwelling that is a structure or the part of a structure or space that is used as a home, residence, or sleeping place by one person or more people who maintain a common household.
- 52) LOW-INCOME HOUSING. A housing unit with a rental amount or annualized mortgage amount that qualifies as affordable housing for households earning between 61% and 80% of AMI.
- 53) MANHOLE VACUUM TESTING. A test of a manhole to check the ability to hold vacuum and is determined by the ability to hold vacuum at 10 in/Hg for one (1) minute with no more than one half (½) in/Hg leakage.
- 54) MIXED USE. A combination of residences and commercial space in the same building or development. Each building is assessed individually if part of a development.
- 55) MODERATE-INCOME HOUSING. A housing unit with a rental amount or annualized mortgage amount that qualifies as affordable housing for households earning between 81% and 100% of AMI.
- 56) MONTHLY SERVICE CHARGE (MSC). A monthly fee for use of the sewer system.
- 57) NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 207 (b) and (c) of the Act (33 U.S.C. 1347), which applies to a specific category of industrial users.
- 58) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters of the contiguous zone and the oceans pursuant to Section 402 of the Act (P.L. 95-217, 33 U.S.C. 1342).
- 59) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued pursuant to Section 402 of the Act (P.L. 95-217, 33 U.S.C. 1342).
- 60) NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of Section 307(b) of the Act and 40 C.F.R. 403.5.
- 61) NON-RESIDENTIAL. Facilities that include, but are not limited to commercial, industrial, schools, churches, hotels, motels, governmental buildings and all other building uses except for residences.
- 62) OIL SEPARATOR. A device that separates and retains oil, grease and flammable wastes while permitting wastewater to discharge to the sewer.

- 63) **OUTSIDE DROP MANHOLE.** A vertical pipe on the outside of a manhole that conveys sewage when the grades of the pipe are more than 2' vertical separation.
- 64) **PERMIT.** Written permission from the District to connect a service line to the sewer system and discharge sewage. Also known as an application...
- 65) **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 66) **POINT REPAIR.** A repair to a damaged sewer pipe at 1 particular point.
- 67) **POLLUTANT.** Includes but is not limited to any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, explosives, chemical wastes, corrosive substances, biological materials or nutrients, radioactive materials, heat, malodorous substances, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste or industrial, municipal, and agricultural waste discharged into water or with water.
- 68) **PRESSURE TEST.** A test performed on the pipe to check the ability to withstand pressure when charged with air. The pipe should hold 4 psi for 3 minutes with no more than 1/2 psi drop.
- 69) **PRETREATMENT OR TREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned collection system. The reduction or alteration can be obtained by physical, chemical or biological processes or other means.
- 70) **PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than categorical pretreatment standard imposed on an industrial user and shall include conditions of a wastewater discharge permit.
- 71) **PRETREATMENT STANDARDS.** All applicable federal rules and regulations implementing Section 307 of the Act (33 U.S.C. 1317), as well as any non-conflicting state or local standards. In cases of differing standards or regulations, the more stringent standard or regulation shall apply.
- 72) **PRIORITY POLLUTANTS.** Any of the various toxic compounds that can reasonably be expected in the discharges from industries as determined by the EPA, pursuant to Section 307(a) of the Act (33 U.S.C. 1317(a)).
- 73) **PUNCH LIST.** A list of corrective actions needed on a construction project.
- 74) **RECEIVING WATERS.** Any lakes, rivers, streams, or other surface or subsurface watercourses, which receive treated or untreated wastewater.
- 75) **SAND SEPARATOR OR SAND TRAP.** A device that separates and retains heavy solids while permitting wastewater to discharge to the sewer.
- 76) **SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted including the pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage.
- 77) **SERVICE AREA.** The legal boundaries of the District and properties served by the district.

- 78) SERVICE CONNECTION PERMIT. Written authorization from the District to connect to the sewer system.
- 79) SERVICE LINE. That portion of a sewer line intended for discharging wastewater into the sewer system commencing at a dwelling or structure and terminating at the main or lateral sewer line.
- 80) SEWAGE. Wastewater and other wastes generated and discharged into the sewer system by the users of the District facilities. May also be referred to as Wastewater.
- 81) SEWAGE TREATMENT PLANT. The area and facility used to remove or alter the objectionable constituents of the sewage.
- 82) SEWER. A pipe or conduit for carrying sewage.
- 83) SEWER SYSTEM. All facilities owned and/or operated by the District and used for collecting and conveying sewage. Excludes service lines. See also Sanitary Sewer, and Sewer.
- 84) SEWER MAIN. That portion of the sewer system used for the collection and transportation of wastewater to treatment facilities and which has been installed for the express purpose of allowing service connections to be made thereto.
- 85) SHORT TERM RENTAL. A lodging use of a furnished dwelling unit, or portion thereof, for less than thirty (30) consecutive days per rental. Guests may have full access to kitchen facilities. Hotel, motel, or lodge rooms and B&Bs and inns are not considered a short term rental.
- 86) SIGNIFICANT INDUSTRIAL USER. Any industrial user of the sewer system that is:
- (a) subject to categorical pretreatment standards, or
  - (b) has a discharge flow of 25,000 gallons per average work day or more process wastewater to the sewer system (excluding sanitary, non-contact cooling and boiler blow-down wastewater), or
  - (c) has a flow greater than 5% of the average dry-weather hydraulic or organic capacity of the collection system, or
  - (d) has in the discharge toxic pollutants as defined pursuant to Section 307 of the Act, of State Statutes and Rules, or
  - (e) is designated as such by the control authority, Colorado Department of Public Health & Environment (CDPHE), , or the U.S. Environmental Protection Agency (EPA) on the basis that the industrial user has a reasonable potential for adversely affecting the sewer system's operation or for violating any pretreatment standard or requirement.
- 87) SINGLE-FAMILY DWELLING. A detached dwelling unit designed to be occupied by not more than one (1) family. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles.
- 88) SLUG LOAD. Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or polluted concentration, which will cause interference with the sewer system.

- 89) SMOKE TEST. A test that is used to determine the extent and location of exfiltration or leaks on a pipeline.
- 90) SOLID WASTE DISPOSAL ACT (SWDA). 4 U.S.C. 6901. *et seq.*
- 91) STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President's Office of Management and Budget 1972, including all revisions to date.
- 92) STORM SEWER. A sewer that carries only storm, surface and groundwater drainage.
- 93) STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting from and includes but is not limited to water from roofs, streets and other areas.
- 94) STUB-OUT. A length or segment of pipe extended from a manhole, trunkline, lateral line, intercepting line or main line that has no discharger connected to it and is for either a future sewer system connection or a service, or lateral connection.
- 95) SUBDIVISION. Any single parcel of land which is subsequently divided into two or more parcels for the purpose of constructing dwelling units or other use on any of the smaller parcels.
- 96) TAP. The physical connection point where the service line connects to the main sewer line.
- 97) TAPPING. The physical act of connecting a service line to the sewer system.
- 98) TOWNHOME. A self-contained group of independent residences within a single building, on separate lots, joined by common walls.
- 99) TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other acts.
- 100) TRUNKLINE. A pipe or conduit that receives sewage from two or more lateral sewers.
- 101) UNAUTHORIZED CONNECTION. Any connection to the sewer system without a District-authorized tap.
- 102) USER. Any person, property owner, lessee, or entity who contributes, causes, or permits the contribution or introduction of wastewater into the sewer system.
- 103) VERY LOW-INCOME HOUSING. A housing unit with a rental amount or annualized mortgage amount that qualifies as affordable housing for households earning between 0% and 60% of AMI. Very low-income housing is a sub-category of low-income housing.
- 104) WASTEWATER. The combination of the liquid and water-carried industrial or domestic waste from facilities including but not limited to residences, commercial buildings, industrial facilities, and institutions including cooling water, which is contributed into or permitted to enter the publicly owned collection system. May also be referred to as Sewage.

## 2.2 Acronyms

- 1) ADU – Accessory Dwelling Unit
- 2) BOD - Biochemical Oxygen Demand
- 3) CDPHE – Colorado Department of Public Health and the Environment
- 3) CFR - Code of Federal Regulations
- 4) CIF - Capital Investment Fee
- 5) CRS – Colorado Revised Statutes
- 6) EPA - United States Environmental Protection Agency
- 7) FOG – Fats, Oil and Grease
- 8) LEA - Line Extension Agreement
- 9) MSC – Monthly Service Charge
- 10) PLS – Professional Land Surveyor
- 11) POTW - Publicly Owned Treatment Works
- 12) PVC - Polyvinyl Chloride
- 13) SIC – Standard Industrial Classification
- 14) TSS - Total Suspended Solids

### **SECTION 3. OBLIGATIONS AND RESPONSIBILITIES**

#### **3.1 District Ownership**

Except as otherwise provided in these Rules and Regulations, all existing and future wastewater system facilities connected with and forming an integral part of the sewer system, excluding service, lateral and trunklines, shall become and are the property of the District. The District shall be responsible for maintenance, repair and reconstruction of such property, including wastewater mains, at its cost, unless the situation necessitating such repair or reconstruction is the result of a change or enlargement of use, abnormal use or damage to such facilities, in which case such repair or reconstruction will be done at the expense of the person responsible for such abnormal use or damage. Said ownership will remain valid regardless of whether such property is constructed, financed, or paid for by other persons or otherwise acquired by the District. No other persons, except those authorized by the District, shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the sewer system.

As further described in Section 8.3 of these Rules and Regulations, developers who have completed construction of sewers shall, before these sewers are accepted by the District for service, convey title to these sewers and appurtenances to the District through a bill of sale, except for service lines, and any necessary easements shall be conveyed to the District, free and clear of all liens and encumbrances.

In the event a special district is formed by an applicant inside or outside of this District for the purpose of financing sewer collectors and appurtenances, the applicant shall agree that such transfer by bill of sale shall take place when the subject sewers and appurtenances are free of all liens and encumbrances incurred by said special district, and that in the interim period between acceptance for use and transfer to the District, the District shall be allowed to consider these sewers and appurtenances as though they had been transferred by bill of sale or other instrument. That is, the District shall have, without limitation, the discretion to determine who may use the sewer system, conditions of use, and rates, tolls and charges to be paid.

Sewer interceptors, trunklines, and laterals that make up the sewer system, as well as lift stations and force mains therein, are owned by the District. Gravity sewer lines owned by the District are typically 6" in diameter or larger. Force mains owned by the District serve multiple users. It is the District's responsibility to operate and maintain the sewer system.

Service lines on private property shall be installed, owned, and maintained by the owner of the building or property they serve. Lift stations that pressurize a service line are also installed, owned, and maintained by the owner of the building or property they serve.

### **3.2 District Obligation**

The District was organized to provide sanitary sewer service to residents, businesses and other facilities within the District's service area. All property to which sewer service is provided by the District shall be part of or included within the District, except as provided in Section 5.16 of these Rules and Regulations. Inclusion into the District does not guarantee that sanitary sewer service will be immediately available nor that it will be available at a specific time or when requested by the user. However, it is the goal of the District to:

- 1) Consider for inclusion into the District all petitioning properties
- 2) Build and maintain facilities to adequately supply service to all residential and non-residential users in the District service area, provided that it is practical and feasible to do so.
- 3) Provide sanitary sewer service in a cost-efficient manner, consistent with county, state and federal laws to residential and non-residential users of the District.

Provision of sanitary sewer service is contingent upon the capacity of the District's facilities to provide such service.

### **3.3 District Responsibility**

The District is responsible for the collection of sewage from legally connected users within the District and for maintenance, repair and replacement of all facilities finally accepted by the District in accordance with Section 8.6 of these Rules and Regulations, except for service, lateral, and/or trunk lines, private wastewater facilities, and/or building drains owned by the dischargers. The District shall not be liable or responsible for an interruption of service brought about by circumstances beyond the District's control.

### **3.4 Right of Entry for Inspections**

Any duly authorized employee, representative and/or agent of the District, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times, without interference, for the purpose of inspecting, observing, measuring, sampling and testing, in accordance with the enforcement and the administration of these Rules and Regulations.

## **SECTION 4. RATES, TOLLS, AND CHARGES**

### **4.1 Amounts Set by Board**

The Board shall set the amount of the rates, tolls and charges provided for in these Rules and Regulations by resolution, and the Board may amend the same from time to time.

### **4.2 Capital Investment Fee (CIF)**

#### **4.2.1 Generally**



An applicant for sewer service shall pay the CIF when the service is approved by the District. The CIF shall be in addition to all other applicable rates, tolls and charges provided for in these Rules and Regulations. The CIF shall not be rebated or refunded, in whole or in part. A CIF is charged for each individual unit requesting service in accordance to Appendix A.

#### **4.2.2 Exemption for Low, Very Low, or Moderate-Income Housing**

The Board may, by resolution, grant an exemption for all or any part of the CIF on the development of low, very low, or moderate-income housing.

#### **4.2.3 Calculation of the CIF**

The CIF shall be calculated by multiplying the then-current CIF rate times the number of EUs, or fraction thereof. All single-family residential dwellings shall be assessed 1 EU.

Each single-family dwelling is allowed one ADU on the same service line without increasing the assessed EUs. ADUs using a separate service line and tap will be assessed separately. The number of EUs for all other types of structures shall be based on the functional definition of the structure and determined in accordance with Appendix A.

