



**Pagosa Springs  
SANITATION  
GENERAL IMPROVEMENT  
DISTRICT**

**Amended and Restated  
Rules and Regulations**

**Adopted and approved by the  
Board of Directors on  
November 18, 2010**

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## **SECTION 1. GENERAL**

### **1.1 The District**

The Town of 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, referred to herein as "Board" of the District. The Mayor shall be ex officio the presiding officer, the Town Clerk shall be ex officio the secretary and ex officio the treasurer 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 of the Town Council shall constitute a quorum at any meeting. The secretary/treasurer shall keep, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, and all corporate acts which shall be open to inspection of all owners of property in the District, as well as to all other interested parties, 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 Sanitation Supervisor and any other employee or agent of the District designated by the Sanitation Supervisor 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.

### **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 Pagosa Springs Sanitation General Improvement 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.

#### 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 customer in the District.

#### 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 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; breakage of main lines by District personnel; interruption of wastewater 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 shutting off 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 Non-Liability for Work of Others

The District does not assume any liability for any work 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 owner(s), developer(s), or customer(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the service line.

## **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. 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) **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.

- 2) **APPLICANT.** Any person, firm, corporation, association, or agency who desires to obtain sewer system service from the District.
- 3) **APPROVAL AUTHORITY.** The Sanitation Supervisor or his/her designated agents or representatives.
- 4) **AS-BUILTS.** The surveyed data and final detailed drawings of the actual construction of installed sewer systems or other construction.
- 5) **AUTHORIZED REPRESENTATIVE.** (a) A user who is: (1) a principal executive officer of at least the level of vice president, if the industrial 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 Sanitation District to act on its behalf.
- 6) **BACKFILL.** Excavated dirt or soil used to refill a trench or hole.
- 7) **BEDDING.** Dirt/soil that surrounds a pipe after installation.
- 8) **BIOCHEMICAL OXYGEN DEMAND (BOD or BOD5).** 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).
- 9) **BOARD OF DIRECTORS.** The Town Council or appointed body responsible for oversight of the District. Also known as the "Board".
- 10) **BUILDING SEWER.** The line from the lateral connection to the building or improvements of the applicant, owner, or customer. Also known as a service line.
- 11) **BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage inside the walls of the building five feet outside the outer face of the building wall.
- 12) **CATEGORICAL INDUSTRY.** One of the industries for which the E.P.A. has established or is in the process of establishing categorical pretreatment standards.
- 13) **CHEMICAL OXYGEN DEMAND (COD).** The oxygen equivalent of that portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant, expressed in terms of weight and concentration (mg/l).
- 14) **CLEAN OUTS.** Access points to a pipe system.
- 15) **CODE OF FEDERAL REGULATIONS (CFR).** Code of Federal Regulations as amended or as it may be subsequently amended.
- 16) **COMBINED SEWER INTERCEPTORS.** Sanitary sewer flow combined with but not limited to storm water or ground water.

- 17) **COMMERCIAL USER.** Any applicant using the services of the District while engaging in a business; may also be referred to as a Non-Residential customer.
- 18) **COMPOSITE SAMPLE.** A representative flow-proportioned or time-proportioned sample, collected within a twenty-four (24) hour period composed of a minimum of four (4) individual samples collected at equally spaced intervals and combined according to flow or time.
- 19) **CONTRACTOR.** Any person, firm or corporation approved by the District to perform work on and to furnish materials to District facilities.
- 20) **CONTROL AUTHORITY.** Shall refer to the Sanitation Supervisor or his/her designated agents or representatives.
- 21) **COOLING WATER.** Water to which the only pollutant added is heat.
- 22) **CUSTOMER.** Any person, firm, corporation, association, or agency that uses or desires to obtain water, sewer, recycled water and/or natural treatment system service from the District.
- 23) **CRITICAL INDUSTRY.** A significant user, a categorical industry or a user that is required to report the storage of hazardous materials pursuant to the requirements of these Rules and Regulations. This includes both significant and potential contributors.
- 24) **DEFLECTION TEST.** A test that is conducted by pulling a solid pointed mandrel with a diameter equal to ninety five percent (95%) of the pipe diameter through the completed pipeline
- 25) **DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the waters of the State of Colorado.
- 26) **DISTRICT.** As used in these Rules and Regulations, the word District shall mean The Pagosa Springs Sanitation General Improvement District, the Board of Directors of The Pagosa Springs General Improvement District, or a person designated by the Board of Directors to act on behalf of and for the District.
- 27) **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.
- 28) **EQUIVALENT RESIDENTIAL TAP (ERT).** Also known as Plant Investment Fees, or Tap Fees. ERTs shall represent the average hydraulic and chemical characteristics of the discharge of a single-family home in the service area of the District. The details of these characteristics may be changed from time to time as better data is obtained to define the "Equivalent Residential Tap." Some of the more important characteristics of the Single-Family Equivalent (SFE) are as follows:

- (a) Average Occupancy = 2.7 persons

- (b) Average Daily Sewage Flow per Person = 100 gallons/day
- (c) Average Daily Sewage Flow per SFE = 270 gallons/day
- (d) Peak Hour Sewage Flow = 1,080 gallons/day or 45 gallons/ hour

For purposes of these Rules and Regulations, non-single family uses shall be converted to the equivalent number of single-family units. This conversion shall be determined by the District on the basis of the characteristics that are common to both single-family and non-single-family uses, e.g., offices, etc. Where more than one characteristic is common to both uses, a weighing factor may be used to establish the relative importance of these characteristics on the sewer system.

- 29) EXISTING USER. An industrial user, which is in operation at the time of promulgation of categorical pretreatment standards.
- 30) EXTENSION. Any pipeline construction that adds to or extends or lengthens an existing District sewer main including lateral and intercepting sewers.
- 31) 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.
- 32) FEE SCHEDULE. All fees, rates, charges, penalties or surcharges for services or facilities and which are imposed by the District pursuant to these Rules and Regulations, state statutes, contractual agreements or by Board action.
- 33) FINAL ACCEPTANCE. Occurs when the two (2) year warranty expires and the District assumes responsibility of a pipeline.
- 34) 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 public sewers and with no particles greater than one-half (1/2) inch in any dimension.
- 35) GENERAL IMPROVEMENT DISTRICT (GID). Also known as the District.
- 36) GRAB SAMPLE. A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 37) GREASE INTERCEPTOR. A passive interceptor having a rated flow exceeding fifty (50) gallons per minute and is located outside of the building. This device separates and retains fats, oil, grease and other solids from the facility while permitting wastewater to discharge to the sewer.
- 38) GREASE TRAP. A passive interceptor having a rated flow of less than fifty (50) gallons per minute and may be located inside or outside of the facility. This device separates and retains fats, oil, grease and other solids from the facility while permitting wastewater to discharge to the sewer.

- 39) GROUNDWATER. Underground water or referred to as the water table.
- 40) HARMFUL WASTE. Any solid, liquid, or gaseous substances that would violate the prohibitions contained in these Rules and Regulations.
- 41) 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.
- 42) 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 POTW (including holding tank waste discharged into the system).
- 43) INDUSTRIAL USER OR USERS. A source of indirect discharge, which contains non-domestic wastes.
- 44) 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.
- 45) INFILTRATION. Groundwater, storm water or other sources of water that leaks through the walls of the sewer line or manhole and drains into a collection system.
- 46) INITIAL ACCEPTANCE. That point in time when sewer lines have been tested, cleaned, videoed and approved and accepted by the District. The two (2) year warranty period also begins at this time.
- 47) INSPECTOR. Shall mean the District Engineer or the District's duly authorized representative(s).
- 48) INTERCEPTOR. Refers to any grease interceptor, grease trap, oil separator or sand separator.
- 49) INTERCEPTING SEWER. Shall mean a pipe or conduit that receives sewage from two or more lateral sewers.
- 50) INTERFERENCE. The inhibition or disruption of the POTW treatment processes or operations that contributes to a violation of any requirement of the District's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- 51) LATERAL SEWER. Shall mean a pipe or conduit that receives sewage from one or more service lines, and has no other lateral sewer discharging into it.