#### **4.2.4 Residential Developments with Single Monthly Service Charge**

A development comprised of multiple residential structures that owns and maintains its own collection system, and that requires a single monthly service charge billing, wherein the development is responsible for the separate billing, collection, bad account loss, and change of occupancy administration for occupants, may be granted a 10% CIF discount, subject to determination of the Board that said development satisfies the intent of this provision.

#### **4.2.5 Changes in Use**

Upon notification that a change in use of the property or structure is planned, the District Manager or his/her designee shall review the then-current assessed number of EUs and notify the user in writing of the number of EUs that will be assessed for the proposed use, per Section 4.2.3 of these Rules and Regulations. Should the change in use result in a reduction in the assessed EUs, the District shall not refund any monies. Should the proposed use result in an increase in the assessed EUs, the user shall make payment of the additional CIF immediately and prior to receiving a building permit or land use development permit. Monthly service charges will reflect the assessed number of EUs for the new use, whether more or less than the prior use. A user may request an EU reassessment to be performed at the discretion of the Board if no change in use has occurred in the previous 12 months.

#### **4.2.6 Temporary Connections**

Temporary connections to the sewer system are intended for temporary situations where purchase of a tap and payment of the full CIF for a short period of service is not practical on behalf of the applicant. An applicant may request a temporary connection to the sewer system by leasing capacity in lieu of paying a CIF. If approved by the Board, in its sole discretion, a temporary connection charge will be imposed, in addition to the monthly service charge.

#### **4.2.7 Beneficial Use Requirement**

All taps must be put to beneficial use (service) within 1 year following either payment of the CIF or completion and availability of District sewer system infrastructure necessary

to accept sewage from such tap(s), whichever is later. Users who do not put their taps to beneficial use within such time period shall pay the difference between the CIF actually paid and the CIF in effect at the time the tap is put to beneficial use.

#### **4.3 Monthly Service Charge**

In every case where the District furnishes sanitary sewer service to property, the District shall be paid for this service. The MSC for sanitary sewer service shall be calculated by multiplying the then-current MSC rate times the number of EUs, or fraction thereof, as determined at the time of connection, or upon a change in use, as described in Section 4.2 of these Rules and Regulations. The Board may set a higher MSC rate for service provided outside the District's service area.

Monthly service charges become due and will be invoiced monthly commencing when the user places the tap into service. The monthly billing cycle begins on the 21st day of each month and ends on the 20th day of the following month. Payment is due on the 20th day of the following month and is delinquent if not received within 5 days following the due date.

#### **4.4 Non-Residential Users**

Non-residential users shall be reviewed on a periodic basis to determine the quantity of sewage to be collected, and the ability of the District's facilities to collect this sewage. The Board, in its discretion, may impose an additional surcharge to compensate the District for excessive consumption of sewer system capacity and/or reimbursement of expenses related thereto.

#### **4.5 Availability of Service Charge**

The Board may assess an "availability of service" charge against property located within the District but not connected to the sewer system, provided that the District's lines are within 100' of such property.

#### **4.6 Line Extension Charge**

Whenever the District extends a sewer to serve a particular area, the users that connect to such extension shall pay a line extension charge to reimburse the District for costs related to the extension. The basis or formula for calculating the line extension charge shall be set by the Board when the extension is authorized. The line extension charge shall be in addition to other rates, tolls and charges imposed by the District, including but not limited to CIFs.

#### **4.7 Plan Review Charge**

A plan review charge shall be collected with the submittal of any application that requires the District to review plans in connection therewith. The user shall be responsible for costs of the District that exceed the plan review charge.

#### **4.8 Inspection Charge**

The inspection charge shall offset costs incurred by the District for inspecting service lines and supervising the physical connection to the sewer system. The inspection charge is payable before a service line is installed and the tap made. There will be a supplemental charge for each additional inspection required due to failure of the user to have the facilities ready for the requested inspection.

#### **4.9 Unauthorized Connection**

Any user that connects to the sewer system without a District-authorized tap shall be charged an amount equal to twice the CIF had the connection been made in conformance with these Rules and Regulations, plus all other applicable charges that have accrued since the time of the

unauthorized connection. Charges for an unauthorized connection may be waived, in whole or in part, by Board action.

#### **4.10 Excessive Pollutant Charge**

Any non-residential, commercial or industrial user that discharges wastewater having an average daily concentration of (1) BOD greater than 250 mg/L; (2) TSS greater 220 mg/L; or (3) FOG greater than 100 mg/L shall be subject to an additional charge calculated in accordance with this section.

Non-residential users whose wastewater discharge is regulated by a duly issued permit, shall use the concentration of BOD, TSS and FOG reported in their discharge monitoring reports required under these Rules and Regulations to determine the applicable surcharge rate.

Non-residential users of the sewer system not issued an industrial wastewater discharge permit shall use the average quarterly concentrations of BOD, TSS and FOG discharged to determine the applicable surcharge rate, if such discharges have been monitored by the District, which the District may do in its sole discretion. If the District has not monitored the discharges, the established industry standard concentrations for wastewater constituents shall be used to determine the applicable surcharge rate.

#### **4.11 Charges for Violation of Rules and Regulations, Order, or Permit.**

##### **4.11.1 Daily Charge Per Violation**

Any user who has violated or continues to violate any of the provisions of these Rules and Regulations, or any order or permit issued hereunder, and who has been served a notice of violation pursuant to Section 11.2 of these Rules and Regulations, shall be liable to the District for a charge of not more than \$1,000 per day, per violation for as long as the violation continues. Each day on which non-compliance shall occur or continue shall constitute and be deemed a separate and distinct violation.

##### **4.11.2 Reimbursement of Expenses**

Any user violating any provision of these Rules and Regulations shall be liable to the District for reimbursement of any and all costs and expenses incurred by the District in connection with such violation, including but not limited to reasonable attorney's fees, court costs, sampling and monitoring expenses, the costs of managing effluent or sludge due to a user's discharge of pollutants, and costs related to correcting an obstruction or other damage caused by a user's wastewater.

#### **4.12 Additional Charges**

Additional charges may be set by the Board for the following:

- 1) Monitoring, inspections and surveillance activities.
- 2) Processing permit applications.
- 3) Filing appeals.
- 4) Removing pollutants subject to federal pretreatment standards.
- 5) Reimbursement of costs for enforcement.
- 6) As deemed necessary to carry out the requirements contained herein.

#### **4.13 Collection; Nonpayment of Rates, Tolls and Charges**

Charges may be added to the user's next scheduled sewer service billing.

Any time a user is delinquent in payment of any rates, tolls or charges due to the District, the District shall assess a delinquency charge and an interest charge on the unpaid balance at the maximum rates allowed by § 29-1-1102, C.R.S. Such delinquency charges may be collected on any amount due that is not paid within 5 days after the scheduled due date. Delinquency charges shall be \$15.00 or 5% per month, or fraction thereof, but not to exceed a total of 25% of the amount due, whichever is greater. No interest shall be assessed on the delinquency charge. In addition to the delinquency charge, interest shall be charged on the amount due in an annual percentage rate of 18%, however such limitation on interest charges on the amount due shall not apply to delinquent interest imposed after a tax lien is sold at a tax lien sale pursuant to Article 11, Title 39, C.R.S.

The District shall assess to any user who is late in payment of his or her account, all legal, court, disconnection, and other costs incurred by the District that were necessary to or incidental to the collection of the account.

Until paid, all such rates, tolls, and/or charges shall constitute a perpetual lien on the property served. Any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens.

#### **4.14 Request for Reconsideration of Charges; Hearing.**

Any user that disputes a charge imposed by the District must file, within 10 days of receiving notice of such charge, a written request with the District for reconsideration of the charge. The District shall schedule and hold a hearing on the request, in accordance with the procedures set forth in Section 11.3, within 30 days of receiving such request.

### **SECTION 5. CONNECTION TO THE DISTRICT**

#### **5.1 Use of Sewers Required**

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley, sewer easement or right-of-way in which there is located a public sanitary or combined sewer within 400', is hereby required, at their expense, to install suitable toilet facilities therein, and to connect such facilities directly with the sewer system in accordance with the provisions of these Rules and Regulations within 90 days after date of official notice to do so. The deadline to connect such facilities as a result of an assessment project shall be within 30 days after the sewer is in operation and/or accepted by the governmental agency having jurisdiction over the sewer. All extensions and connections shall be in accordance with the practices and conditions hereinafter contained.

#### **5.2 District's Power to Compel Connection**

Unless otherwise agreed to by the Board, the owner(s) of all buildings, businesses or other premises situated within the District where domestic or industrial wastes or wastewater are generated, stored, or treated shall be required, at the owner(s) expense, to install suitable wastewater facilities therein and to make application for and to connect such facilities directly with the sewer system for the protection of the health, safety and welfare of the inhabitants and visitors of the District in accordance with the provisions of these Rules and Regulation, within 20 days after written notice is sent by registered mail to do so, provided that the public wastewater main is within 400' of the owner's property line, pursuant to § 31-15-709(1)(b), C.R.S.

If such connection is not commenced within such period and completed with reasonable diligence, the District may thereupon make such connection, and the property owner shall be liable for all expenses incurred by the District for the completion of the connection, including any

unpaid connection rates, tolls and charges. The District shall also have a first and prior lien on the property for such amounts.

If a service line must cross another person's property in order to connect to the sewer system at the point designated by the District, and the owner is unable to obtain the easement(s) required for such service line, the District may, in its discretion, initiate proceedings to acquire such easement(s). All costs incurred by the District in the prosecution of such proceedings including, without limitation, the amount determined to be payable as just compensation, reasonable attorney's fees, engineering and surveying fees, appraisal fees and expert witness fees, shall be paid by the owner of the property to be connected. The amount required to be deposited with the court in order for the District to obtain possession of the property included with the easement(s) shall be paid at that time by the owner of the property to be connected. The District shall have a first and prior lien on the property to be connected for all such amounts.

### **5.3 Connection to Sewer System**

Connection to the sewer system must conform to these Rules and Regulations, the *current Colorado Plumbing Code as amended and adopted by the Colorado State Plumbing Board*, and any applicable state and federal regulations.

Each tap must be connected to the sewer system separately except: that a single-family residential dwelling and a single ADU located on a single lot may use 1 tap to connect to the sewer system with District approval. For planned developments, a private collection system engineered and designed to collect the planned development's sewage may use 1 tap to connect to the sewer system with District approval. In such case, the CIF and MSC shall be calculated in accordance with these Rules and Regulations and Appendix A. Once connected to the sewer system pursuant to District authorization, no user shall discharge or allow to be discharged any wastewater except by a direct service connection to a District sewer main.

### **5.4 New Tap Connections**

Any applicant for sewer service from the District shall pay the full cost of design, construction, and inspection of all connections, including but not limited to any necessary easements, rights-of-way, and permits from county, state or other governmental agencies, as are required for the District to provide service and to connect the applicant to the District's existing sewer system, unless otherwise provided by the District.

### **5.5 Sewer Improvements**

Applicants within the area to be served by and, if necessary, included within the District must pay all costs associated with providing sewer service to the area, including their proportionate share of costs for enlarging or extending facilities within the District. Unless otherwise agreed to in writing, an applicant's share of costs of extending a main line shall be determined by dividing the total cost to construct the line by the number of lots in the area to be served.

### **5.6 Tap Transfer**

No taps shall be transferred from one location or structure to another location or structure.

### **5.7 Discharge of Sewage**

All sewage shall be discharged to sanitary sewers through authorized connections only. No person, entity or user shall discharge any sewage from any premises within the District into or upon any stream, water course, drainage channel, ditch, pond, lake, lagoon or public property or into any drain, cesspool, or storm sewer without first obtaining a permit.

### **5.8 Storm Water**

Storm water and pumped ground water shall be routed out of the area via storm water and natural drainage systems wherever possible.

### **5.9 Hazardous Waste**

Any user that discharges into the sewer system a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 CFR Part 261, shall comply with the requirements in 40 CFR Section 403.12(P).

### **5.10 Existing Sewer Lines**

Existing sewer lines serving subdivisions which have subsequently been included within the District may be connected when they are found, upon examination and/or testing by the District to meet all the requirements of these Rules and Regulations. In the event that such requirements are not met for extensions of sewer lines, for reasons of public health, the District may make the necessary improvements and recover the costs thereof from the users connected to the faulty sewer line. Such costs may include, without limitation, reasonable attorney's fees, survey mapping, and replacement of any part of an existing facility. The District shall have a first and prior lien on the property of the users connected to the faulty sewer line for such costs.

### **5.11 Temporary Disposal Facilities**

The District may permit the user to install temporary individual disposal facilities, provided that the user's case complies with all of the following conditions:

- 1) The sewer system is more than 400' from the user's property line.
- 2) Extension to the sewer system would create an unreasonable financial burden on the user.
- 3) A temporary private disposal system must be constructed in compliance with all applicable state and county health department requirements.
- 4) The user agrees by written agreement to extend a line to connect to the sewer system at a time and/or upon conditions agreed to between the District and the user. Such connection will require no additional CIF other than as provided above (unless required by a change in use).

### **5.12 Unauthorized Use**

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb the sewer system, or any portion thereof, without first obtaining written permission from the District.

### **5.13 Acceptance of Sewer Improvements by the District**

When the sewer improvements within the area to be served and, if necessary, included within the District have been completed and approved by the District, all such facilities (excluding service lines) and any easements shall be conveyed to the District as described in Section 8. After initial acceptance of such facilities, the District shall operate and maintain the facilities at the expense of the District, subject to the 2-year warranty period described in Section 8; however, the District shall not forfeit any of its legal rights to collect reimbursement costs and other revenues from users of the facilities. No connection to a new sewer main shall be permitted until the District has accepted the improvements.

### **5.14 District Not Responsible for Service Lines**

Each user shall be responsible for constructing and maintaining the entire length of its service line to the tap at the main. Leaks, clogs, breaks, root intrusion, damage from the user, or missing, inadequate, or incorrect cleanouts in the service lines shall be repaired by the user

within 72 hours from the time of notification of such condition by the District. Damage to service lines in the public right-of-way caused by settlement or pipe crushing shall be repaired or replaced by the District. In such case, the property owner has the responsibility to demonstrate that the point of disrepair lies in the public right-of-way. District Not Responsible for Privately-Owned Wastewater Facilities

All privately-owned wastewater facilities, including but not limited to privately-owned sewer mains and privately-owned sewage lift stations are the responsibility of the user. The District shall have no responsibility or liability of whatsoever kind or nature for the design, construction, operation, maintenance or replacement of any such private facilities. If the District reviews the plans and specifications for any privately-owned facilities, the District does so for the limited purpose of assuring compatibility with the sewer system. By conducting such a review, the District shall not be deemed to have assumed any duty or responsibility for the sufficiency or adequacy of the design, operation, maintenance or replacement of any privately-owned wastewater facilities.

#### **5.15 Connection to Property Not in the District**

The District may provide sanitary sewer service outside the District's service area upon request and at the sole discretion of the Board. In every case where the District furnishes such service, the District shall be paid pursuant to a service contract with the user. Such user shall be required to pay all rates, tolls and charges applicable to property within the District, an out-of-District monthly service charge, and any costs incurred by the District to serve the user's property.

#### **5.16 Dormant Accounts**

Residential accounts are not eligible for inactive or dormant status. Commercial accounts are eligible for dormant status during seasonal closures only if closure dates are submitted to the District in writing in advance and there is 100% closure of the facility during that period. Remaining open during closed dates may result in payment of the MSC for the entire closure period and a 2-year suspension of eligibility for dormancy status.

#### **5.17 Voluntary Termination of Sewer Service**

A user may request a voluntary termination of service and that the District "void" the tap providing such service. Any such action will be at the discretion of the District and in accordance with these Rules and Regulations, as well as applicable county and state regulations. If such a termination is accepted, the following conditions shall apply:

- 1) All current and past due rates, tolls and charges must be paid.
- 2) Any connection to the system that is to be "voided" or terminated shall be, at the sole expense of the user, capped at the property line and the remaining service line must be watertight. All work relating to the disconnection and capping shall be inspected by the District.
- 3) If the user desires to reconnect the "voided" tap to the sewer system following the disconnection, the user must make a formal application with the District in accordance with Section 6 of these Rules and Regulations and remit to the District all applicable rates, tolls and charges in effect at the time the application is requested.

### **SECTION 6. APPLICATION AND PERMITTING PROCEDURES**

#### **6.1 Extension of Sewer Collection Facilities; Individual Connections**

No individual connections shall be made to the sewer system without the express written authorization of the District Manager. No person shall construct a sewer main or service line to be connected to the sewer system without:

- 1) Having made formal application to the District Manager for approval.
- 2) Having complied with all requirements and regulations of the Board.
- 3) Having received written authorization from the District Manager, or its designee to construct said main or line.

Any applicant for sewer service from the District shall pay the full cost of design, construction, and inspection of all extensions, exclusive of sewage treatment facilities, but including necessary easements, rights-of-way, and permits from county, state or other governmental agencies, as are required to provide service by the District and connect the applicant to the District's existing system, unless otherwise provided by the District.

## **6.2 Application Procedure**

When a user requests sewer service, one of the following requirements must be met:

- 1) The parcel is within the District's service area; or
- 2) If the parcel is not within the District's service area, the user must make a request to the Board for a boundary change through the inclusion process or request out-of-District service pursuant to Section 5.16 of these Rules and Regulations.

All applicants seeking to connect to the sewer system shall make a formal application in writing in such form as the District may require. Prioritizations for applicant's connections will be considered in chronological order based on the date of the submitted request. Applications will be approved by the District if connection to the sewer system is feasible, practical, and desirable for the District.

The procedures for each category are as follows:

- 1) Single Tap. The applicant of an approved single tap must have service lines installed. The District will make the tap into the sewer main line and the user is responsible for all costs incurred by the District to complete the installation, including but not limited to excavation, road repair, line locates, inspection, and materials. A sewer model may be required to determine if the collection system is able to accept the additional flows as determined by the District.
- 2) Subdivision Taps. The applicant of taps for a subdivision shall submit plans in a form satisfactory to the District that are detailed enough to determine the location of service required, number of taps required at full buildout, and physical features that may affect service, together with the plan review charge set forth in Section 4.7 of these Rules and Regulations. A sewer model will be required to determine if the collection system is able to accept the additional flows.
- 3) Multiple Taps (Other Than a Subdivision). More than 1 tap may be purchased from the District if the purchase is for use on dwellings and structures that do not fall into the subdivision category. The determination of the limit on the number of taps that shall be sold to any given location without that location being deemed a subdivision shall be made by the District. A sewer model will be required to determine if the collection system is able to accept the additional flows.

## **6.3 Submission of Sewer Extension Plans to District**



Prior to the initiation of construction by any applicant proposing to construct sewage collection facilities within a specific subdivision or development under Section 8 of these Rules and Regulations, the applicant shall submit construction plans and specifications to the District for review and approval, together with the plan review charge set forth in Section 4.9 of these Rules and Regulations. Such plans shall conform to the sewer design standards and specifications of the District.

No sewers shall be constructed within the District's jurisdiction until final plans and specifications have been approved in writing by the District, or its engineer. No sewers shall be accepted by the District or placed into operation unless they have been inspected and approved by the Inspector and it is determined that such sewers meet all requirements set forth in the sewer design and construction standards established by the District.

No excavation shall be started until all required permits and easements have been obtained.

#### **6.4 Preliminary Design Plans**

Upon preliminary approval, the plans along with the necessary revisions and comments by the District shall be returned to the developer. The developer shall incorporate the necessary revisions and return 1 set of plans with the design engineer's professional stamp and one most recent AutoCAD compatible electronic copy to the District for final review and approval. All drawing sets to be used for construction must have the design engineer's professional stamp and have the approval signature from the Inspector.

#### **6.5 Right of Way Permits**

Any work in the Right of Way or the removal of pavement, sidewalks, driveways, or curb and gutter shall be performed only after all permits required by the Town of Pagosa Springs are obtained. The contractor shall rebuild the road-base in accordance with applicable town, county or state regulations on excavation, backfill, compaction and restoration of service. All excavation for all service lines shall be adequately guarded per the Manual of Uniform Traffic Control Devices so as to protect the public from hazard. Streets, sidewalks, parkways and other public and private property disturbed in the course of the work shall be restored to original condition or in a manner satisfactory to the District and any governmental entity or agency having jurisdiction over the surface or subsurface. No lines shall be covered until inspected as provided herein. Lines shall be covered or barricaded when no work is being performed.

#### **6.6 Service Connection Permit Required**

No person other than District personnel or other persons authorized by the District shall undertake maintenance and repair work on, uncover, open into, make service connections with, use, alter or disturb any portion of the sewer system or manhole covers without first obtaining written permission from the District. All service connections shall be at the permittee's expense, shall comply with all applicable provisions of this section and all applicable District standards and specifications, and shall be subject to all applicable rates, tolls and charges established by the District.

#### **6.7 Cancellation of Permits**

The District reserves the right, in its sole discretion, for cost-related, lack of capacity, or other reasons, to deny any connection application, including connection or main line extension permits, at any time prior to connection to the sewer system.

#### **6.8 Denial of Application for Service**

The Board retains, in the Board's sole discretion and judgment, the right to deny an application for a connection permit when the granting of the application would not be in the best interests of

the District or its residents and property owners. The factors that the Board may consider, not by way of limitation, include:

- 1) Whether sufficient District resources are available and will be available in the future to serve the development or construction proposed for the property;
- 2) The impact of the proposed service has a negative impact on the District's existing sewer system, transmission, and storage facilities;
- 3) The economic effect that the approval of the application would have on the District, its residents and property owners;
- 4) Whether the granting of the application would adversely affect the public health, welfare and safety of the District's residents and property owners; and
- 5) Other factors related to the request to provide such service.

There may be factors and aspects of an application that are unique to that application and are not recited above, and the Board retains the right to consider all factors related to an application and decide based thereon.

### **6.9 Line Extension Agreements (LEA)**

Any time an applicant funds an extension of a sewer line or trunkline that will benefit property owners who are not currently receiving sewer service from the District, the applicant shall be eligible for reimbursement from the property owners who will benefit from such extension, by and through execution of an LEA. Parties to the LEA shall be the District and any contributor to the cost of constructing the extension. The LEA shall contain all conditions and details of the reimbursements to the developer of the extension. The LEA may or may not allow for a 100% reimbursement to the developer depending on District administration costs and any allowances for allotted usage and over-sizing requirements, and the District's participation in the cost of the extension. The District agrees to expend its best efforts to collect the reimbursable expenses and remit them to the developer, but the District shall not bear any liability for any negligent or inadvertent failure to collect the reimbursable funds from the property owners benefited by the extension. No reimbursement obligation shall extend more than 10 years from the date of completion of the extension. Applicants shall not make any claim for reimbursement unless they have entered into an LEA prior to commencing construction of the extension.

### **6.10 New Trunkline Development**

When developing a new trunkline, it is the District's policy to accomplish the following tasks in the sequence indicated:

- 1) The District receives request from developer to build a new trunkline.
- 2) The developer funds an engineered capacity study on the sewer system.
- 3) The District analyzes known and anticipated flows from the proposed trunkline's contributing basin.
- 4) The District determines the size and alignment of the proposed trunkline.
- 5) The developer bonds for design and construction with the District.
- 6) The District authorizes the design and construction of the line extension and prepares a LEA with the developer.
- 7) The District maintains a reimbursement agreement with developer(s) until the project has been repaid or the end of terms as stated in the LEA.

### **6.11 Reimbursement When the District Participates in a Trunkline Extension**

If the Board determines that it is in the best interest of the District to participate in the funding of a trunkline extension, the District shall be reimbursed 100% of its contribution prior to any reimbursement to other participants in the funding of such line. However, in such event, the time within which the other participants shall be entitled to reimbursements shall be 10 years from the date on which the District's contribution has been refunded.

#### **6.12 Oversizing Reimbursement When Required by the District**

Line oversizing is determined to occur whenever the District requires a trunkline being built to be of a greater diameter than that required to meet the needs of the development for which the trunkline is being built. The increase in the diameter of the pipe from the development's required size and the size required by the District is the oversized amount. This oversizing is normally required if and when a trunkline will serve other developments than that for which it is originally designed.

If the District requires a trunkline to be oversized and/or participates in a trunkline extension that is oversized, it shall be the policy of the District to pay for the cost of the oversizing.

If a developer pays for the oversizing of a trunkline without District participation, the developer shall be eligible for reimbursement pursuant to a Line Extension Agreement, as further described in Section 6.9 of these Rules and Regulations.

#### **6.13 Sewage Flow Measuring Instrument**

Whenever, in the opinion of the District, the estimated amount of sewage produced does not accurately reflect the actual amount of sewage or influent produced by the user, the District may, in its sole discretion, elect to require the user to purchase and install a suitable sewage flow measuring instrument. The user will be charged for sewage flow as indicated by the instrument.

#### **6.14 Contractor Requirements**

Any contractor that performs construction, maintenance or other services on District-owned equipment, property, easements or rights-of-way that are the responsibility of the District shall provide the District with the following documents and comply with the following requirements:

- 1) Certificate of insurance specifying liability coverage and naming the District as an additional insured.
- 2) Certificate of insurance specifying Workers Compensation coverage.
- 3) Where needed or required, OSHA-approved safety equipment and the proper number of personnel required for the safe operation of such equipment shall be utilized at all times. Examples include but are not limited to accessing manholes, open cut trenches and electrical cabinets.
- 4) Developers and contractors shall ensure that all work performed under their supervision is performed in accordance with OSHA standards. Developers and contractors shall be liable for any failure to comply with OSHA standards that results in any enforcement or compliance action or in injury or death to any person performing work under the developer and contractor's supervision.
- 5) Business license and/or contractor work permit issued by the Town of Pagosa Springs, as well as any other requirements of the Town of Pagosa Springs.

### **SECTION 7. SANITARY SEWER DESIGN**

#### **7.1 General**

### **7.1.1 Purpose**

The purpose of the specifications section is to set forth the general criteria for the construction of sanitary sewer mains and appurtenances within the District service area. Any deviation from these standards must be supported by documentation submitted to and approved by the District. The basis of design for all sewer projects shall comply with the District's standard details and specifications.

### **7.1.2 Design Plans**

New designs shall include consideration of providing service for the entire tributary area to the outfall point of the proposed section of sewer.