- 52) LINE EXTENSION AGREEMENT (LEA). Written legal documents between the District and developer that deal with off site sewer construction that brings sewer service to a legal parcel and how the developer will be reimbursed for the cost of construction of pipeline.
- 53) MANHOLE VACUUM TESTING. A test of a manhole to check the ability to hold vacuum and is determined by the ability to hold at 10 in/Hg for one (1) minute with no more than one half (½) in/Hg leakage.
- 54) MONTHLY SERVICE CHARGE (MSC). An amount determined by the Board from time to time by Resolution to be paid per billing or ERT unit for the use of the District facilities on a monthly basis.
- 55) NATIONAL CATEGORICAL PRETREATMENT STANDARD (NCPS) OR 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.
- 56) 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).
- 57) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT OR NPDES PERMIT. A permit issued pursuant to Section 402 of the Act (P.L. 95-217, 33 U.S.C. 1342).
- 58) 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.
- 59) NEW SOURCE. Any building, construction of which commenced after the publication of proposed pretreatment standards under Section 307(c), which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (a) The building, structure, facility, or installation is constructed at a site at which no wastewater source is located, or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
  - (c) The production of wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing wastewater source of the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a

new building, structure, or installation meeting the criteria of paragraph (1) above but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun or caused to begin as part of a continuous onsite construction program:
  - i. Any placement, assembly, or installation of facilities or equipment, or
  - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities, which are necessary for the placement, assembly, or installation of new source facilities or equipment.
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts, that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- 60) 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 permanent residences.
- 61) OIL SEPARATOR. A device that separates and retains oil, grease and flammable wastes while permitting wastewater to discharge to the sewer.
- 62) OUTFALL SEWER. Shall mean a pipe or conduit that carries the effluent from the sewage treatment plant to a point of final disposal or direct discharge.
- 63) OUTSIDE DROP MANHOLE. A vertical pipe on the outside of a manhole that conveys sewage when the grades of the pipe are more that two (2) feet vertical separation.
- 64) PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT (PSSGID). Also known as the District.
- 65) PERMIT. Shall mean written permission from the Board or District to connect to a sewer line that is under the jurisdiction of the District pursuant to the Rules and Regulations of the District. May also be referred to as a Tap or Service Connection permit.
- 66) PERSONS, ESTABLISHMENT OR OWNER. Shall mean any individual, firm, company, association, society, corporation, organization, group or any other entity recognized by the District.
- 67) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

- 68) PLANT INVESTMENT FEE (PIF). That amount of money as determined by the Board which allows the payer to connect to a District line for one residential single-family equivalent service (SFE). The fee is composed of two components, an asset share and costs of treatment capacity. The fee is reviewed periodically by the Board and subject to change by Board action. This may also be referred to as a Tap Fee or an ERT.
- 69) POINT REPAIR. A repair to a damaged sewer pipe at one particular point.
- 70) 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.
- 71) POLLUTION. Includes but is not limited too, the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 72) POTENTIAL CONTRIBUTOR. Industries, that may be classified as categorical industries and the nature of their processes are such that priority pollutants are not discharged under normal operations. This includes anyone storing hazardous materials as defined in this section.
- 73) PRESSURE TEST. A test performed on the pipe to check the ability to withstand pressure when charged with air. The pipe should hold four (4) psi for three (3) minutes with no more that one half ( $\frac{1}{2}$ ) psi drop.
- 74) PRETREATMENT OR TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or other means.
- 75) 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.
- 76) 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.
- 77) 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)).
- 78) PRIVATE SEWAGE DISPOSAL SYSTEM. Any sewage disposal system other than public facilities including but not limited to privies, privy vaults, septic tanks, soil absorption systems, cesspools, chemical toilets, package treatment plants, or similar facilities which receive or are intended to receive wastewater and which are not

connected to the POTW. This term shall not include any treatment plant having a valid NPDES permit.

- 79) PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the District. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyance not connected to a facility providing treatment. POTW shall also include any sewers that convey wastewater to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW. See also Sewage Treatment Plant.
- 80) PUNCH LIST. A list of corrective actions needed on a construction project.
- 81) RECEIVING WATERS. Any lakes, rivers, streams, or other surface or subsurface watercourses, which receive treated or untreated wastewater.
- 82) RECEIVING WATER QUALITY REQUIREMENTS. The requirements for the POTW's treatment plant effluent established by applicable state or federal requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions, which may be established or adopted at the District's discretion.
- 83) RESIDENTIAL UNIT. Any private dwelling, apartment, individual condominium unit, townhome, duplex or any other living unit that can be classified as a single-family unit, irrespective of where or how it is constructed or manufactured.
- 84) SAND SEPARATOR OR SAND TRAP. A device that separates and retains heavy solids while permitting wastewater to discharge to the sewer.
- 85) 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. This definition shall also include the terms public sewer, sewer system, POTW sewer, and sewer.
- 86) SEPTAGE. Shall mean wastewater and its decomposed products removed from a septic tank.
- 87) SERVICE CHARGE. The amount deemed collectible by the District for late or unpaid accounts.
- 88) SERVICE CONNECTION. A sewer line intended for discharging wastewater into the District's POTW and commencing at a structure or facility and terminating at a sewer main. See also Service Line or Building Sewer.
- 89) SERVICE LINE. Shall mean a pipe or conduit that carries sewage from the plumbing system of a single building to a lateral sewer. Service lines may discharge directly to trunk or intercepting sewers under special conditions. See also Service Connection or Building Sewer.

- 90) SEWAGE. Wastewater and other wastes generated and discharged into the sewer system by the users of the District facilities. This term is interchangeable with Wastewater.
- 91) SEWAGE TREATMENT PLANT. Shall mean the area and facility used to remove or alter the objectionable constituents of the sewage. See also POTW.
- 92) SEWER. Shall mean a pipe or conduit for carrying sewage.
- 93) SEWER SYSTEM. Shall mean all facilities owned and/or operated by the District and used for collecting, treating and disposing of sewage. See also Sanitary Sewer, POTW Sewer and Sewer.
- 94) SEWER MAIN. That portion of the District's POTW 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.
- 95) SIGNIFICANT INDUSTRIAL USER. Any industrial user of the District's wastewater disposal system that is
- (a) subject to categorical pretreatment standards, or
  - (b) has a discharge flow of twenty-five thousand (25,000) gallons per average work day or more process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater), or
  - (c) has a flow greater than five (5%) percent of the average dry-weather hydraulic or organic capacity of the POTW treatment plant, 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 Health Control Agency, or the U.S. Environmental Protection Agency (EPA) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- 96) 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 POTW.
- 97) SMALL SIGNIFICANT INDUSTRIAL USER. A user which is classified as a significant industrial user and who has a process discharge flow of less than seventeen (17) gallons per minute per average work day.
- 98) SMOKE TEST. A test performed may be required to determine the extent and location of exfiltration or leaks on a pipeline.
- 99) SOLID WASTE DISPOSAL ACT (SWDA). 4 U.S.C. 6901. Et Seq.

- 100) SQUEEGEE. Quarter inch size bedding for pipe, mainly used for service laterals.
- 101) 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.
- 102) STANDARD METHODS. Any procedures described in the latest edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- 103) STORM SEWER. A sewer that carries only storm, surface and groundwater drainage.
- 104) 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.
- 105) 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 collection system connection or a service lateral connection.
- 106) SUBDIVISION. A Subdivision shall be defined as 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.
- 107) TAP. The right to connect a service line from a dwelling or structure to the collector or interceptor lines of the District and to discharge sewage equal to one single-family equivalent unit. May also be referred to as a Permit or Service Connection Permit.
- 108) TAP FEE. See Equivalent Residential Tap.
- 109) TAPPING. The physical act of connecting the service line from the structure or dwelling to the lines of the District.
- 110) TOTAL SUSPENDED SOLIDS (TSS). The total matter that floats on the surface of, or is suspended in water wastewater or other liquids, and which is removable by laboratory filtering and referred to as suspended residue in 40 CFR 136.
- 111) 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.
- 112) TRUNK SEWER. Shall mean a pipe or conduit that receives sewage from two or more lateral sewers. Also called a Trunkline.
- 113) UNAUTHORIZED CONNECTION. Any connection to any District facility without all District permits required by these Rules and Regulations.
- 114) UNDER DRAINS. A pipe system that conveys groundwater to a pond, ditch or other collection area.

- 115) UNITED STATES CODE (USC). (Ord. 1071 § 1, 1992; Ord. 1028 § 2 (part). 1990.)
- 116) USER. Any person or entity who contributes, causes, or permits the contribution or introduction of wastewater into District's POTW.
- 117) 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 POTW. See also Sewage.
- 118) WASTEWATER DISCHARGE PERMIT. See Tap or Permit.
- 119) WATERWAYS. Water conveyances that include, but are not limited to, streams, creeks, rivers, canals or irrigation ditches.

## 2.2 Acronyms

- 1) BOD or BOD5 – Biochemical Oxygen Demand
- 2) C - Celsius Improvement District
- 3) CBOD -Carbonaceous Biochemical Oxygen Demand
- 4) CCF -Capacity Connection Fee
- 5) CFR - Code of Federal Regulations
- 6) CN, - A Cyanide, Amenable
- 7) CN, -T Cyanide, Total
- 8) COD -Chemical Oxygen Demand
- 9) CRS – Colorado Revised Statutes
- 10) EPA -United States Environmental Protection Agency
- 11) ERP -Enforcement Response Plan
- 12) ERT – Equivalent Residential Tap
- 13) F – Fahrenheit SNC -Significant Noncompliance
- 14) FOG – Fats, Oil or Grease
- 15) GID – General Improvement District Plan
- 16) GPD – Gallons per Day
- 17) GPM - Gallons per Minute
- 18) LEA -Line Extension Agreement seq.