All plans for construction of new systems, extensions to new areas, or replacement of sanitary sewers and appurtenances must be submitted for review and approval by the District. The plans shall be designed by, or under the direct supervision of, an engineer licensed in the State of Colorado.

### **7.1.3 Flow Estimating**

The following guidelines may be used for rough estimation of development sewer demands:

- (a) New sewer systems shall be designed on the basis of 100 gallons per day per capita or person. Minimum residential population density is computed using 2.7 persons per household/residence. For a residential development, use a housing density of 6 single family homes per acre with 70% of the total acres being developed. For non-residential development, use 1,100 gallons per acre per day.
- (b) CIF and MSC rates for sanitary sewer service are based on EU quantities, as described in Sections 4.2 and 4.3 of these Rules and Regulations.

### **7.1.4 Combined Sewers**

Combined sewers are not permitted. Storm water and underdrains must be completely separated and isolated from the sanitary sewer system so there is no combination of the flows. No storm, ground water, or other drains that are not sanitary sewage shall be intentionally introduced into the sewer system

### **7.1.5 Roadways and Easements**

Where sewer mains are installed in roadways or easements they will ordinarily be located in the center unless otherwise approved. If a limited width easement is to be shared for water and sewer lines, appropriate offsets must be made to ensure a 10' horizontal separation is possible.

### **7.1.6 Potable Water Crossings**

Sewer lines that parallel potable water lines shall be located a minimum distance of 10' horizontally from the water line. Where sewer lines cross under water mains, the sewer pipe must be a minimum of 18" vertical from the water main. If this distance is not feasible, the crossing must be designed and constructed to protect the utilities. The design must be approved by District. Minimum protection will consist of the installation of an impervious structural material. Sewer pipe shall be encased in reinforced concrete. The encasement shall be at least 6" thick around the entire pipe and will extend a minimum of 10' from the centerline of the crossing on both sides of the water main.

Where sewer lines cross over a water line, in all cases, regardless of vertical clearance, the sanitary sewer line shall be encased in concrete at least 6" thick around the entire pipe and will extend a minimum of 10' on each side of the centerline of the crossing.

In all cases, suitable backfill or other structural protection will be provided to preclude settling and/or failure of the adjacent or perpendicular crossings.

## **7.2 Design Criteria**

### **7.2.1 Capacity Considerations**

If required, the applicant shall be responsible to provide a sewer system hydraulic model that incorporates, but is not limited to, the following: Sewer capacities shall be designed for the estimated maximum population in a specific drainage area or area to be served. Consideration should be given to the maximum anticipated capacity of institutions, industrial parks, etc. Where future parallel sewers are planned, economic and engineering analysis of alternatives shall accompany initial permit applications.

In determining the required capacities of sanitary sewers, the following factors shall be considered:

- 1) Maximum hourly domestic sewage flow;
- 2) Additional maximum sewage or wastewater flow from non-residential dischargers;
- 3) Inflow and groundwater infiltration;
- 4) Topography of area;
- 5) Location of existing pump stations; and
- 6) Depth of excavation.
- 7) Other factors determined by the District

### **7.2.2 Sewer Depth**

In general, sewers should be sufficiently deep to receive sewage from basements and to prevent freezing; the typical minimum cover depth shall be 4', as measured from crown of pipe to ground surface. Where pipe has less than 4' of cover, provisions shall be made to protect pipe from impact, loading and freezing. Buoyancy of sewers shall be considered, and flotation of the pipe shall be prevented with appropriate construction where high groundwater conditions are anticipated.

### **7.2.3 Gravity Flow Design Criteria**

- 1) Gravity Pipe Sizing

No gravity sewer line shall be less than 8" in diameter. Service lines from residences or other facilities to the District gravity sewer can be 4" or 6".

Gravity flow sanitary sewers shall be designed on a peak flow basis. The District utilizes Manning's formula ( $N=.012$ ) to derive pipe capacity, with a peaking factor of 3 to estimate peak flow based on average flow calculations.

Sewer pipes less than 15" in diameter shall be designed to convey the peak flow while not more than 50% full. Sewer pipes 15" and larger shall be designed for peak flow conveyance not exceeding 75% of full flow capacity.

- 2) Gravity Pipe Slope

All gravity sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than 2 feet per second utilizing the Manning's formula. Slope shall also not exceed a slope encouraging a velocity of greater than 10 feet per second. Table 7.2 lists the allowable slopes for common sewer pipe sizes.

**Table 7.2 - Gravity Pipe Slope**

<b>Nominal Pipe Size</b>	<b>Minimum Slope (ft/100 ft)</b>	<b>Maximum Slope (ft/ 100 ft)</b>
8 Inch	0.400	5.0
10 Inch	0.280	4.0
12 Inch	0.220	3.0
15 Inch	0.150	2.5
18 Inch	0.120	2.0
24 Inch	0.080	1.2
30 Inch	0.058	1.0
36 Inch	0.046	1.0

### 3) Gravity Pipe Materials

All pipe materials and fittings shall meet the minimum requirements of ASTM D3034, SDR 35, latest revision for sizes up to 15" or shall meet ASTM F679, PS46 for sizes 18" and larger. Pipe stiffness for all pipe sizes shall be tested in accordance with ASTM D2412. Pipe shall be subjected to drop impact tests in accordance with ASTM D2444. Table 7.3 (below) lists the applicable standards and minimum thickness for common pipe sizes.

**Table 7.3 – Gravity Pipe Standards and Thicknesses**

<b>Nominal Pipe Size</b>	<b>Controlling Standards</b>	<b>Minimum Pipe Thickness (inch)</b>
8 Inch	ASTM D3034, SDR35	0.240
10 Inch	ASTM D3034, SDR35	0.300
12 Inch	ASTM D3034, SDR35	0.360
15 Inch	ASTM D3034, SDR35	0.437
18 Inch	ASTM F679, PS46	0.499
24 Inch	ASTM F679, PS46	0.661
30 Inch	ASTM F679, PS46	0.853
36 Inch	ASTM F679, PS46	1.021

The design criteria above are only applicable for sewer pipe installations at less than 20' of depth. For installations greater than 20' in depth, use SDR 26 and PS 115 rated materials.

#### 4) Steep Slope Considerations

Where sewers are to be installed on prevailing slopes in excess of 20% grade, anchors shall be provided per the following table.

**Table 7.4 – Anchor Requirement for Steep Slopes**

Prevailing Slope	Concrete Anchor Spacing
20 - 35 %	≤ 36 feet
35 - 50 %	≤ 24 feet
> 50%	≤ 16 feet

### 7.2.4 Force Main Design Criteria

#### 1) Force Main Sizing

Installation of new lift stations shall be avoided where it is reasonably possible to convey flow by gravity. When required, new force mains shall be designed for a minimum flow of 2 feet per second, and the overall system (pumps, piping, and controls) shall be designed to periodically achieve at least 3.5 feet per second. All new lift stations shall include a SCADA system compatible with the Districts existing architecture and provisions for standby power; the minimum provision for standby power shall be a transfer switch to allow connection of a generator, permanent generator installation may be required.

#### 2) Force Main Slope

Force mains shall maintain a continuous uphill grade wherever possible. Wherever this is not possible an appropriate air release valve shall be installed at the high point(s) to release air that may otherwise accumulate in the pipeline.

#### 3) Force Main Materials

##### (a) Ductile Iron Piping for Force Mains

Ductile-iron pipe shall conform to AWWA C115, C150 and C151.

**Table 7.5 – Ductile Iron Pipe Standards**

Nominal DIP Size	Applicable Standards	Minimum Pressure Class
4	AWWA C104, C111, C150, & C151	350
6	AWWA C104, C111, C150, & C151	350
8	AWWA C104, C111, C150, & C151	350
10	AWWA C104, C111, C150, & C151	350

##### (b) PVC Pipe for Force Mains

PVC pipe and fittings for force mains shall be rated for the appropriate pressure service. PVC force main piping shall conform to AWWA C900-16.

**Table 7.6 – PVC Pressure Pipe Standards**

<b>Nominal PVC Size</b>	<b>Applicable Standards</b>	<b>Minimum Dimension Ratio<sup>1</sup></b>
4	AWWA C905, ASTM F477, ASTM D3139	DR18
6	AWWA C905, ASTM F477, ASTM D3139	DR18
8	AWWA C905, ASTM F477, ASTM D3139	DR18
10	AWWA C905, ASTM F477, ASTM D3139	DR18
<sup>1</sup> Dimension Ratio to be verified for actual project requirements.		

4) Force Main Pipe Restraint

Restraint of force main fittings, including but not limited to tees, elbows, caps, and other locations as designated by the Inspector, shall include both mechanical joint restraints and concrete thrust blocks.

5) Force Main Connections

Pumped sewer flows shall re-enter the gravity sewer at a manhole. The connection shall be designed so that the flow does not enter the manhole under high pressure or velocity; increase force main diameter up stream of the manhole if required to alleviate high energy.

**7.2.5 Manhole Design Criteria**

Manholes at the end of gravity lines shall be stubbed out if future expansion of the system is anticipated. The stub out size and length will be dictated by the District with the cost being incurred by the developer. The pipe stub shall extend in the direction of anticipated growth and be securely capped.

Sewers shall be laid with uniform slope between manholes. Minimum drop in a manhole is 0.1'. An outside drop manhole will be required if velocities exceed 15 feet per second in the upstream pipe segment of a manhole. All sewers shall be laid with straight pipe alignment between manholes. The alignment and slope shall be verified by using standard surveying methods.

Manholes shall not be located in gutter or ditch flow lines, to prevent intrusion of storm water. Manholes that must be installed in areas considered prone to storm water intrusion shall either have elevated rims or be fitted with water tight covers, at the discretion of the District.

Cleanouts shall not be substituted for manholes.

1) Manhole Location

Manholes shall be installed at the following points:



- (a) At the end of each line;
- (b) At all changes in grade, pipe size, or alignment;
- (c) At all intersections; and
- (d) At distances not greater than 400' for sewers that are 15" or less in diameter, and 500' for sewers 18" to 30" in diameter. Greater manhole spacing may be permitted in special cases based on a review and approval by the District.

## 2) Manhole Sizing

Manhole barrels shall be sized according to the following tables. The minimum access diameter shall be 24"; provide 30" access opening for manholes greater than or equal to 72".

**Table 7.7 - Manhole Sizing for One Invert In and One Invert Out**

Pipe Size	Barrel Size
8 - 18 Inch	48 Inch
21 - 27 Inch	60 Inch
≥ 30 Inch	72 Inch

**Table 7.8 – Manhole Sizing for Multiple Inverts In and One Invert Out**

Pipe Size	Barrel Size
8 - 15 Inch	48 Inch
18 - 24 Inch	60 Inch
> 24 Inch	Design Review Required <sup>1</sup>
<sup>1</sup> Barrel size based on largest pipe and invert requirements.	

Increase manhole barrel size whenever more than a two-way manhole of maximum pipe diameter is required. Specially designed vaults are required for pipes greater than 24" in diameter and when multiple inverts exist.

## 3) Flow Channel

The flow channel should be formed to match the slope and shape of the connecting sewer pipes. Channel walls should be formed to the full height of the crown of the outlet pipe, without obstructing the channel for maintenance or inspection needs. Changes in flow direction should be formed with as wide a radius as the size of manhole permits. Finish channel smoothly without roughness, irregularities, or pockets.

## 4) Bench

A bench shall be provided in the base of any manhole where the pipe diameter is less than the manhole diameter. The bench should be sloped towards the flow channel at approximately 4%. No lateral sewer, service connection, or other piping connection shall discharge onto the bench.

## 5) Manhole Materials:

Manhole structures shall be rated for AASHTO H-20 loading and tested in accordance with AASHTO M306 where appropriate.

Precast concrete for manhole shall conform to ASTM C478, and have a minimum compressive strength of 4,000 psi.

Cast In Place concrete for manholes shall be reviewed on a project specific basis; minimum compressive strength shall be 4,000 psi.

Manhole covers and frames shall conform to ASTM A48, Class 30.

Seams where manhole sections are assembled will be sealed with a butyl sealant conforming to SS-S-210 and meet the requirements of ASTM C443.

#### 6) Drop Manholes

A drop pipe shall be provided for a sewer entering a manhole at an elevation of 24" or more above the manhole invert. Where the difference in elevation between the incoming sewer and the manhole invert is less than 24", the invert is required to be filleted to prevent solids deposition/buildup.

Drop manholes shall be constructed with an outside drop connection. No inside drop connections will be permitted. The entire outside drop connection shall be encased in concrete.

#### 7) Non-Residential (Industrial) Manholes

A sampling manhole may be required on all industrial buildings at the discretion of the District. Such a manhole shall be located on the service or lateral line between the building and the main sewer line. If a non-residential building will have multiple tenants, each subdivision of that building may be required to have its own sampling manhole.

### 7.3 Inverted Siphons

Inverted siphon designs should be avoided where technically feasible. If no alternative design is possible, inverted siphons will require District review and approval. The design must be prepared by a licensed engineer and provide for a minimum velocity of 3 feet per second under average flow conditions.

### 7.4 Service Connections

#### 7.4.1 Service Line Sizing

Single-family residence service lines shall be 4" PVC. Multifamily and commercial services shall be sized based on the fixture count. All sanitary sewer service connections shall be a minimum of 4" diameter.