- 19) LEL -Lower Explosive Limit
- 20) mg/L -Milligrams per Liter
- 21) MGD - Million Gallons per Day
- 22) MSC – Monthly Service Charge
- 23) NCPS – National Categorical Pretreatment Standard
- 24) NEMA - National Electrical Manufacturers Association
- 25) NOV - Notice of Violation
- 26) NPDES - National Pollutant Discharge Elimination
- 27) O&M - Operation and Maintenance
- 28) P – Phosphorus
- 29) pH - Negative Log of Hydrogen Ion Concentration
- 30) PIF – Plant Investment Fee
- 31) PLS – Professional Land Surveyor
- 32) POTW - Publicly Owned Treatment Works
- 33) PSSGID – Pagosa Springs Sanitation General
- 34) PVC -Polyvinyl Chloride
- 35) RCRA – Resource Conservation and Recovery Act
- 36) SFE – Single Family Equivalent
- 37) SIC – Standard Industrial Classification
- 38) SPCC -Spill Prevention Control and Countermeasure
- 39) SU - Standard Units
- 40) SWDA -Solid Waste Disposal Act, 42 U.S.C. 6901, et.
- 41) TKN -Total Kjeldahl Nitrogen
- 42) TOMP -Toxic Organic Management Plan
- 43) TRC -Technical Review Criteria
- 44) TSS -Total Suspended Solids

- 45) TTO -Total Toxic Organics N – Nitrogen
- 46) TVR -Total Volatile Residue
- 47) USC -United States Code
- 48) USGS -United States Geological Survey
- 49) WTS - Wastewater Treatment System

## **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 District's wastewater system shall become and are the property for 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 District's facilities. Whereas, that portion of any wastewater service line extending from the property line to each building or unit regardless of the location of the sewer cleanout is the property and maintenance responsibility of the customer.

Customers, applicants, landowners, sub-dividers or developers who have completed construction of sewers shall, before these sewers are accepted by the District for service, deed these sewers and appurtenances, except for service lines, including all necessary easements, to the District, free and clear of all liens and encumbrances, properly described by certified survey, and furnish a bond to cover all maintenance for two (2) years from the date of acceptance of the sewers by the District. In addition, before these sewers are accepted by the District, the applicant shall provide complete "as built" drawings in a form acceptable to the District, including locations of all "stub-outs".

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 deed 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 deed or other instrument. That is, the District shall have, but not be limited to, the discretion to determine who may use the sewer, conditions of use, fees to be paid and maintenance.

Sewer interceptors, trunklines, and laterals that make up the District's collection system, as well as lift stations and force mains therein, are owned by the District. Gravity sewer lines owned by the District are six (6) inches in diameter or larger. Force mains owned by the

District serve multiple customers. It is the District's responsibility to operate and maintain this collection system. Service lines which are 4-inch (4") or 6-inch (6") in diameter and installed pursuant to Section 8 - CONSTRUCTION, are owned by the owner of the building or property they serve. The owner of the service line is responsible for its installation and maintenance. The tapping saddle is part of the service line. Lift stations that pressure a service line are also installed, owned, and maintained by the owner of the building or property they serve.

### 3.2 District Obligation

The Pagosa Springs Sanitation General Improvement District is an organization formed to provide sanitary sewer service to residents, businesses and other facilities within the District's recorded service area. All property on which sewer service is provided by the District shall be part of or annexed to the District. 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 property owner. However, it is the goal of the District to:

- 1) Consider for inclusion into the District all petitioning properties located within the service area.
- 2) Build and maintain facilities to adequately supply service to all residential and non-residential customers included in the District, 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 customers of the District.

Note: 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 and treatment of sewage from legally connected users within the District and the maintenance, repair and replacement of all facilities, except for service lines and/or building drains owned by the dischargers, but shall not be liable for 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 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. FEES, RATES AND CHARGES**

#### 4.1 Fees, Rates, and Charges

Nothing contained herein shall limit the Board from partially modifying rates and charges or from modifying any classification. Appendix A – Fee Schedule contains the amount for the fees, rates and charges listed in this section of the Rules and Regulations.

#### 4.2 Returned Check Fee

A twenty dollar (\$20) charge shall be imposed for all checks returned by a financial institution for insufficient funds, and the fees or charges attempted to be paid by such check shall be considered delinquent.

#### 4.3 Non-payment of Fees and Charges

Any time a Customer is delinquent in payment of any charges due the District, the District shall assess a delinquency charge and an interest charge on the unpaid balance at the maximum rates allowed by Section 29-1-1102, C.R.S. Such delinquency charges may be collected on any amount due that is not paid within five days after the scheduled due date. Delinquency charges shall be fifteen dollars (\$15.00) or five percent (5%) per month, or fraction thereof, but not to exceed a total of twenty-five percent (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 eighteen percent (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 Customer who is late in payment of his account, all legal, court, disconnection, and other costs necessary to or incidental to the collection of the account.

Until paid, all such fees, rates, penalties, 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.

#### 4.4 Plant Investment Fee (PIF)

An applicant for sewer service from the District shall agree to pay the PIF amount set by Board action when the service is approved by the District. However, the Board may, by resolution, grant an exemption from all or any part of the PIF on the development of low-or moderate-income housing. The PIF may be greater than or less if sustained usage (for three or more consecutive months) or engineered usage (for a new structure without usage history) greatly exceeds or greatly falls short of normal usage per ERT for residential use or meter size for non-residential use due to various factors, and when so approved by the Board, e.g., around the clock use of process water that becomes wastewater. Said fee shall be in addition to all other fees or charges relating to sewer service described in these Rules and Regulations, and under no circumstances shall such PIF be rebated. However, the Board may, by resolution, grant an exemption for all or any part of the PIF on the development of low-or moderate-income housing.

##### 4.4.1. Residential PIF

A PIF is charged for each SFE unit requesting service or such fraction or multiple thereof as shown in the residential rate schedule in Appendix A. The PIF shall be calculated by

multiplying the then existing PIF rate times the residential rate amount in the table in Appendix A of these Rules and Regulations.

#### 4.4.2. Non-Residential PIF

Any commercial developments, industrial developments, schools, churches, hotels, motels, governmental buildings and all other building uses except permanent residences shall be charged a non-residential PIF. The non-residential PIF shall be calculated by multiplying the then existing PIF rate times the amount in the non-residential rate table in Appendix A of these Rules and Regulations.

#### 4.5 Temporary Connection Fee

An Applicant may seek a temporary connection to the District's system by leasing capacity in lieu of paying a PIF. This approach is intended for temporary situations where purchase of a tap and payment of the full PIF for a short period of service is not practical on behalf of the Applicant. Leased capacity when approved by the District will be charged at a rate to be determined by Board action. The leased capacity charge is in addition to the regular monthly service charge.

#### 4.6 Monthly Sewer Service Charge

In every case where the District furnishes sanitary sewer service to property located within the District, the District shall be paid for this service. This monthly service charge shall be set by the Board from time to time by Resolution. At the time of connection, or upon re-evaluation when additions and modifications to or changes in use of buildings or facilities adversely impact the District, the District shall determine the number of ERT to be served by a connection. All monthly charges for sanitary sewer service shall be based on this number of ERT multiplied by the then-current MSC rate. Monthly service charges become due and payable when the user purchases a tap and/or places the tap into service.

The monthly billing cycle begins on the 21st day of each month and ends of the 20th day of the following month. The District invoices Customers on approximately the 27th day of each 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.

#### 4.7 Non-Residential User Fees

Non-Residential users shall be carefully reviewed on a periodic basis to determine the quantity and quality of sewage to be treated, and the ability of the District's facilities to treat this sewage. This may result in additional PIF and monthly service charge being required, at the discretion of the Board, to compensate the District for excessive consumption of plant capacity and/or treatment expense. Service may be terminated if effluent fails to conform to Section 11 – EFFLUENT DISCHARGE, of these Rules and Regulations.

#### 4.8 Private Collection System Fees

A Development comprised of multiple residential structures that owns and maintains its own collection system, and that requires a single monthly sewer 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% PIF discount, subject to determination of the Board that said Development satisfies the intent of this provision.

#### 4.9 Availability of Service Fee

As set forth in §31-25-611 and §31-35-402(1)(f), C.R.S., the Board may assess any rates, tolls, or charge for any facilities furnished by the District, including an “availability of service” charge, and may assess such charge against residential or commercial lots lying within the District but which are not serviced, provided that the District’s lines are within one-hundred (100) feet of the property line of the particular residential or commercial lot. No such availability of service or service charge shall be imposed unless approved by an affirmative vote of the Board after a public hearing and upon notice of the hearing mailed to each taxpaying elector as provided by law. Availability of service or facilities fees shall be assessed and used solely for the paying of principal and interest payments on outstanding indebtedness of the District and shall not be used for operational or maintenance purposes.

#### 4.10 Line Extension Fee

Whenever the District extends a sewer to serve a particular area, the District shall be eligible for reimbursement from future connectors to that extension. The basis or formula for this reimbursement shall be determined by the District when the extension is authorized. This reimbursement to the District shall be in addition to such other regular fees charged by the District including but not limited to PIFs and use fees.

#### 4.11 Inspection Fee

This charge shall be set by Board action to reimburse any costs incurred by the District for inspecting service lines, supervising lines, and supervising the physical connection to the District lines. This charge is payable before a service line is installed and the tap made.

#### 4.12 Unauthorized Connection Fee

Any connection made to the District system without a legally authorized and Tap shall be charged an amount equal to twice the PIF for the connection made in conformity with Section 4.5 and 4.6 of these Rules and Regulations plus any and all charges incurred for the collection of this fee, including attorney’s fees, service disconnection, service reconnection, street repair, and other expenses including but not limited to all past due monthly service charges and late fees that have accrued since the time of the illegal or unauthorized connection. Such fines/penalties shall be in addition to any other legal or equitable remedies available to the District. Penalty fees may be waived, in whole or in part, by Board action.

#### 4.13 Damage to Facilities Fee

When a user’s wastewater causes obstruction or damage, or because of the nature of the wastewater, increases the costs for managing the effluent or the sludge of the POTW, the user shall pay for any and all such increased costs.

#### 4.14 Wastewater Discharge Permit Fees

Critical industries may be divided into various classifications, including but not limited to significant contributors and potential contributors, and the fees within such classifications may reflect the differing costs to the District. A sampling schedule for critical industries shall be adopted by the District and distributed with the permit.

The following critical industries shall be subject to wastewater discharge permit fees that are set by the Board:

- 1) Class I. Significant contributor, a user which is a “critical industry”.
- 2) Class II. Small significant contributor, a user, or that which is a “critical industry” and has a discharge flow of less than seventeen (17) gallons per minute per average work day.
- 3) Class III. Potential contributor, industries which may be classified as categorical industries and the nature of their processes are such that priority pollutants are not discharged under normal operations.
  - (a) Class A. Metal finishing processes which include but are not limited to anodizing, coating, chemical etching and milling.
  - (b) Class B. Chemical cleaning processes which include but are not limited to vapor degreasers and petroleum products degreasers.
  - (c) Class C. Non-chemical detergent cleaning processes which are discharged directly into the sewer system including but not limited to metal deburring, vat cleaning, and commercial can washer.
  - (d) Class D. Storage of oil, gasoline or any chemical or substance in amounts over one hundred (100) gallons. This includes but is not limited to warehouses and gasoline stations.

#### 4.15 Sampling Fees

Sampling fees shall be set by the District Industrial Pretreatment Program as required and based on actual costs incurred by the District.

#### 4.16 Review of Each Users Wastewater Permit Charge

The District may periodically review the total cost of operation and maintenance of the POTW as well as each user's discharge and will revise fees as necessary to assure equity and sufficient funds to adequately operate and maintain the POTW. If an industrial user has completed in-plant modifications which would change that user's discharge, the user can present to the District such factual information, and the District shall determine if the user's fees are to be increased or decreased.

#### 4.17 Additional Fees and Charges

Additional fees may be set by the District as follows:

- 1) Fees for reimbursement of costs of setting up and operating the District's pretreatment program.
- 2) Fees for monitoring, inspections and surveillance procedures.
- 3) Fees for reviewing accident discharge procedures and construction.
- 4) Fees for permit applications such as Technical Review Fees.
- 5) Fees for filing appeals.

- 6) Fees for consistent removal by the District of pollutants otherwise subject to federal pretreatment standards.
- 7) Other fees as the District may deem necessary to carry out requirements contained herein.
- 8) Fees for reimbursement of costs for enforcement.

#### 4.18 Commercial, Non-Residential, Institutional or Industrial Surcharge

Any “non-residential”, “commercial” or “industrial user”, as defined by these Rules and Regulations, discharging wastewater having an average daily concentration of BOD that is greater than two hundred fifty milligrams per liter (250 mg/L) or concentration of TSS greater two hundred twenty milligrams per liter (220 mg/L), shall be subject to a surcharge rate that will be determined by Board action. In addition to the surcharge rate for BOD and TSS, there will be an additional surcharge to be determined by Board action for excess fats, oil and grease (FOG) if the average daily concentration is greater than one hundred milligrams per liter (100 mg/L). The surcharge rate shall be paid in addition to the normal sewer charge computed according to the provisions of these Rules and Regulations. The discharge of any pollutants listed in Section 11 – EFFLUENT DISCHARGE at levels above the bases shown will result in a violation of the discharge standard established under this section of the District’s Rules and Regulations and will subject the discharger to an excessive pollutant surcharge.

#### 4.19 Calculation of Excessive Pollutant Surcharge

Calculation of the surcharge for the POTW treatment of excess concentration of wastewater constituents discharged to the POTW sewer by non-residential, commercial or industrial users, in accordance with this Section, shall be subject to but not limited to the following conditions:

- 1) Non-residential users whose wastewater discharge is regulated by a duly issued permit as provided for in this Section, shall use the concentration of BOD, TSS and FOG reported in their discharge monitoring reports required under the provisions of this Section to determine the applicable surcharge rate. Excess discharges will result in violations and subject the discharger to additional penalties.
- 2) Non-residential users of the POTW sewer not issued an industrial wastewater discharge permit but discharging significant concentrations of pollutants may be monitored by POTW personnel. Surcharges may then be assessed according to the average quarterly concentrations of excessive pollutants discharged to the POTW as determined by the POTW wastewater monitoring program.
- 3) Non-residential users of the POTW not monitored under the provisions of subsection (1) and (2) of this Section may be assessed an excessive pollutant surcharge in accordance with established industry standard concentrations for wastewater constituents pursuant to the provisions of this Section. Businesses potentially subject to the provisions of this Section shall include, but are not limited to restaurants, fast food services, hotels, commercial and industrial laundries, hospitals and clinics.

- 4) Formula for Calculation of Excessive Pollutant Surcharge. The surcharge for excessive pollutant discharge to the POTW, as provided for in this section, shall be calculated in accordance with the following formula:

$C_s = [(B_c)(B) + (S_c)(S) + (P_c)(P)] \times (V_u) \times (8.34)$  where:

- $C_s$  = The monthly charge in dollars, for POTW treatment of wastewater with excessive concentrations of regulated constituents.
- $B_c$  = The operation and maintenance charge of treatment of one pound of pollutant.
- $B$  = The concentration of pollutants expressed in milligrams per liter, discharged by POTW user in excess of the established base level.
- $S_c$  = The operation and maintenance charge of treatment of one pound of pollutant.
- $S$  = The concentration of TSS expressed as milligrams per liter discharged by a POTW user in excess of the established base level.
- $P_c$  = The operation and maintenance charge for treatment of any unit of pollutants as determined by the District Board of Directors upon any future ordinance specifically applying to any pollutant.
- $P$  = The concentration of any pollutants, expressed in milligrams per liter, discharged by a POTW user in excess of an established base level.
- $V_u$  = The total volume of wastewater in million gallons per day, discharged monthly by a user to the POTW.

#### 4.20 Septage Service Fee

The current septage service fee is a volume charge based on the current operating costs of the facility, but with a minimum charge of \$50 for each truck load regardless of quantity. This septage service fee will be billed monthly on or about the first working day of the month and payable on or before the 20th day of the month. If not paid on time, the septage hauler will be barred from utilizing District facilities until he pays his bill in full, plus a two month advance deposit, and pays a \$25 delinquency charge.

## SECTION 5. CONNECTION TO THE DISTRICT

### 5.1 Use of Public 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 four hundred (400) feet, is hereby required, at their expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules and Regulations within ninety

(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 thirty (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 District's public wastewater 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 feet 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 by the owner, the District may thereupon make such connection, and the owner shall be liable for all expenses incurred by the District for the completion of the connection, including any unpaid connection fees. The District shall also have a first and prior lien on the premises for such costs and fees.

If an owner's service line must cross another person's property in order to connect to the District's wastewater 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, attorney and legal fees, engineering and survey fees, appraisal fees and expert witness fees, shall be paid by the owner of the premises 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 premises to be connected. The District shall have a first and prior lien on the premises to be connected and the land on which they are located for all such costs.

## 5.3 Connection to Sewer

Connection to the District's sanitary facilities must conform to the District's Rules and Regulations, the international Plumbing Code, state regulations, and federal regulations. For connections outside of the District the Board shall review the application for sewer. The Board shall decide if the potential connection will have any impact on the current sewer system and the Board may require annexation into the Town of Pagosa Springs on any requested connection outside of the District.

Once connected to District facilities, no person, entity or user shall discharge or allow to be discharged any wastewater except as follows:

- 1) By a direct service connection to a District sewer main, if the connection has been authorized by the District.
- 2) By a service connection to a treatment plant with a valid NPDES permit where such connection is approved by the District administrator or his/her designated agent.

#### 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, 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.

#### 5.5 Sewer Improvements

Applicants within the area to be served and if necessary annexed to 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 dwelling to another location or dwelling.

#### 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 POTW 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 annexed into the District may be connected when they are found, on examination and/or testing by the District to meet all the requirements of Section 7 – DESIGN AND SPECIFICATIONS. In the event that conditions are not met as required Section 7 for extensions of sewer lines, for reasons of public health, the District, may make the necessary improvements and recover the costs by fees to those property owners connected to the faulty sewer line. These expenses may include, but are not limited to legal fees, survey mapping, replacing any part of existing facility.

#### 5.11 Temporary Disposal Facilities

The District may permit the Owner to install temporary individual disposal facilities, providing that the Owners case complies with all four of the following conditions:

- 1) Extension to the District's system would create an unreasonable financial burden on the Owner.
- 2) A private disposal system is constructed meeting all State and County Health Department requirements.
- 3) The Owner deposits with the District the appropriate fees and charges required by this Resolution or as amended from time to time.
- 4) The Owner agrees by written agreement to extend a line to connect to the District system at a time and/or condition agreed on between the District and Owner. In any case, the Owner must connect to the District's system when a line is within four hundred (400) feet of his building. Such connection will require no additional PIF other than as provided above (unless required by change in usage).

#### 5.12 Unauthorized Use

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any District sewer or appurtenances without first obtaining a written permit 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 annexed to the District have been completed and approved by the District, all such facilities including easements shall be dedicated to the District. After acceptance of such facilities, the District shall operate and maintain the facilities at the expense of the District; 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.