#### 7.4.2 Location and Alignment of Service Lines

Sanitary sewer service lines shall be constructed on the shortest and straightest route possible. At no time shall the service line be closer than 5' to the side property line, and no service line may be constructed through or in front of any adjoining property, nor shall sewer services be connected directly into manholes, without District approval. When possible, the service line shall be located toward the low side of the lot. Service lines are not to be located in concrete areas or under driveways where possible. Water and sewer service lines must follow CDPHE regulations for separation and guarding.

#### 7.4.3 Basement Connections Prohibited

Connecting a basement drain to the sewer system is prohibited.

#### 7.4.4 Service Stub-Outs to Property Line

Service stub-outs shall be extended at least 10' into property and shall be plugged with a watertight compression stop. Sewer mains shall be laid through manholes at the end of cul-de-sacs to serve future development if needed. No lots shall be serviced by a stub out.

Adjacent to the end of the service stub-out, a green fiberglass marking post (carsonite) shall be placed in a vertical position prior to backfilling with the tracer wire attached to it a minimum of 12" above grade. The contractor shall take measurements of distances from manholes to indicate location of service taps. This information will be conveyed to the drafter of the as-builts. Service locations shall also be marked with an "S" on the curb. Markings shall be stamped or chiseled into the curb. Painted markings are not permanent and are not acceptable

## **7.5 Oil, Grease, and Grit Interceptors**

Commercial and industrial users shall install appropriate interceptors for their respective needs to prevent conveyance of wastewater laden with excessive quantities of oil, grease, or grit. All interceptor units/designs shall be reviewed and approved by the District before construction, and the installation approved by the plumbing and/or building inspector.

The District reserves the right to inspect grease traps and interceptors at any reasonable time to ensure proper installation, maintenance, and cleaning. If it is determined that the maintenance or cleaning required to maintain operability of any oil, grease, or grit interceptor is not occurring, the District can compel the cleaning of the device immediately. If the District determines that its public collection system has been impacted, the owner is responsible for all remediation.

All grease traps and interceptors must meet the requirements of the *Colorado Plumbing Code*.

### **7.5.1 Grease Traps and Interceptors for Food Service Facilities**

All new or remodeled food service facilities, including but not limited to restaurants, bakeries, cafes, stores, churches, and other public meeting facilities, shall install and maintain an appropriately sized grease trap or interceptor. Sizing and design justifications shall be submitted for District review and approval.

### **7.5.2 Other Oil, Grease, and Grit Interceptors**

Appropriate interceptors shall be required for all non-food service facilities that discharge significant quantities of oil, grit, or grease. These types of businesses include car washes and vehicle maintenance facilities. Sizing and design justifications must be designed by an architect or engineer and shall be submitted for District review and approval.

### **7.5.3 Notice, Failure to Comply**

In the event that the provisions of this Article are violated, an authorized District official may cause to be served upon the owner, occupant or person in control of the property, either personally, by certified mail, or by posting on the premises, a notice requiring the owner or tenant to restore the functionality of the oil, grease, or grit interceptor within seventy-two (72) hours of such notice. The notice shall also state that failure to comply may result in the District affecting repairs and assessing the GID costs and fines against the premises in violation.

## **SECTION 8. CONSTRUCTION OF SANITARY SEWERS**

### **8.1 General**

#### **8.1.1 Details of Construction**

All sanitary sewer main construction within the sewer system and all service line construction connecting to the sewer system and repairs to existing facilities within the District shall be completed in accordance with these Rules and Regulations, District-approved plans, and/or the District's construction specifications, as set forth in Appendix B.

### **8.1.2 Procedures and Submittal Requirements**

- 1) Procedures. Initial submittal of utility plans for approval must include 2 copies of the proposed development. As-builts shall be submitted to the Inspector for the constructed project prior to the final acceptance by District; as-builts shall be submitted on 24" x 36" sheets and digitally in the most current AutoCAD software version. Additional procedures may be included in a subdivision service agreement between the District and the developer.
- 2) Submittal Requirements. Plans shall be submitted to the Inspector on 24" x 36" sheets in a scale of 1" = 20' to 1" = 100' horizontal and 1" = 5' vertical and shall include the following:
  - (a) Blocks shall have separate numbering designations and are not to be duplicated within a subdivision.
  - (b) Streets, rights-of-way, easements, curbs and gutters, sidewalks, and property lines shall be indicated on plans.
  - (c) Existing and proposed utilities including but not limited to water, sewer, gas, phone, electrical, storm sewers, cable and any other utility are to be shown in plan and profile views. Digital as-builts shall use separate layers for each type of utility.
  - (d) Proposed construction plans shall indicate all mains, valves, hydrants, manholes, and appurtenances and any other utility.
  - (e) Pipe materials, diameters, lengths, depths and slopes will be indicated for each section or segment of pipe.
  - (f) Plan and profile design shall include dimensions referenced to street centerlines, and show any proposed or existing crossing of utilities, along with existing ground lines and limits of proposed cuts and fills.
  - (g) Service line survey stations.
  - (h) North arrow (pointing to the top or left of page), scale, professional engineers stamp, datum/benchmarks, and all elevations shall be included on each sheet. All plans and surveys shall be developed on the CO83-SF GIS coordinate system.

### **8.1.3 Construction Notice to Proceed**

No work shall commence on or off site until the installing contractor has a District-approved set of construction plans and current specifications in their possession. The Inspector's approval will be for general conformity to the plans and will not constitute blanket approval of all dimensions, quantities and details of the material or equipment shown, nor shall such approval relieve the contractor or consulting engineer of their responsibility for errors or omissions in the plans. Following final approval of the plans by District, construction may proceed.

The District shall be notified at least 48 hours prior to the start of work. Users who may experience a loss of sewer services must be notified in accordance with Section 8.17 of

these Rules and Regulations. The developer shall be responsible for any damage in connection with the construction activities of the developer or its contractors. All work relating to sanitary sewers shall be inspected by the District.

Construction shall commence within 6 months of the approval date shown on the plans. If construction on the main installation is delayed for more than 6 months, the plans must be resubmitted for additional review and approval.

#### **8.1.4 Construction Survey**

The work shall be surveyed and staked under the supervision of a licensed PLS in accordance with the approved plans, using the GIS coordinate system adopted by the District.

#### **8.1.5 Notification Requirements**

It is the contractor's responsibility to notify the following agencies as well as any other interested or directly affected party at least 48 hours prior to digging in or closing any street. Additional permits, authorizations, and/or requirements may be needed to perform work even if the work has been authorized by the District and/or the Town of Pagosa Springs.

- 1) Colorado 811
- 3) Archuleta County Joint Dispatch Center
- 4) The Town of Pagosa Springs Police Department
- 5) Pagosa Springs Fire Protection District
- 6) Archuleta County Joint 50 School District Transportation Department
- 7) Mountain Express Transit
- 8) Colorado Department of Transportation

The contractor shall also notify the aforementioned entities immediately after reopening any street, alley, fire lane, or other thoroughfare. The District shall close down any work which is not controlled in accordance with the MUTCD. No work shall be allowed at signal-controlled intersections or on major arterial roadways when normal traffic flow will be impeded during the periods of 6 AM until 8:30 AM and 3:00 PM until 6:00 PM, except during emergencies or with prior approval from the District and the Town of Pagosa Springs. The District may require the contractor to obtain the services of a certified traffic control person to regulate traffic.

#### **8.1.6 Protection of Existing Facilities**

Existing power lines, telephone lines, trees, shrubbery, fences, water mains and services, gas mains, sewer mains and services, cables, conduits, drainage and irrigation ditches and pipes, embankments and any other structures in the vicinity of the work not authorized to be removed shall be supported and protected from damage or injury by the contractor during the construction and until completion of the work affecting them. The contractor shall preserve intact any underground pipes or other utilities encountered during construction. The contractor shall be liable for any and all damage done to such existing facilities and structures as herein provided and the District will not be held liable or incur expense for injuries, damage, or repairs to facilities. The type, size, approximate location and number of all known underground utilities shall be shown on all drawings. It shall be the responsibility of the contractor to verify the existence and location of all underground utilities along the route of the work. In the event that during construction it

is determined that any underground utility conduit, including sewers, water mains, gas mains and drainage structures or any above ground utility facilities are required to be relocated, the contractor shall notify the utility owner at least 48 hours in advance of his approach to such utility so that arrangements with the District for approval and/or owners of the affected utility can be made without delay to the work. All relocations will be done at the developer's expense and upon approval by the District.

#### **8.1.7 Outages**

Temporary interruptions of sewer services (an "outage") shall be kept to a minimum. If service may be interrupted for more than 4 hours, all affected users must be notified individually by the contractor at least 24 hours in advance. Service interruption for schools, medical clinics and any other various commercial businesses must be conducted at approved times as specified by the owner and upon approval by the District. If service is interrupted for more than 4 hours are necessary, they must be conducted at times to cause the least inconvenience to the users and upon approval by the Inspector. Under all circumstances, work shall continue until all users are back in service. If, in the process of installing a connection or making repairs, there exists an industry that cannot be without sewer service, such as a hospital, the contractor shall take the necessary steps to ensure the appropriate temporary means are taken to provide sewer service. The sewer service and means of conveyance shall be approved by the District and supplied or provided by the contractor.

### **8.2 Execution**

All work shall be in conformance with the District's construction specifications, as set forth in Appendix B. In the event of any inconsistency between Appendix B and this Section 8.2, Appendix B shall control.

#### **8.2.1 Installation of Sanitary Sewers.**

- 1) General Installation
  - (a) All plastic sewer pipe installation shall be completed in accordance with ASTM D2321.
  - (b) All work shall be completed within the requirements of 26 CFR Part 1926, Safety and Health Regulations for Construction.
- 2) Excavation and Backfilling
  - (a) Trench depth shall be sufficient to provide the bedding requirements for the pipe being installed. Do not exceed the minimum depth unless unsatisfactory materials are discovered in the trench bottom; if over excavation is required, coordinate the appropriate remedy with the District. If trench is over excavated without prior approval or due to needs created through negligent or improper construction operations, the correction shall be made at no cost to the District.
  - (b) Remove rock fragments and other unsuitable materials disturbed during excavation prior to placement of bedding material.
  - (c) Granular bedding material conform to ASTM D448, gradation size 67B. The  $\frac{3}{4}$ " minus material shall have less than 5% of fines passing a No. 8 screen. Bed pipe in accordance with the District's standard details.
  - (d) Backfill material shall be free from organic matter, refuse, ashes, or other unsuitable material. Native material containing sufficient fine materials to

compact without voids and having particles no larger than 3" may be used for backfill purposes. Backfill material shall be placed in layers not exceeding 12" in depth and compacted appropriately.

- (e) Compaction of backfill shall be measured using the Modified Proctor Test, in accordance with ASTM D1557. Moisture content of the backfill material should be within  $\pm 2\%$  of optimum, as determined by ASTM D698. For placement beneath roadways and other structures, backfill shall be compacted to 95% of maximum dry density; in other areas the minimum compaction shall be 90% of maximum dry density.

### 3) Pipe Installation

- (a) Pipe shall be laid from downstream to upstream with spigot ends pointing downstream. All pipe shall be placed true to line and grade and carefully centered on the bedding material.
- (b) Pipe joints shall be made in a workmanlike manner and shall be watertight. Immediately before joining two lengths of pipe, the inside of the bell and the outside of the spigot end and the gasket shall be thoroughly cleaned. Caution shall be exercised to ensure that the correct type of gasket is used. A thin film of gasket lubricant shall be applied to the inside face of the gasket and the spigot end of the pipe. The spigot end of the pipe shall be placed in the bell with care to prevent the joint from contacting the ground. The joint shall be completed by pushing the pipe home with a slow steady pressure, without jerky or jolting movements. Pipe furnished without a depth reference mark shall be marked before assembly to ensure insertion to the appropriate depth of the joint; do not seat pipes to the bottom of the bell.
- (c) The installation of all sewer mains shall include both tracer wire and marking tape in accordance with the District's standard details.
- (d) At times when installation is not in progress, the open ends of the pipe shall be closed with a watertight plug. Cutting of pipe for inserting closure pieces shall be done in a neat and workmanlike manner without damage to the pipe or lining, leaving a smooth end at right angles to the axis of the pipe. Pipe ends shall be smooth and beveled with a file or other tools according to the pipe manufacturer's recommendations.
- (e) Extra care should be used in handling PVC pipe during cold weather due to the reduced flexibility and impact resistance as temperatures approach and drop below freezing. PVC pipe to be stored outside and exposed to sunlight for more than 30 days shall be covered with an opaque material such as canvas. Clear plastic sheets shall not be used to cover the pipe. Air circulation shall be provided under the covering. Any over exposed pipe, as determined by the District, will not be permitted for installation.
- (f) No pipe or appurtenant structure shall be installed upon a foundation in which frost has penetrated or at any time when the District deems there is a danger of ice formation or frost penetrations at the bottom of the excavation. No pipe or appurtenant structure shall be installed unless backfilling can be completed before the formation of ice and frost.
- (g) Potable Water Line Proximity