Each user shall be responsible for constructing and maintaining the entire length of their service line. Leaks or breaks in the service lines shall be repaired by the property owner within seventy-two (72) hours from the time of notification of such condition by the District. If satisfactory progress toward repairing the said leak is not being made, the District Inspector or other duly authorized District representative shall have the authority to terminate the service or to have the line repaired. The District shall bill the owner all resulting costs thereof, including, without limitation, inspection fees, legal fees, etc.

#### 5.14 District Not Responsible for Private Facilities

All privately owned wastewater facilities including but not limited to privately owned sewer mains and privately owned sewage lift stations are the sole responsibility of the owner or owners thereof and 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 especially privately owned sewage lift station, the District does so for the limited purpose of assuring compatibility with the District's wastewater systems. 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 private sewer line or main that shall at all times remain the responsibility of the owner or owners thereof.

### 5.15 Connection by Property Not in the District

The District may provide sanitary sewer service to areas not within the District upon request and at the discretion of the Board. In every case where the District furnishes sanitary sewer service to property not included in the District, the District shall be paid for this service pursuant to a service contract with the person or entity receiving service. This service contract shall require payment of all fees and charges applicable to property within the District, an out-of-District monthly service charge applied to the number of ERT to be served, and any extraordinary expense of the District in serving this property. It is the intent of the District that property outside the District pay an amount comparable to what they would pay if they were within the District plus any extraordinary costs to the District to serve said property. The Board may, at its discretion, reduce the out-of-District monthly service charge to any user when it is deemed in the best interest of the District.

### 5.16 Dormant Accounts

Residential Accounts are not permitted an inactive or dormant status. Commercial users are permitted seasonal closures or dormancy of accounts only if seasonal dates are submitted and there is 100% closure of the facility during that period. Penalties could apply if closure dates are not adhered to (Section 9 – VIOLATIONS, PENALTIES AND APPEALS)

### 5.17 Voluntary Termination of Sewer Service

Any tap owner 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 San Juan Basin Health Department and the Colorado Department of Public Health and Environment. If such a termination is accepted, the following conditions shall apply:

- 1) All current and past due fees and charges must be paid.
- 2) Previously paid tap and PIF fees shall be non-refundable.
- 3) Any connection to the system that is to be “voided” or terminated shall be capped at the sole expense of the tap or property owner. All work relating to the disconnection and capping shall be inspected by the District duly authorized representative. Failure of the property owner to comply with this action will subject the owner to penalties and additional costs incurred to excavate the tap for inspection by the District as provided for in Section 9 – VIOLATIONS, PENALTIES AND APPEALS of these Rules and Regulations.
- 4) If the property owner desires to reconnect the “voided” tap to the system at some point following the disconnection, the property owner must make a formal application with the District according to the tap purchase procedure and remit to the District all applicable fees in effect at the time the reconnection application is requested.

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

### 6.1 Extension of Sewer Collection Facilities

It shall be unlawful for any person to construct a sewer main or service line to be connected to the District sanitary sewer system without:

- 1) Having made formal application to the Board for approval.
- 2) Having complied with all requirements and regulations of the Board.
- 3) Having received written authorization from the Board, 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

Unless otherwise provided in Section 5.15, when a developer requests sewer service, the following requirements must be met:

- 1) The legal parcel must be within the established District boundaries. If the land is not within this boundary, the developer can make a request to the Board for a boundary change.
- 2) The parcel of land must be included into the District. Inclusion shall be in accordance with established Board policy.

All applicants seeking to connect to the District's system shall make a formal application in writing in such form as the District may require from time to time. Applications will be considered by the District after a thorough review, if connection to the District's system is feasible, practical, and desirable by the District. No individual connections shall be made to the existing sewer system of the District without the express written authorization of the District. Taps may be granted after all applicable fees have been paid.

The procedures for each category are as follows:

- 1) **Single Tap.** The applicant of an approved single tap must have service lines installed by a contractor pre-approved by the District. Once the service line is installed from the structure or dwelling to the line of the District, as set forth in Section 7 – DESIGN AND SPECIFICATIONS, then the District's line shall be tapped.
- 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, and physical features that may affect service. The application shall also be accompanied by payment of a fee for technical review, which is set by the District. After approval is granted by the District for the subdivision taps, the applicant will be required to obtain a bond for any work done in conjunction with the sewer line.
- 3) **Multiple Taps (Other Than a Subdivision).** More than one 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.

Each tap purchased must be connected to the District lines separately. In no case will two dwellings or structures be allowed to connect to the District lines by one tap.

### 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 - CONSTRUCTION of these Rules and Regulations, the applicant shall submit construction plans and specifications to the District for review. Any cost of such review by the District or its engineer shall be borne by the applicant. 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 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 District's authorized inspector or engineer 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 District personnel or representative shall be returned to the developer. The developer shall have their engineer make the necessary revisions and return two (2) sets of plans with the design engineer's professional stamp and one (1) AutoCAD 2006 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 District Engineer.

### 6.5 Road-cut Permits

The removal of pavement, sidewalks, driveways, or curb and gutter shall be performed only after all permits road cut permits required by the Town of Pagosa Springs are obtained. The contractor shall rebuild the road-base in accordance with applicable city, county or state regulations on excavation, backfill, compaction and restoration of service. All excavation for all service lines shall be adequately guarded with barricades and lights 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 with no work is being completed.

### 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 District's POTW or manhole covers without first

obtaining a District service connection permit. 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 fees and charges as may be established by the District.

#### 6.7 Cancellation of Permits

The District reserves the right, in its sole discretion, for cost-related, lack or capacity, or other reasons, to cancel any permit, including connection, or main line extension permits, at any time prior to connection to the District's wastewater 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 on the District's existing wastewater service treatment, 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 make a decision 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 fees 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 owner's benefited by the extension. No reimbursement obligation shall extend more than ten (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 collection system and/or treatment facility.
- 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 ten (10) years from the date on which the District's contribution has been refunded.

#### 6.12 Over sizing Reimbursement When Required by the District

Line over sizing 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 over sizing 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 over sizing.

If a developer pays for the over sizing of a trunkline without District participation, the developer shall be eligible for reimbursement as set forth in the Line Extension Agreement and as described in Section 6.10 above.

#### 6.13 Sewage Flow Measuring Instrument

Whenever, in the opinion of the District, the use of water consumption measurements does not accurately reflect the amount of sewage or influent produced by the customer, the

District may, in its sole discretion, elect to require the customer to purchase and install a suitable sewage flow measuring instrument. The customer will be charged for sewage flow as indicated by the instrument.

#### 6.14 Contractor Requirements

Any contractor or company that performs construction, maintenance or other services on District owned equipment, property, easements or right-of-ways 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 shall be utilized at all times and the proper number of personnel required for the safe operation of the equipment shall be utilized in the operation of this safety equipment at all times. Examples include but are not limited to accessing manholes, open cut trenches and electrical cabinets.
- 4) Developers/Contractors shall ensure that all work performed under their supervision shall be performed in accordance with OSHA standards. Developers/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 Developers/Contractors supervision.

## **SECTION 7. DESIGN AND SPECIFICATIONS**

### 7.1 Approval of Sewer Design

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 the District and approved by District personnel or delegated representative. The basis of design for all sewer projects shall comply with District detailed specifications and accompany the plan documents. Additional computations or changes may be required by the developer's engineer after plan review.

The District personnel or delegated representative will approve plans for new systems, extensions to new areas or replacement of sanitary sewers.

All sanitary sewer service line construction connecting to the District's sanitary sewer system shall be done in accordance with these specifications. These specifications shall cover all new sanitary sewer service line construction and repairs to existing lines from the sewer main to the property line or edge of utility easement.

Outfall sewers, pumping stations, interceptors and appurtenances are included under the definition of "Sewage Treatment Works" in the State Water Quality Control Act. Section 2.2.4(1) of the State Water Quality Control Act states: "No person shall commence construction or expansion of any domestic wastewater treatment works with a design

capacity of more than two thousand gallons per day unless site location and design for the construction or expansion have been approved by the Division or the Commission if the matter is appealed. Therefore, all plans falling under this criteria shall be submitted to the State Water Quality Control Division for approval prior to construction.

## 7.2 Design Capacity

In general, sewer capacities shall be designed for the estimated maximum population in a specific drainage area or area to be served. Similarly, 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 sewage treatment plant;
- 6) Depth of excavation.

## 7.3 Design Flow

The design includes consideration of providing service for the entire tributary area to the outfall point. Use the following guidelines for sewage amount estimates:

- 1) Per Capita Flow New sewer systems shall be designed on the basis of one hundred gallons per day (100 gpd) 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 six (6) single family homes per acre with seventy percent (70%) of the total acres being developed. For non-residential development use, one thousand one hundred (1,100) gallons per acre per day.

For existing collection systems, an additional per capita allowance shall be made where the average annual flow exceeds this value and immediate remedial measures are not proposed. Estimates include allowances for a maximum infiltration of one hundred gallons per day (100 gpd) per inch diameter per mile of pipe

- 2) Peak Design Flow Sanitary sewers shall be designed on a peak design flow basis. The District utilizes Manning's formula ( $N=.012$ ) to derive pipe capacity with a peaking factor of three (3). Pipe design allows for full flow at seventy-five percent (75%) pipe height, which is approximately ninety-two percent (92%) of full flow. The remainder of the pipe is considered extra safety factor capacity.

## 7.4 Depth

In general, sewers should be sufficiently deep to receive sewage from basements and to prevent freezing. Where pipe has less than four (4) feet 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.