- i. Where water and sewer lines run parallel, a minimum separation of 10' shall be maintained.
  - ii. Where sewer lines cross water lines and there is less than 18" of vertical separation, the sewer pipe shall be concrete encased at least 6" thick around the entire pipe and will extend for 10' to each side of the water line.
- 4) Manhole Installation
  - (a) Manhole subgrade shall be level and compacted to 95% of maximum dry density. If subgrade is determined unsuitable, over-excavation may be required, and the contractor shall consult with the District to determine the appropriate remedy.
  - (b) Excavations for manholes shall be free of standing water at the time of manhole and pipe installation.
  - (c) Manhole bases shall be placed level and to the planned grade and alignment on the approved drawings. Inverts shall be finished smoothly and with the largest radius flow line the structure allows. All pipe connections shall use approved seals and be water tight (see detail drawing).
  - (d) Where a connection is to be made to an existing manhole, the new penetration shall be drilled or cored; under no circumstances will a penetration be created in a manhole by using a hammer or similar device.
  - (e) Handle precast manhole section carefully to prevent damage. Lifting chains, cables, hooks, etc. shall not be allowed to contact the joint surfaces. Each section shall be inspected for cracks or other significant imperfections and rejected if any are found.
  - (f) Precast sections shall be joined in accordance with ASTM C443. Polybutylene "ramneck" shall be used to form a watertight joint between each section. After assembly, horizontal joints and any lifting (or other) holes shall be sealed with a smooth layer of non-shrink grout on the interior of the structure. The exterior of all joints and grouted holes shall be sealed with a joint wrap in accordance with ASTM C877.
  - (g) Manhole ring and covers shall be adjusted to grade with precast grade rings. At least 1 ring shall be used for all manholes. Each grade ring shall be sealed with 2 strips of ramneck material. The manhole cover shall be set ¼" to ½" below the roadway surface.
  - (h) All newly constructed manholes shall be cleaned of any accumulation of dirt, silt, of other foreign matter before testing or inspection and approval.
- 5) Installation of Service Lines
  - (a) Service connections will only be authorized when all applicable CIFs and charges have been paid to the District.
  - (b) Sewer service lines shall be 4" SDR 35 PVC unless otherwise approved. Install at a minimum slope of 1%, however, 2% slope is preferred wherever it can be achieved.
  - (c) Changes in direction shall not exceed 45 degrees at any fitting.



- (d) Service lines shall be joined to the sewer main using a wye fitting or District approved saddle.
- (e) Tapping for service installations shall be completed by the District unless pre-installation of service lines is required by the District or any other agency having jurisdiction.
- (f) For new construction including curb and gutter; an "S" will be stamped onto the curb where the service line crossed under.
- (g) Any service line that is connected before building construction shall be capped with a gasketed cap and the location of the cap marked with a carsonite post.
- (h) Approved lines in new developments are to be constructed with stub-outs and shall be extended outside the roadway so that subsequent cutting of the streets is not required. These stub-outs shall be plugged, located, inspected and approved in writing by the District or their authorized representative. An as-built drawing or map in a form satisfactory to the District shall be provided to the District. Actual costs incurred by the District for such inspections shall be reimbursed by the applicant.

### **8.2.2 Testing**

In all cases, the District requires that the following tests and inspections be performed:

- 1) Low pressure air test per ASTM F1417 for plastic pipe and ASTM C828 for vitrified clay pipe;
- 2) Vacuum test per ASTM C1244 for manholes; and
- 3) Video camera inspection (jetting may be required at the District's discretion).

The District may also require, in the sole discretion of the Inspector, the following tests be performed:

- 4) Deflection test;
- 5) Smoke test; and/or
- 6) Infiltration test.

All tests shall be performed at the developer's expense. The developer shall be responsible for supplying all materials, labor and other equipment to perform testing.

If any completed line or part thereof fails to meet the District's specifications, the District may halt construction of any new sewer line until the sewer line meets the District's specifications. In addition, if deflection limits exceed the manufacturer's recommendations, the developer shall remove the existing pipe and install new pipe material at its expense. The developer shall perform additional tests and inspections for the sewer line segments in question at the developer's expense, if required by the District.

The contractor shall furnish a certified statement to the Inspector that all testing and inspection requirements have been met.

### **8.2.3 Inspection**

Installation of all new facilities within the District's service area shall be inspected and approved by the District.

The contractor shall furnish all reasonable aid and assistance required by the District for the proper examination of the material and work. All work shall be performed in accordance with accepted workmanship practices and District standards and specifications. No service lines shall be covered without the District's prior written approval. If a service line is covered without such approval, all soil and any other covering over the service line shall be removed at the developer's sole expense to allow for inspection. All service lines shall be inspected by the Inspector, who shall have the authority to halt construction when, in his or her opinion, these Rules and Regulations are being violated or proper construction practices are not being utilized. Whenever such violations occur, the Inspector shall, in writing, order further construction to cease until all deficiencies are corrected. The District may require that the sewer line be tested at the owner's expense in accordance District specifications.

Any work not accepted by the District shall be redone until compliance with the District's standards is achieved. The District may issue field judgments related to quality of materials and workmanship. The District shall not supervise, set out work or give line and grade stakes. The Inspector has the authority to reject defective or inferior materials and/or defective or inferior workmanship and to suspend work until such time as the contractor shall correct the discrepancies in question. Whenever defective materials are identified and or work is rejected, the contractor shall promptly remove such defective materials from the job site and replace all defective portions to the satisfaction of the District. In the event the contractor fails to remove rejected items from the job site within a reasonable length of time, the District may arrange for such removal at the expense of the contractor. Inspection shall not relieve the contractor from any obligation to perform the work strictly in accordance with the plans and specifications or any approved modifications thereof. Work not so constructed shall be removed and corrected by the contractor at his or her sole expense, whenever ordered by the District, without reference to any previous error or oversight in inspection.

Inspections shall only be performed during the regular business hours of the District except in emergencies. These hours are from 8:00 AM to 5:00 PM on Monday through Friday excluding holidays. When District personnel are required to work outside of the regular business hours, it shall be at the contractor's expense and the District shall be compensated at the District's overtime rate, with a 2-hour minimum. Contractors shall obtain written approval from the District prior to work being done outside these hours. Payment for such work shall be made by check to the District prior to initial acceptance.

In the event one or more inspectors representing private consulting engineering firms are also inspecting a project, along with the Inspector, the instructions given by the Inspector shall prevail in the event of conflicting instructions.

#### **8.2.4 Point Repairs**

All point repairs on existing lines shall be stainless steel solid sleeves and must be approved and inspected by the District.

### **8.3 Initial Acceptance**

Prior to the District's initial acceptance of sewer lines and appurtenances, the developer shall satisfy the following requirements at no cost to the District:

- 1) Correction of any and all items on the punch lists prepared by the District following completion of installation of the sewer lines and appurtenances both prior to and following paving operations.
- 2) Full completion of platted filing or phase, if applicable.

- 3) All sewer pipelines and manholes must pass the testing and inspection requirements set forth in Sections 8.2.2. and 8.2.3. of these Rules and Regulations.
- 4) All manholes must be free from ramneck hanging out of seams.
- 5) All manhole trough's must be free of obstructions and grouted smooth.
- 6) All manholes shall be at finished grade and have concrete collars from the top of the cone to the ring.
- 7) All service lines shall be marked with an "S" on the curb. Markings shall be stamped or chiseled into the curb. Painted markings are not permanent and are not acceptable.
- 8) All sewer services shall be located and marked with green fiberglass marking post (carsonite), which shall be placed at the end of the stub-out in a vertical position. The contractor shall take measurements of distances from the saddle to the carsonite and mark the distance on each carsonite.
- 9) All manholes outside of a residential subdivision shall be marked with carsonite markers.
- 10) AutoCAD as-builts of the sewer lines and appurtenances, oriented into District's chosen coordinate system, shall be provided to the District.
- 11) A table of latitude and longitude positions of all manholes included in the sewer lines and appurtenances shall be provided to the District. Manholes shall be tied into the District's chosen coordinate system.
- 12) A duly executed bill of sale, in a form acceptable to the District, transferring title to the sewers and appurtenances (excluding service lines) to the District, except for service lines, shall be delivered to the District.
- 13) If applicable, a duly executed deed of easement, in a form acceptable to the District, conveying all necessary easements for the maintenance and operation of the sewers and appurtenances to the District, free and clear of all liens and encumbrances and legally described by a certified survey, shall be delivered to the District.
- 14) Provide the District with a certification of costs in a form satisfactory to the District to establish the cost of the sewer lines and appurtenances installed.
- 15) Deliver the warranty bond, as further described in Section 8.5 of these Rules and Regulations.

Once the above requirements have been satisfied, the District shall mail an initial acceptance letter to the developer stating the date of initial acceptance, upon which date the District shall assume responsibility for operating and maintaining the sewer lines and appurtenances (excluding service lines), subject to the 2-year warranty period set forth in Section 8.4 of these Rules and Regulations.

#### **8.4 Warranty of Work**

The developer shall warrant and guarantee to the District that all workmanship, equipment and materials installed or made a part of the sewer system is free from defects for a period of 2 years commencing upon the date of initial acceptance. Without limiting the generality of the foregoing, the developer shall maintain and repair any trench settlement which may occur and shall make suitable repairs to any pipes, fittings, manholes, pavement, sidewalks or other

structures which may be damaged as a result of backfill settlement, faulty construction or defective materials as determined by the District. The developer shall indemnify and hold harmless the District from and against any loss, claim or demand for damage arising out of defective workmanship, equipment, or materials during said 2-year warranty period.

If any defect in workmanship, equipment or materials arises, the developer shall remedy or otherwise correct such defect without cost to the District within such reasonable period of time as specified by the District in writing. If the developer fails to repair such defect within such period of time as is specified by the District, the District may repair such defect or contract for such repairs at the expense of the developer and/or its surety. In the event of emergency repairs which, in the opinion of the District, must be made immediately in order to maintain a reasonable level of sanitary sewer service, the District may make such emergency repairs without prior notice to the developer or its surety, and at the developer and/or surety's cost and expense, but the District shall give the developer and the surety notice thereof as soon as reasonably possible.

### **8.5 Warranty Bond**

Prior to initial acceptance, the developer shall provide to the District a warranty bond to be executed in the District's favor in the amount of 100% of all construction costs for the sewer lines and appurtenances installed, effective upon the date of initial acceptance. Such bond shall be security for any corrections, repairs, replacements, or maintenance that are required during the 2-year warranty period and/or the costs of a video inspection of the sewer line 20 months following the date of initial acceptance, as required in Section 8.6 of these Rules and Regulations.

### **8.6 Final Acceptance**

A video inspection of the sewer lines and appurtenances shall be performed at no cost to the District during the 20<sup>th</sup> month following initial acceptance and, if necessary, the District shall provide a final punch list to the developer. Such punch list shall be completed to the District's satisfaction no later than 45 days prior to the expiration date of the warranty bond. When the final punch list has been completed to the District's satisfaction, the District shall send a letter to the developer providing the final acceptance of the sewer lines and appurtenances. Upon final acceptance, the District shall assume all operation, maintenance, and repair responsibility for the sewer lines and appurtenances (excluding service lines).

## **SECTION 9. ADDITIONAL PROHIBITIONS**

### **9.1 False Statements**

Making or filing with the District any statement, report or application which the person making or filing same knows or has reasonable cause to know is false or substantially inaccurate, or omitting any material fact in connection with such statement, report or application when the omission thereof leaves the remainder of the information given misleading or substantially inaccurate shall be a violation of these Rules and Regulations.

### **9.2 Tampering**

Bypassing, breaking, damaging, destroying, removing, uncovering, altering, defacing or otherwise tampering with any portion of the sewer system, obstructing the flow of wastewater in the sewer system, or obstructing access to District facilities shall be a violation of these Rules and Regulations.

### **9.3 Right-of-Way/Easement Interference**

Placing any prohibited plant or structure within the boundaries of any District right-of-way or easement shall be a violation of these Rules and Regulations.

#### **9.4 Access to the Sewer System**

Opening any manhole or entering any portion of the sewer system without authorization shall be a violation of these Rules and Regulations.

#### **9.5 Infiltration**

Knowingly permitting root infiltration, storm runoff, or groundwater to enter the sewer system shall be a violation of these Rules and Regulations.

#### **9.6 Escape of Wastewater**

Permitting wastewater to escape from the sewer system shall be a violation of these Rules and Regulations.

#### **9.7 Failure to Report**

Failing to report damage to or alteration of any District facility, or any foreign materials or obstruction in the flow of wastewater in any District facility, shall be a violation of these Rules and Regulations.

#### **9.8 Failure to Notify of Use Changes**

Failure to notify the District of any use change resulting in the need for a grease or sand interceptor, swimming pool permit, increased volume permit or any other significant process change shall be a violation of these Rules and Regulations.

#### **9.9 Violation of Stop Work Order**

Performing or continuing to perform any work in violation of a stop work order shall be a violation of these Rules and Regulations.

#### **9.10 Failure to Provide Record Drawings**

Failure to furnish record drawings of taps as installed shall be a violation of these Rules and Regulations.

### **SECTION 10. EFFLUENT DISCHARGE REGULATIONS**

#### **10.1 Effluent Discharge Policy**

This section sets forth uniform requirements for direct and indirect contributors to the sewer system. The objectives of this section are as follows:

- 1) To regulate the collection of wastewater, so as to provide for maximum public benefit in regard to the health, safety and welfare of the residents of the District.
- 2) To prevent the introduction of pollutants into the District wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- 3) To prevent the introduction of pollutants into the District wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
- 4) To improve the opportunity to recycle and reclaim from the systems.
- 5) To provide for equitable distribution of the cost of the District wastewater system.

#### **10.2 No Unauthorized Discharge**

Discharging or otherwise putting wastewater into the sewer system without District authorization, or discharging or putting any foreign materials or wastewater into the sewer system, shall be a violation of these Rules and Regulations.

### **10.3 General Discharge Prohibitions**

No user shall contribute or cause to be contributed, directly or indirectly, any harmful waste, pollutant or wastewater in violation of these Rules and Regulations that will interfere with the operation or performance of the sewer system. These general prohibitions apply to all users of the sewer system whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.

A user shall not contribute the following substances to the sewer system:

- 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 sewer system or to the operation of the sewer system. At no time shall 2 successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than 5% nor any single reading over 10% of the lower explosive limit of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, fuel oil, mineral oil, naphtha, benzene, toluene xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the District, the state, or the EPA has determined is a fire hazard or a hazard to the sewer system.
- 2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than 1/2" in any dimension, paunch manure, bones, hair, hooves, hides or fleshing, whole blood, feathers, ashes, cinders, sand, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel, lubricating oil, or waste lubricating oil, mud, glass grinding or polishing wastes, cement concrete, plaster, gravel, hay, lime slurry or sludge, paint or chemical residues.
- 3) Any wastewater having a pH less than 6.0 or greater than 9.0 or any other corrosive property capable of causing damage or hazard to structures or equipment of the sewer system or to employees of the District.
- 4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewer system, to contaminate the sludge of the sewer system, or to exceed the limitation set forth in a Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- 5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair or for sampling or monitoring.

- 6) Any substance which may cause the sewer system or any other product of the sewer system such as residues, slurries, 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 sewer system cause the sewer system to be in noncompliance with sludge use or disposal 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.
- 7) Any substance that will cause the sewer system to violate any permit or standard of the receiving system quality standards.
- 8) Any wastewater having a temperature that will inhibit biological activity in the sewer system resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 40 degrees Centigrade or 104 degrees Fahrenheit.
- 9) Any pollutants, including but not limited to oxygen demanding pollutants and BOD, released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the sewer system.
- 10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- 11) Any wastewater that causes a hazard to human life or creates a public nuisance.
- 12) A slug load having a flow rate or containing concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than 5 times the average 24-hour concentration, quantities, or flow during normal operation.
- 13) Any wastewater that creates a fire or explosion hazard in the publicly-owned sewer system, including but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees Centigrade or 140 degrees Fahrenheit, using the test methods specified in 40 CFR 261.21.
- 14) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- 15) Any wastewater that results in the presence of toxic gases, vapors or fumes within the sewer system in a quantity that may cause worker health and safety problems.
- 16) Any trucked or hauled pollutants, including but not limited to, commercial, industrial or domestic generated wastes, except at points designated by the District.

#### **10.4 Categorical Pretreatment Standards**

Upon the promulgation of the categorical pretreatment standard for a particular industrial subcategory, developed pursuant to federal statutes or regulations, the categorical pretreatment standard, if more stringent than limitations imposed herein, shall immediately supersede the limitations imposed herein.

#### **10.5 Other 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 herein. The District's

limitations or requirements on discharges shall apply in any case where they are more stringent than state or federal requirements or limitations.

### **10.6 District Right of Revision**

The District reserves the right to establish more stringent limitations or requirements on discharges to the sewer system if deemed necessary.

### **10.7 Dilution**

No user shall ever increase the use of water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other specific pollutant limitation developed by the District or state.

### **10.8 Accidental Discharges**

Each user shall provide protection from the accidental discharge of materials or substances regulated herein. Facilities to prevent accidental discharge of such materials or substances shall be provided and maintained at the users cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

All existing users, when directed by the District, shall complete facilities and procedures in accordance an Accidental Discharge plan. No user who commences contribution to the sewer system after the effective date hereof shall introduce wastewater into the system until accidental discharge facilities and procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the user of the responsibility to modify the facility as necessary to meet the requirements hereof.

In the case of an accidental discharge, it is the responsibility of the user to immediately notify the District of the incident. The notification shall include the location of discharge, the type of waste, the concentration and volume of the discharge, and the corrective actions already taken.

Within 5 days following an accidental discharge, the user shall submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or liability which may be incurred as a result of damage to the sewer system, fish tolls, or any other damage to persons or property, nor shall such notification relieve the industrial user of any fines, charges, or other liability which may be imposed under these Rules and Regulations or other applicable law.

A notice shall be permanently posted on the commercial user's bulletin board or other prominent place, advising employees to call the District at (970) 264-4151 in the event of an accidental discharge. Employers shall insure that all employees, who may cause such accidental discharge to occur, are advised of the emergency notification procedure.

### **10.9 Special User Agreement**

Nothing contained in this section shall be construed as prohibiting special written agreements between the District and any other person allowing industrial waste of unusual strength or character to be admitted to the sewer system, provided said user compensates the District for any additional costs of treatment. No such agreement may permit any discharge prohibited in Section 10 of these Rules and Regulations.

### **10.10 Bypass**

All industrial users shall comply with the requirements concerning bypass as set forth in 40 CFR, Section 403. 17.



### **10.11 Non-critical Wastewater Discharge Permit**

No person shall cause or allow the discharge of wastewater into the sewer system without a wastewater discharge permit except as follows:

- 1) Domestic users who have received District service connection permit or tap.
- 2) Industrial users who are non-critical industrial users, as determined by the District, and have received a District service connection permit or tap.

A discharge permit for swimming pool wastewater shall be required in all cases.

### **10.12 Critical Wastewater Discharge Permit**

No person shall cause or allow a categorical industry to connect to the sewer system unless such industry shall have obtained a wastewater discharge permit before connecting to or discharging into the sewer system.

#### **10.12.1 Permit Application**

Users required to obtain a wastewater discharge permit shall complete and file an application in the form prescribed by the District. Proposed new critical industries shall apply at least 90 days prior to the proposed connection to, or contribution to, the sewer system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, at a minimum the following information:

- 1) Name, address and location of discharge (if different from the mailing or office address);
- 2) Standard Industrial Classification (SIC) and a list of any environmental control permits held by or for the facility.
- 3) Wastewater quantity and quality.
- 4) Time(s) and duration of discharge.
- 5) Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- 6) Site plan, floor plans, mechanical and plumbing plans and details to show all sewer piping, sewer connections, and appurtenances by size, location and elevation. If deemed necessary by the District such plans shall provide for separate systems for handling sanitary wastes and industrial wastes.
- 7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
- 8) Where known, the quantity and specific nature of any pollutants in the discharge which are limited by any District, state or federal standards or requirements. If additional pretreatment or operation and maintenance will be required to meet the District, state or federal standards and requirements, the schedule by which the user will provide such additional pretreatment shall be submitted for review and approval. The type of pretreatment or operation and maintenance shall be reviewed by the District. The compliance date in this schedule shall not be later than the compliance date established for the applicable standards and requirements. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain increments of progress not to exceed 6 months in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment

required for the user to meet the applicable standards and requirements;  
and

- (b) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the District including, as a minimum, whether or not user complied with the increment of progress to be met on such date and, if not, the date of which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the user to return the construction to the schedule established.
- 9) A statement of certification as set forth in 40 CFR, Section 403.6 and signed by the authorized representative of the industrial user.
- 10) Any other information as required by the District to evaluate the permit application. After evaluation and acceptance of the data furnished, the District may approve the application.

The applicant shall have 10 business days from the date of notification to file written objections with the control authority to any permit conditions. The control authority may, but shall not be required to, schedule a meeting with the applicant's authorized representative within 10 business days following receipt of the applicant's objections and attempt to resolve disputed issues concerning permit conditions. If the applicant files no objections to permit conditions proposed or if subsequent agreement is reached concerning same, the control authority shall issue a wastewater discharge permit to the applicant with such conditions incorporated.

#### **10.12.2 Permit Modification**

Upon promulgation of additional categorical pretreatment standards and within the time prescribed thereby, the wastewater discharge permit of a user subject to such standards shall be revised as required to comply with any part thereof which is stricter than existing standards or conditions of the permit. Where a user, subject to categorical pretreatment standards, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within 30 days after promulgation of the applicable categorical pretreatment standard. Any user with an existing wastewater discharge permit shall submit to the District, within 30 days after such promulgation, the information required by Section 10.12.1 8) and 9). In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the District. The District reserves the right to require any industrial user to install and maintain pretreatment system and require it be operated by a state certified industrial wastewater plant operator if the system is of complicated design as determined by the District or shows a degree of non-compliance in meeting discharge limits.

#### **10.12.3 Permit Conditions**

Wastewater discharge permits shall be expressly subject to all provisions of this section and all other applicable regulations, rates, tolls and charges established by the District.

Permits may be conditioned upon the following:

- 1) Limits on the average and maximum wastewater constituents and characteristics.

- 2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- 3) Requirements for installation and maintenance of inspection and sampling facilities.
- 4) Specifications for monitoring programs which may include sampling, locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- 5) Compliance schedules.
- 6) Requirements for submission of technical reports or discharge reports.
- 7) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the District and affording District access thereto.
- 8) Requirements for notification of the District of any new introduction of wastewater constituents or average volume being introduced into the sewer system.
- 9) Requirements for notification and control of non-routine, episodic discharges, including but not limited to, accidental spills or non-customary batch discharges.
- 10) Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the user's industrial wastewater is or could cause an interference or a potential interference with the sewer system, that the industrial wastewater could be served preventing discharge into the sewer system but still allowing the users sanitary wastewater to discharge into the sewer system.
- 11) Any other conditions as deemed necessary by the District in order to enforce the provisions of this section.
- 12) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
- 13) Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in 40 CFR Section 403, categorical pretreatment standards, local limits, and state and local laws.
- 14) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule, such schedules may not extend the compliance date beyond federal guidelines.

#### **10.12.4 Permit Duration**

A wastewater discharge permit shall be issued for a period of 3 years from the date of issue. The user shall apply for a new permit with completed wastewater discharge permit application(s) within a minimum of 90 days prior to the expiration of the user's existing permit. Any permit may be suspended or revoked for failure to comply with the requirements of this section.

#### **10.12.5 Permit Transfer Prohibited**

A wastewater discharge permit shall not be sold, traded, assigned, transferred, or sublet. Any new industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises.

### **10.13 Compliance Date Report**

Within 90 days following the date for final compliance with applicable standards or requirements, any industrial user subject to federal, state or District standards and requirements, shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such federal, state or District standards and requirements and the average, minimum and maximum daily flow and times for wastewater limited by such standards and requirements. The report shall state whether applicable standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance or pretreatment is necessary to bring a user into compliance with the applicable standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer registered in the state.

#### **10.14 Periodic Compliance Reports**

Any industrial user subject to a federal, state, or District standards or requirements shall submit to the District during the months of June and December, unless required more frequently in the permit or by the District, a report indicating the nature and concentration of pollutants in the wastewater which are limited by such standards or requirements. In addition, this report shall include a record of all daily flow which, during the reporting period, exceeded the average daily flow reported in Section 10.12.

The District may impose mass limitations on industrial users which are using flow equalization to meet applicable federal, state or District standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by this subsection shall also indicate the mass of limited pollutants in the wastewater of the user. These reports shall also contain the result of sampling and analysis of the discharge, including production and mass of pollutants contained therein which are limited by the applicable standards and requirements.

#### **10.15 Spill Management Plan**

The District will evaluate, at least once every 2 years, whether each significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any non-routine, episodic by nature, including but not limited to, an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the approval authority upon request. If the District decides that a spill management plan is needed, the plan shall contain, at a minimum, the following elements:

- 1) An ongoing inventory of the types and quantities of pollutants used or stored by the industrial user.
- 2) A diagram of the process and storage location(s) at the facility.
- 3) A diagram of the location(s) of the floor drains to sanitary or storm sewers.
- 4) A description of the measures used to prevent discharge to sanitary or storm sewers.
- 5) An outline of the spill prevention procedures followed by an industrial user.
- 6) If the District deems it to be 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), treatment and disposal methods, and/or measures and equipment for emergency responses. The existence of a management plan does not relieve the discharger

from fines, charges, or other liabilities which may be imposed in the event of violations of these Rules and Regulations or other applicable laws.

#### **10.16 Signatory Requirements**

The reports required by Sections 10.12 and 10.13 shall include a statement of certification as set forth in 40 CFR Section 403-6 and signed by the authorized representative of the industrial user.

#### **10.17 Monitoring Inspections**

Where required pursuant to this Section or pursuant to terms and conditions of the wastewater discharge permit, the user shall provide and operate, at his expense, monitoring equipment and facilities sufficient to allow inspection, sampling, and flow measurement of the user's sewer systems.

The monitoring equipment and facilities shall be situated on the user's premises or such other location as approved by the District. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user and accessible to the District at any time.

The District may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by the industrial users, occasional and continuing noncompliance with pretreatment standards, and inspect and sample the effluent from each significant industrial user at least once a year pursuant to 40 CFR Section 403.8(f)(2)(v).

Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the District unless another date is specified in the wastewater discharge permit.