## 7.5 Slope

All sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than two feet per second (2 fps) utilizing the Manning's formula. The following provides the minimum slopes allowable. Slopes greater than these are desirable Sewer Size/Minimum slope in feet per 100 feet (ft/100ft):

- 1) 8 inch (20 cm)/0.40
- 2) 10 inch (25 cm)/0.28
- 3) 12 inch (30cm)/0.22
- 4) 14 inch (36cm)/0.17
- 5) 15 inch (38 cm)/0.15
- 6) 16 inch (41 cm)/0.14
- 7) 18 inch (46 cm)/0.12
- 8) 21 inch (53 cm)/0.10
- 9) 24 inch (61 cm)/0.08
- 10) 27 inch (69 cm)/0.067
- 11) 30 inch (76 cm)/0.058
- 12) 36 inch (91 cm)/0.046

If "As-Built" data indicates a stretch of pipe is less than minimum slope for its diameter, the developer will pay the District one hundred fifty dollars (\$150.00) per foot for the additional sewer maintenance that will be required for said stretch of pipe.

## 7.6 Location and Alignment of Service

Sanitary sewer service lines shall be constructed on the shortest and straightest route possible. At no time shall the service line be closer than five (5) feet 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. When possible, the service line shall be located toward the low side of the lot. Service lines are not to extend beneath driveways. Water service lines must be a minimum of ten (10) feet apart horizontally or concrete encasement of the sewer line or special protection will be required unless specifically approved by District personnel.

## 7.7 Sewer Mains in Easements

Where sewer mains are installed in easements they will ordinarily be located in the center of the easement unless stated otherwise in the written document.

#### 7.8 Crossing Existing Utilities

Sewer lines that parallel water lines shall be located a minimum distance of ten feet (10') horizontally from the water line. Where sewer lines cross under water mains, the sewer pipe must be a minimum of eighteen inches (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 six inches (6") thick around the entire pipe and will extend a distance of ten feet (10') from the centerline of the crossing on both sides of the water main or polyvinyl chloride pressure pipe in accordance with the American Water Works Association C900 or C905 Class 200 may be used. In all cases, suitable backfill or other structural protection will be provided to preclude settling and/or failure of the adjacent or perpendicular crossings. Where sewer lines cross over a water line, in all cases, regardless of vertical clearance, the sanitary sewer line shall be encased in concrete a minimum of 10 feet on each side of the centerline of the crossing or polyvinyl chloride pressure pipe in accordance with the American Water Works Association C900 or C905 Class 200 may be used.

#### 7.9 Underdrains and Cleanouts

Underdrain pipe shall be installed when recommended by the District Engineer at locations shown on the accepted plans and shall only be installed at those locations where excessive groundwater is encountered. Underdrain installations will require the approval of the District. The developer's engineer is required to show that the underdrain discharges to an appropriate location. Should the developer/contractor desire to install an underdrain system to specifically collect the discharge of peripheral drain systems from individual house foundations or from sump pumps installed as a part of a peripheral drain system for house foundations, such a system shall be constructed for the exclusive advantage of the developer and shall not be maintained by the District. Any such system shall not be tied into or connected with the sanitary sewer collection system in any manner. Cleanouts shall not be installed within a sanitary sewer manhole and will not be maintained by the District.

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

When sewer service line "stub-outs" are made in conjunction with or subsequent to main-line construction, the end of the service line shall be plugged and marked with a steel fence post extending from the end of the stub-out to the surface of the ground.

Service stub-outs shall be extended at least ten (10) feet 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 stubout.

Adjacent to the end of the service stub-out, a ten (10) foot length of two by four inch (2" x 4") wood post painted green shall be placed in a vertical position prior to backfilling. 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

## 7.11 Sewer Service Pipe Line Materials

All pipe materials and fittings buried less than twenty (20) feet shall meet the minimum strength requirements of SDR-35 pipe and of ASTM D-3034 or latest revision thereof. Pipe buried over twenty (20) feet shall be SDR-26 in nominal sizes of four (4) inches to fifteen (15) inches. Polyvinyl chloride (PVC) large diameter plastic gravity sewer pipe and fittings shall conform to ASTM F679-PVC, Large Diameter Plastic Gravity Sewer Pipe and Fittings, ASTM F789-PVC, Type PS-46 Plastic Gravity Flow Sewer Pipe/Fittings, ASTM F 794-PVC, Profile Wall Plastic Gravity Flow Sewer Pipe/Fittings in nominal diameter sizes eighteen (18) inches and greater, with a minimum pipe stiffness of forty six (46) psi. Ductile Iron Pipe shall conform to ASA Standard A 21.51, AWWA C-151, and ASTM 746.

All materials used in new construction shall be new and undamaged. All pipes shall be green in color in accordance with the latest version of the American Water Works Association Standards. All material necessary to complete the installation shall be furnished and installed whether shown on approved drawings or not, and all installations shall be fully operable upon completion.

### 7.11.1. Prevention of Pipe Damage

All sewers shall be designed to prevent pipe damage from superimposed loads. Where deemed necessary to withstand extraordinary superimposed loading, special bedding, concrete encasement and/or any other special construction must be used.

### 7.11.2. Sewer Line Pipe Materials

- 1) Acceptance of materials or the waiving of inspection by the District thereof shall in no way relieve the developer/contractor of the responsibility for furnishing materials meeting the requirements of the specifications. The District reserves the right to direct or deny the use of certain types of materials in specific circumstances. All materials delivered to the job site shall be adequately housed and protected so as to ensure the preservation of their quality and fitness for the work. Any deviation of materials used shall require the District Engineer's approval.
- 2) Polyvinyl Chloride (PVC) Pipe. All pipe materials and fittings shall meet the minimum requirements of ASTM D 3034, SDR 35, latest revision. Pipe stiffness for all pipe sizes shall be tested in accordance with ASTM D 2412. Pipe shall be subjected to drop impact tests in accordance with ASTM D 2444. All pressure pipe shall be suitable for use as a pressure conduit.
- 3) Minimum wall thickness shall be (Pipe Diameter(Inches)/Wall Thickness(Inches)):
  - (a) 4/.125
  - (b) 6/.180
  - (c) 8/.240
  - (d) 10/.300
  - (e) 12/.360

(f) 15/.437

(g) 18/.536

- 4) Standard laying lengths shall be twenty feet (20') for all sizes. Random lengths shall not be acceptable. Each length of pipe shall bear the date manufactured, type, grade, length, manufacturer's name, and NSF seal of approval.
- 5) All fittings and accessories shall be as manufactured and furnished by the pipe supplier and have bell and/or spigot configurations compatible with that of the pipe. The spigot end shall be marked so the installer and the inspector can determine when the pipe is properly inserted into the bell. The bell shall consist of an integral wall section with a solid cross section rubber ring which meets the requirements of AWWA Specification C 900.
- 6) Provisions must be made for expansion and contraction at each joint with a rubber ring. Pipe joints shall be made using an integral bell with an elastomeric gasket push on type joint or using machined couplings of a sleeve type with rubber ring gaskets and machined pipe ends to form a push on type joint. Joint tightness shall be tested in accordance with ASTM D 3212. Solvent cement joints are strictly prohibited.
- 7) The manufacturer shall furnish a certified statement that all of the specified tests and inspections have been made and the results thereof comply with the requirements of the applicable standard(s) herein specified. A copy of the certification shall be sent to the District upon request.

#### 7.11.3. Minimum Pipe Diameter

No gravity sewer line shall be less than eight (8) inches in diameter. Service lines from residences or other facilities to the District gravity sewer can be four (4) or six (6) inch.

#### 7.11.4. Changes in Pipe Diameter

When a smaller diameter sewer pipe connects to a larger diameter pipe in a manhole, the crown invert elevations shall match. This will maintain or increase the energy gradient. Pipe size change shall be at a manhole where the energy gradient will stay the same or increase.

### 7.12 Pipe Installation

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 and with a smooth invert at the joint. The joint 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 mark shall be marked before assembly to ensure insertion to the full depth of the joint. The pipe shall then be properly

set and brought to correct line and grade. The pipe shall then be secured in place by installation of bedding material and backfill.

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.

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 City, will not be permitted for installation.

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.

Sewer joints shall be designed to minimize infiltration and to prevent the entrance of roots throughout the life of the system.

### 7.13 Manholes

Manholes shall be stubbed out whenever 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.

Sewers shall be laid with uniform slope between manholes. Minimum drop in a manhole is 0.1 feet. An outside drop manhole will be required if velocities exceed fifteen feet (15') 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.

Precast manhole sections, bases, cones, flat tops, reducing sections, ladder rungs and traffic lids shall be manufactured in conformity to ASTM Standard Designation C 478.

#### 7.13.1. Drop Manhole

A drop pipe shall be provided for a sewer entering a manhole at an elevation of twenty-four (24) inches or more above the manhole invert. Where the difference in elevation between the incoming sewer and the manhole invert is less than twenty-four (24) inches, 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.

#### 7.13.2. Manhole Location

Cleanouts shall not be substituted for manholes. Manholes shall be installed at the following points:

- 1) At the end of each line; and

- 2) At all changes in grade, pipe size, or alignment; and
- 3) At all intersections; and
- 4) At distances not greater than four hundred (400) feet for sewers that are fifteen (15) inches or less in diameter, and five hundred (500) feet for sewers eighteen (18) inches to thirty (30) inches in diameter. Greater manhole spacing may be permitted in special cases based on a review and approval by the District Engineer.