The District may inspect the equipment and facilities of any user at any time during normal business hours to ascertain whether they are in compliance with applicable ordinances, rules, and regulations. In the case of an emergency, the District may cause such inspection to occur at any time. Occupants of premises where wastewater is created or discharged shall allow the District or its representative entry for purpose of inspection, sampling, records examination, records copying, or the performance of any other rights or responsibilities under this section. The District, state, 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, or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with its security force/system so that upon presentation of suitable identification, personnel from the District, state and EPA will be permitted to enter, without delay for the purposes of performing their specified responsibilities.

In the event a duly authorized representative or agent of the District is refused admission for any purpose, the District may cause sewer service to the premises in question to be suspended until the District's representative or agent has been afforded reasonable access to the premises and sewer system to accomplish the inspection or sampling.

All measurements, tests and analysis of the characteristics of wastewater to which reference is made herein shall be determined in accordance with 40 CFR 136 or, where not addressed in accordance with procedures established by the EPA pursuant to Section 304 (h) of the Act (33 U.S.C. Section 1314(h)), or with any other test procedures approved by the EPA Administrator.

In the event that no special facility has been required, the point of inspection shall be the downstream manhole in the sewer system nearest to the point at which the service line is connected to the sewer system. All measurements, tests, and analysis, and all sampling shall be at the expense of the user.

#### **10.18 Pretreatment**

Users shall provide necessary wastewater treatment as required to comply herewith. Any equipment and facilities required to pre-treat wastewater to a level in compliance with this section shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved in writing by the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce wastewater in compliance with the provisions of this section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the District and approved prior to the user's initiation of the changes.

#### **10.19 Food Preparation Establishments**

All food preparation establishments, whether existing or of new construction, shall be required to install an approved grease interception device, also referred to as a grease trap or interceptor, that is connected to all drains from the kitchen, food preparation and dishwashing areas. Fixtures to be connected include but are not limited to garbage disposals (grinders), scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease containing materials may exist. All waste shall enter the interceptor through the inlet pipe only.

The size, type and location of each interceptor shall be designed by a Colorado licensed architect or engineer and have local health department approval if required before being approved and by the District. Except where otherwise specifically permitted, no wastes other than those requiring separation shall be discharged into the interceptor. All interceptors for grease and heavy solids shall be so designed and located as to be readily accessible for cleaning and shall have a water seal of not less than 6". All interceptors shall be located outside of the facility served. Interceptors may not be installed in any part of a building where food is handled or served. The location of the interceptor shall be approved by the District and shall be shown on the approved building plan. No interceptors shall be located in drive-through driveways or next to main entrance ways unless approved by the District prior to construction. The size of the interceptor shall be based on the maximum number of meals served during the maximum or peak periods of the day (breakfast, lunch or dinner).

Cleaning and maintaining the interceptor in efficient operating condition shall be the user's responsibility and expense. All interceptors shall be cleaned at a minimum interval of once every 6 months or whenever it becomes full, whichever event occurs first. The District may inspect any interceptor at any time without prior notice to the user. If the District's inspection indicates that the interceptor requires pumping or repairs, the District can require the user to have these services performed immediately, or the District can perform or cause such services to be performed at the sole expense of the user.

The District will require that all users having grease interceptors provide evidence of all cleaning and maintenance performed to the interceptors at the time of the District's inspection. This evidence shall be in the form of copies of invoices and any other documentation relating to the service performed.

Bypassing or failing to have, use, or maintain a grease or sand interceptor to District standards shall be a violation of these Rules and Regulations.

## **10.20 List of Non-Complying Users**

The District will maintain a list of users in significant noncompliance with applicable pretreatment requirements in accordance with definitions and regulations as set forth in 40 CFR Section 403.8. All records relating to compliance with applicable standards or requirements shall be made available to officials of the EPA or approval authority upon request, subject to any limitations contained in state statutes.

## **10.21 Confidential Information**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inquiries shall be available to the public or other governmental agency without restriction pursuant to the Colorado Open Records Act, § 24-72-201, *et seq.*, C.R.S, unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the user furnishing a report, and such request is approved by the District, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related hereto, National Pollutant Discharge Elimination System (NPDES) permit, or applicable standards or requirements. Moreover, such portions of the report shall be available for use by the District or any Federal or State agency in judicial review or enforcement proceedings involving the user furnishing the report.

Information accepted by the District as confidential, shall not be transmitted to any government agency by the District until and unless a 10-day written notification is given to the user by certified mail or personal service.

If the user believes that the District's findings are in error, the user may elect to appeal such findings in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

## **10.22 Disconnection or Cessation of Discharge**

In the event an industrial user intends to cease to discharge from a regulated process or plans to disconnect from the wastewater system, the District must be notified not less than 30 days prior to any action by the industrial user. The notification shall provide a closure management plan that includes the following information, as a minimum:

- 1) Date of planned disconnect or cessation of discharge.
- 2) Methods of disposal of regulated process tanks, chemicals, sludges, plating wastes, cleaning solutions and other pollutants.
- 3) Methods of cleaning tanks, barrels, or other vessels containing regulated pollutants.
- 4) Names of carriers, copies of manifests and the ultimate disposal site(s) of the regulated pollutant and the EPA permit numbers for the transportation of the wastes, if a permit is required.
- 5) Name of contact person to be contacted during closure and upon completion, the industrial user shall be responsible for all discharges to the wastewater system and shall not be disconnected until the District has determined that the industrial user has disposed of the regulated wastes in a proper and safe manner and has requested termination of the discharge permit in writing.

### **10.23 Specific Pollutant Limitations**

Every user of the sewer system must meet the following standards of the District with respect to the daily maximum concentration for the following Pollutant/Pollutant Property Concentration/Daily Maximum In mg/L:

- (a) Arsenic/0.6300
- (b) Cadmium/0.1100
- (c) Chromium (iii)/ 3 0000
- (d) Copper/3.3800
- (e) Lead /0.6900
- (f) Mercury/0.0007
- (g) Molybdenum/0.5200
- (h) Nickel/3.9800
- (i) Selenium/0.2800
- (j) Silver/0.4300
- (k) Zinc/2.6100

Note: pH units shall remain between 6.0 and 9.0.

### **10.24 Sampling Schedule for Critical Industries**

Critical industries must monitor and then enter into a sampling schedule as required by the District. The District sampling and analysis shall also be made as determined by the District. The District shall also provide a schedule showing specific pollutants limitations.

## **SECTION 11. ENFORCEMENT**

### **11.1 Generally**

Any user found in violation of any of the provisions of these Rules and Regulations shall be subject to any or all of the administrative procedures, orders, charges and other remedies, as authorized by these Rules and Regulations, as deemed necessary and appropriate under the circumstances by the District Manager and/or the Board, as applicable. In addition, any user in violation of any of the provisions of these Rules and Regulations may also be prosecuted in the Municipal Court of the Town of Pagosa Springs pursuant to an ordinance adopted by the Town Council imposing charges for interference with the sewer system.

### **11.2 Notice of Violation**

Whenever the District finds that a user has violated or is violating any of the provisions of these Rules and Regulations, or any order or permit issued hereunder, or the terms of a right-of-way, easement or other agreement between the District and the user, or if any rates, tolls or charges imposed under these Rules and Regulations become delinquent, the District Manager may serve upon the user a written notice stating the nature of the violation and providing a reasonable time, not to exceed 30 days, for the satisfactory correction thereof. Such notice shall be served personally, or by registered or certified mail (return receipt requested) to the billing or street address of the user. Such notice shall specify the amount and nature of charges imposed against the user, if any. A meeting with the District Manager may be scheduled at the request of the user or the District Manager to discuss the violation and/or satisfactory correction



schedule. Such meeting shall not serve as an extension of the thirty-day deadline for correction of a violation.

### **11.3 Show-Cause Hearing**

Upon a finding by the District Manager that a user has failed to correct a violation in accordance with Section 11.2 of these Rules and Regulations, whether with or without a meeting with the District Manager, the District Manager may order such user to show cause to the District why an enforcement action should not be taken. A notice shall be served on the user, specifying the time and place of a hearing to be held regarding the violation, and directing the user to show cause why an order should not be made directing an enforcement action against the user. The notice of the hearing shall be served personally, or by registered or certified mail (return receipt requested) to the billing or street address of the user at least 10 days before the hearing. Service of process may be made on any agent or officer of a corporation. The show-cause hearing shall be conducted in accordance with Section 11.5 of these Rules and Regulations.

### **11.4 Notice of Appeal**

Any user desiring to appeal any order or determination of the District shall file a written notice of appeal with the District within 10 days of such order or determination. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and shall request a hearing before the Board.

On receipt of a notice of appeal, the District shall set the appeal for hearing at the next regularly scheduled Board meeting, if such meeting is at least 7 business days following receipt of the notice of appeal, otherwise for the next meeting thereafter. Notice of the time, date, and place for the hearing shall be served personally, or by registered or certified mail (return receipt requested) to the billing or street address of the user filing the notice of appeal. The Board may continue the hearing as it deems necessary, without further notice.

### **11.5 Conduct of Hearings**

The Board shall conduct the hearing and, in doing so, shall act as a quasi-judicial body. The user and the District shall each have the opportunity to present evidence and arguments in support of their positions and shall have the right to be represented by an attorney, if they so desire. The Board may affirm, reverse, or modify the order or determinations previously made. The findings and decision of the Board shall be mailed to the user.

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

### **11.6 Compliance Order**

If it is determined that a violation has occurred following the show-cause hearing, the District Manager may issue a compliance order to the offending user setting forth any reasonable and appropriate requirements to address the noncompliance, which may include, without limitation, suspension or termination of service, installation of pretreatment technology, and additional self-monitoring practices. If the user fails to cure a non-conformity by the time specified in the compliance order, the District may perform the work or have the work performed at the expense of the user.

### **11.7 Consent Orders**

As an alternative to issuing a compliance order, the District Manager is hereby authorized to enter into a consent order that establishes an agreement between the District and the offending user for voluntary compliance. A consent order will include specific action to be taken by the user to correct the non-compliance within a time period specified by the consent order.

### **11.8 Emergency Suspension Order**

Notwithstanding any other provision of these Rules and Regulations, the District may immediately suspend service without prior notice or a show-cause hearing if any actual, threatened or proposed discharge immediately and substantially endangers individual health, safety or welfare, the general public or the environment, or may cause interference or damage to District facilities. Any such emergency suspension order shall become effective immediately, and any person notified of such suspension shall immediately stop or eliminate all discharge of wastewater. The District is also authorized, in such severance of the sewer connection, to prevent or minimize danger or property damage.

### **11.9 Injunctive Relief**

The District may petition the District Court in and for the County of Archuleta for injunctive relief from any act or omission by any user that violates these Rules and Regulations, or which otherwise jeopardizes the property or health of any person or the District.

### **11.10 Denial of Permits**

The District may decline to reissue a permit to any user who has failed to comply with the provisions of these Rules and Regulations or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, letter of credit or other suitable guarantee payable to the District in a sum determined by the District to be necessary to achieve consistent compliance.

### **11.11 Reinstatement of Suspended Service**

The District shall not reinstate service that has been suspended until the following requirements have been satisfied:

- 1) The person requesting reinstatement has paid any applicable disconnection and reconnection charges, all costs and expenses incurred by the District in connection with the suspension, and any and all other amounts then due to the District.
- 2) The person requesting reinstatement has submitted proof of elimination of the violation to the District Manager.
- 3) The person requesting reinstatement has submitted, and the District Manager has approved, a plan to prevent future violations.

If deemed necessary to prevent danger, property damage or interference with the sewer system, the District Manager may order a user to provide pretreatment, flow rate control, suitable access facilities (e.g., a manhole or vault) and periodic sampling, testing, and reporting of the quality and quantity of wastewater being discharged prior to reinstating service.

Any notice or order issued under this section shall be served personally, or by registered or certified mail, (return receipt requested) to the billing or street address of the user.

### **11.12 Grounds for Termination of Service**

Service shall be terminated, and not merely suspended, if any of the following occurs:

- 1) The District Manager issues a compliance order directing termination of service;
- 2) The tap is revoked;
- 3) The connection providing such service was not authorized when made;
- 4) The service was suspended at least 2 times within the preceding 5 years as a consequence of the acts or omissions of the same user.

Service that is terminated pursuant to this Section may not be reinstated unless the user applies for new service.

#### **11.13 Stopping or Eliminating Discharge upon Suspension or Termination of Service**

Any user notified of a suspension or termination of service shall immediately stop or eliminate discharge of any and all wastewater from the property affected by such order on the effective date of the suspension or termination. The District may take such steps as deemed necessary to enforce the suspension or termination order, including but not limited to a physical interruption of service. Failure to stop or eliminate the discharge of wastewater from property affected by an order suspending or terminating service to such property shall be a violation of these Rules and Regulations.

#### **11.14 Civil Fine Pass-Through**

In the event that a user discharges pollutants which cause the District to violate a condition of a permit held by the District, and if the District is fined by a state or federal agency for such violation, such user shall be liable for the total amount of the fine assessed against the District.

#### **11.15 Remedies Cumulative**

The remedies available to the District under these Rules and Regulations and under the laws of the State of Colorado shall be deemed to be cumulative, and the utilization by the District of any single such remedy or combination thereof shall not preclude the District from utilizing any other remedy or combination thereof.

## Appendix A – Equivalent Unit Worksheet

This page intentionally left blank.