#### 7.13.3. Manhole Diameter

- 1) Manhole barrels shall be sized according to the following tables. One invert in and one invert out: (Pipe Size/Barrel Size):
  - (a) 8"- 18"/48"
  - (b) 21"- 27"/60"
  - (c) 30"/72"
- 2) Multiple inverts in and one invert out (Pipe Size/Barrel Size/Example):
  - (a) 8"- 15"/48"/1-8" pipe & 1-10" pipe and 1-15" pipe
  - (b) 18"- 24"/60"/1-12" pipe & 1-15" pipe and 1-24" pipe
  - (c) 27"- 48"/Vault Barrel size based on largest of the three pipes.
- 3) 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 twenty four (24) inches in diameter and when multiple inverts ins and inverts outs exist.

#### 7.13.4. Non-Residential (Commercial and Industrial) Manholes

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

#### 7.13.5. Flow Channel

The flow channel through manholes shall be made to conform in shape and slope to that of the sewer pipe. Smooth non-jagged surfaces are mandatory.

#### 7.13.6. Water Tightness

- 1) Manholes shall be of the pre-cast concrete or poured-in-place concrete type. Manhole lift holes and grade adjustment rings shall be sealed with non-shrinking

grout or other approved material. Inlet and outlet pipes shall be joined to the manhole by a gasketed, flexible watertight connection, as defined in part (7) of this section.

- 2) Watertight manhole covers shall be used wherever the manhole lids may be flooded by street runoff, high water or any other water source. Locked manhole covers may be required in easement locations or where vandalism maybe a problem. The assignment of these types of manholes is at the sole discretion of District personnel and at the developer's expense.
- 3) All manholes under construction shall be sealed tightly to prevent storm water or any other non-sewage flows from entering the sanitary sewer system. Sewer pipe connections to existing manholes where there is no existing pipe stubbed out, shall be made in such a manner that the finished work will conform to the essential requirements specified for new manholes. The contractor shall core drill as small an opening, in the existing manhole as necessary to insert the new sewer pipe. The existing concrete foundation bench shall be ground to the cross-section of the new pipe in order to form a smooth, continuous invert similar to what would be formed in a new concrete base. Portland cement grout shall be used as necessary to smoothly finish the new invert and to seal the new line so that the junction is watertight.
- 4) If manholes are located in open fields, they should be left eighteen (18) inches above grade where practical unless directed otherwise. A locking ring and water tight cover should be installed in cultivated areas, manholes shall be below grade a minimum of eighteen (18) inches and properly marked with a green carsonite post, located by a fence line or other suitable site as close to the manhole as possible, with the off set marked in feet to the centerline of the manhole cover.
- 5) The final elevation of all manholes is to be brought to grade by the contractor/developer. All sanitary sewer lids shall be forged with the following: "Sanitary Sewer" or "Sewer". Sewer manhole lids must be Denver Pick slot style model #1156 manufactured by Deeter foundry or A-1480 by D&L Foundry. Manhole exteriors shall be coated with coal tar epoxy. Manholes shall be inspected prior to backfill. Rings and covers shall be cast-iron. Manhole rings and covers shall be twenty-four (24) inch for forty-eight (48) inch diameter manholes and thirty (30) inch for sixty (60) inch and seventy-two (72) inch diameter manhole barrels. Manhole steps shall be manufactured of polypropylene reinforced as manufactured by M. A. Industries, spaced twelve (12) inch typical, sixteen (16) inch maximum on center, aligned away from invert. All cones shall be eccentric for Manholes deeper than six feet. All manholes less than six feet in depth shall be flat top lid. Precast manhole risers and cones shall be manufactured in accordance with ASTM Designation C-478.
- 6) The pre-forming flexible plastic joint sealing compound shall be "Ramnek" or an equivalent similar compound. The application of the priming compound and the sealing compound shall be accomplished in strict conformance with the manufacturer's instruction as to the quantity of material, the grade of the materials and the application temperatures. This plastic joint compound shall be applied to all manhole joints. . Pipe connections shall use Kor-N-Seal, entrance-hole connector (water tight) of pattern or approved equal. Precast manhole shall conform to ASTM C478 with SS-S-00210 butyl sealant with external joint seam wrap around all joints, Conwrap CS-212, 6-inch wide, or approved equal.

- 7) The cone section shall not extend closer than twelve (12) inches to the top of the manhole cover. Precast concrete adjustment rings twenty-four (24) inches or less in height shall be used on top of the cone to support and adjust the manhole frame to the required final grade. All manholes shall have a concrete collar poured from the top of the cone, six (6) inches thick, and around the ring, and eight (8) inches thick and four (4) feet in diameter around the manhole. See detail at end of section. The manhole barrels shall be watertight at all joints and riser sections.
- 8) Two rings of Ramneck per joint shall be used. Ramneck hanging inside of a manhole or on the base will not be allowed or accepted. Flat top sections must be used when the height from the flow line to the top of the cover is six
- 9) (6) feet or less on shallow lines where a cone section is impractical to use or as specified or approved by the District personnel or representative. In the event that the distance between the manhole invert and the ring and cover exceeds seventeen (17) feet, a precast platform shall be installed.
- 10) When connecting to an active line, the connecting manhole shall be poured in place, and be Class "B" 3500 psi concrete with a minimum thickness of eighteen (18) inches. These specifications are used to ensure smooth flow through the manhole. Each pipe must extend no more than four (4) inches past the manhole wall to a formed concrete invert. Precast bases may be used when specifically authorized by the District personnel. Pipes extended through manholes and cut to form an invert are not acceptable without written permission from District personnel.

#### 7.13.7. Manhole Upgrades

- 1) For any section of land being developed, undergoing construction or otherwise improved by the owner, developer or agent for this property, all buried manholes within the boundaries of this parcel shall be excavated and raised to either
  - (a) finished grade, if they are located within the boundaries of a street, thoroughfare, driveway, parking lot, walkway or any other similar area, or
  - (b) above grade, for all other areas of the parcel. The height above grade is subject to prior approval by the District and is dependent on the location of the manhole and the physical condition or lay of the land surrounding the location of any specific manhole.
- 2) All upgrades and improvements shall meet District requirements for the manhole installations including but not limited to bolt down covers, sealing, height above flood plain and any other improvements deemed necessary at the discretion of the District to insure that the integrity of the overall system is maintained.
- 3) Where corrosive conditions may existing due to septicity or other causes are anticipated, consideration shall be given to providing corrosion protection on the interior of the manholes.
- 4) The cost of this upgrade shall be the sole responsibility of the owner, developer or agent who is performing the construction, development or land improvements.

#### 7.13.8. Inverted Siphons

The design of Inverted siphons shall be reviewed and approved by the District. Inverted siphons not have less than two (2) barrels, with a minimum pipe size of eight (8) inches, and shall be provided with the necessary appurtenances for convenient flushing and maintenance. The manholes shall have adequate clearances for rodding. Sufficient hydraulic head shall be provided and pipe sizes selected to secure velocities of at least three (3) feet per second for average flows. The inlet and outlet details shall be arranged so the normal flow can be diverted to either barrel. The vertical alignment shall permit cleaning and maintenance.

#### 7.14 Excavation

All excavations shall be made to the lines and grades as established by the approved drawings in open cuts, through whatever material is encountered. All areas shall be excavated in such a manner as to provide adequate drainage. When material is encountered within the limits of the work that is considered unsuitable by the District Inspector, such material shall be excavated below the grade shown on the drawings to a depth necessary to ensure a stable, firm foundation and refilled with approved backfill uniformly graded to provide a firm, stabilized foundation. Surplus excavated material shall be disposed of by the contractor.

All existing asphalt or concrete surfacing shall be cut vertically and in a straight line and should be removed from the job site prior to starting the trench excavation. Asphalt, concrete or other surface material shall not be used in any fill or backfill. The trench shall be excavated so that a minimum clearance of six inches (6") is maintained on each side of the pipe for proper placement and compaction of the bedding or backfill material. The maximum trench width, measured at the top of the pipe, shall be the outside diameter of pipe plus twenty-four inches (24"). If the actual trench width exceeds the maximum allowable trench width, the contractor shall use a pipe of a stronger class. The cost of such remedial measures shall be at the contractor's expense. Excavation in paved streets shall be confined to a minimum practical width. Any paving that is damaged by the contractor outside the above stated limits shall be replaced at the contractor's expense unless approved by District.

Excavation for structures shall be of such dimensions as to allow for the proper installation and to permit the construction of the necessary pipe connections.

#### 7.15 Trenching

The width of the trench shall be ample enough to allow the pipe to be laid and jointed properly, and to allow the backfill to be placed and compacted as needed. The trench sides shall be kept as nearly vertical as possible. When wider trenches are dug, appropriate bedding class and pipe strength shall be used. Ledge rock, boulders, large stones and any other impediments or obstacles shall be removed to provide a minimum clearance of four (4) inches below and on each side of all pipe(s).

#### 7.16 Bedding

The type of bedding to be used depends on the soil test report. Bedding to be used in construction shall be specified in the construction documents. Bedding for service laterals shall be squeegee.

#### 7.17 Backfill and Compaction

- 1) Backfill. Suitable backfill material shall not include rubbish, stones larger than five (5) inches in diameter, dirt clods and frozen lumps of soil or any other foreign or unsuitable material. If the excavated material is not suitable backfill, as determined by District personnel, suitable material shall be made available and utilized and the rejected material shall be disposed of at the contractor's expense. Backfilling shall be conducted at all times in a manner to prevent damage to the pipe or its coating. Trench excavation shall not advance more than three hundred (300) feet ahead of pipe laying and backfilling work. All backfill around structures shall be consolidated by mechanical tamping. Backfill shall be carefully replaced in such a manner so to not disturb the alignment of the pipe.

Backfill material shall be deposited in uniform horizontal layers which may not exceed six inches (6") (compacted depth) in all areas. Other thickness may be used with the prior written approval of the Town Appointed Engineer. Methods and equipment which are appropriate for the backfill of material shall be employed. Backfill equipment or backfilling methods which transmit damaging shocks to the pipe shall not be used. Excess excavated materials and materials not suitable for backfill shall be removed from the site.

- 2) Compaction. Compaction shall not be performed by jetting or water settling. If compaction cannot be obtained with job excavated material, trench backfill material shall be imported. Topsoil shall be replaced to the depth of stripping over all areas which are to receive vegetation.

Field tests will be conducted to determine compliance of compaction methods with specified density in accordance with ASTM D 2922 (Tests for Density of Soil and Soil Aggregate in Place by Nuclear Methods). Compaction tests shall be performed at a depth of one and one half feet (1 1/2') above the top of the pipe and in one foot (1') vertical increments up to the finish grade. Compaction tests shall be performed at least once every one hundred (100) linear feet as measured along the length of the pipe. If the District Engineer determines that reliable and uniform results are produced by the contractor's construction techniques, the frequency of testing may be changed to one every three hundred feet (200').

Compaction shall be to the following minimum densities (reference ASTM D 698 or AASHTO T 99 unless otherwise indicated):

- (a) Pipe Bedding
  - i. Compacted Granular Material - 80 Percent of Maximum Relative Density (ASTM D 2049)
  - ii. Carefully Compacted Select Soil - 95 Percent of Maximum Standard Density
  - iii. Barrier Material - 95 Percent of Maximum Standard Density

- (b) Trench Backfill
  - i. Paved roadways, sidewalks, and other areas - 95 Percent of Maximum Standard Density
  - ii. Gravel Roadways - 95 Percent of Maximum Standard Density
  - iii. Fields and All Other Areas - 90 Percent of Maximum Standard Density
  - iv. Under Footings, Foundations, Structures - 100 Percent of Maximum Standard Density or in Conformance with the Approved Soils Report and Recommendations
- (c) Moisture Content:
  - i. All compacted backfill shall be within two percent (2%) (plus or minus) of the optimum moisture content of the soil as determined by ASTM D 698.
  - ii. Water shall be added to the material or the material shall be harrowed, disked, bladed, or otherwise worked to insure a uniform moisture content, as specified.

#### 7.18 Dewatering

All pipe trenches or structure excavation shall be kept free from water during pipe laying and other related work. The methods of dewatering shall provide for a completely dry foundation at the final lines and grades of the excavation. All water shall be disposed of in a proper manner without being a menace to public health or causing a public inconvenience. When required, the contractor is responsible for obtaining a permit for ground water discharge. Dewatering shall be maintained until the trench contains enough backfill to prevent pipe floatation. The dewatering operation shall continue until such time it is safe to allow the water table to return to its natural state. Discharge of ground water into the newly constructed sewer line is expressly prohibited.

#### 7.19 Sewers in Relation to Waterways

The top of all sewers entering or crossing waterways shall be at a sufficient depth below the natural bottom of the waterway's bed to protect the sewer line. In general the following cover requirements must be met:

- 1) One (1) foot of cover is required when the sewer is located in rock.
- 2) Three (3) feet of cover is required in any waterway bed material other than rock. In major waterways, more than three (3) feet of cover may be required pending review of the District Engineer, Corps of Engineers and any other Wetland Authorities.
- 3) In paved waterway channels, the top of the sewer line shall be placed below the bottom of the channel pavement.

Less cover will be approved only if the proposed sewer crossing will not interfere with any future improvements to the waterway. Reasons for requesting less cover shall be given in the project proposal and approved by the Army Corp of Engineers.

Sewers located parallel or horizontal to waterways shall be located outside of the natural waterway's bed, and at a sufficient distance from any waterway to allow for the possible widening of the channel and to prevent pollution by siltation during construction.

#### 7.19.2. Sewer Structures

The sewer outfalls, headwalls, manholes, gate boxes, or any other structures shall be located so that they do not interfere with the free discharge of flood flows of the waterway.

#### 7.19.3. Sewer Alignment

Sewers crossing waterways shall be designed to cross the waterway as nearly perpendicular to the waterway flow as possible. Sewer systems shall be designed to minimize the number of waterway crossings.

#### 7.19.4. Sewer Construction Materials for Waterways

Sewers entering or crossing a waterway shall be constructed of cast or ductile iron pipe with mechanical joints; otherwise they shall be constructed to remain watertight and free from changes in alignment or grade. Material used to backfill the trench shall be stone, coarse aggregate, washed gravel, or other materials which will not cause siltation. Construction documents shall call out construction requirements.

### 7.20 Siltation and Erosion

Construction methods that will minimize siltation and erosion shall be employed. The design engineer shall include in the project specifications the method(s) to be employed in the construction of sewers in or near waterways to provide adequate control of siltation and erosion such that the land is restored back to its original condition. Specifications shall require the cleanup, grading, seeding, and planting or restoration of all work areas shall begin immediately upon the completion of construction. Exposed areas shall not remain unprotected for more than seven (7) days.

### 7.21 Aerial, Suspended or Exposed Crossings

The District will require engineering approval of these types of crossings:

- 1) Aerial – suspended in air,
- 2) Suspended – attached to a bridge,
- 3) Exposed crossings – not covered, pipe is visible.

### 7.22 Protection of Water Supplies

There shall be no physical connections between a public or private potable water supply system and a sewer, or appurtenance thereto which would permit the passage of any sewage or polluted water into the potable supply. No water pipe shall pass through or come in contact with any part of a sewer manhole.

### 7.23 Abandoned Infrastructure

Unless otherwise specified, service lines to be abandoned shall be excavated and plugged at the connection to the main with an approved watertight plug. The District personnel must be present when work is being performed.

#### 7.24 Relation to Water Works Structures

While no general statement can be made to cover all conditions, it is generally recognized that sewers shall meet the requirements of the appropriate agency with respect to the minimum distances from public water supply wells or other water supply sources and structures.

#### 7.25 Connections

Where "Y's" have not been installed in the main sewer, the contractor shall excavate around the main and prepare the main for tapping. The main shall then be tapped by the contractor and witnessed by District personnel. The connection shall be watertight and at a forty-five (45) degree angle above the pipe horizontal centerline. No projection of the sewer service pipe into the sewer main shall be permitted. Approved sewer service saddles shall be used to connect the service line to the sewer main. No aluminum saddles shall be permitted. Plastic saddles shall be rubber gasketed and banded to the sewer main. District personnel shall inspect the main and saddle at every tap prior to backfilling. In the event the tap is covered before it is inspected, it shall be excavated by the contractor at their expense and any concrete or mortar around the fitting shall be removed to allow visual inspection of the tap and the main. If the main sewer line is cracked or broken during the process of locating and tapping, it shall be repaired immediately by replacing the broken section with solid sleeves at the contractors expense. A manhole shall be installed instead of a service tap when a six (6) inch or larger connection is to be made on all sewer lines. Service taps to existing manholes shall not be permitted.

#### 7.26 Sewage Lift Stations

It shall be the policy of the District not to allow any new lift stations to be built within the District boundary or within systems donated to the District unless gravity can not be achieved; the District retains the right to refuse any type of pumping station it deems.

#### 7.27 Non-Residential (Industrial/Commercial) Wastewater Pretreatment

At any facility where the possibility exists that a foreign substance may be introduced into the sewer system that could interfere with the daily biological process of the POTW, installation of an approved pretreatment system may be required. All installations shall be approved by the District. All flows shall conform to all requirements of the Board approved the District and these Rules and Regulations and 40 CFR. This shall apply to all new and existing customers.

#### 7.28 Miscellaneous

Where special conditions not covered by these specifications exist, detailed drawings and specifications shall be submitted to the District for approval before contracts are awarded or work is begun. Written approval from an authorized representative of the District must be obtained before any materials other than those materials specified in the standard specifications may be employed in the construction of sewer lines connected to or made a part of the sewer system of the District.

## **SECTION 8. CONSTRUCTION**

### **8.1 Details of Construction**

All sanitary sewer main construction within the District's system and all service line construction connecting to the District's sewer mains will be completed in accordance with SECTION 7, DESIGN AND SPECIFICATIONS and the accepted plans. These DESIGN AND SPECIFICATIONS will cover new sanitary sewer service line construction and repairs to existing facilities within the District.

### **8.2 Construction of Sewer Mains by Customers**

Sewer mains or trunklines required to service subdivisions or other developments within the District shall be constructed at the sole discretion and direction of the District. The Applicant shall be responsible for all construction and will be responsible for ensuring that the construction contracts are awarded in compliance with all applicable state laws governing such construction and the awarding of construction contracts.

### **8.3 Construction 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 District Engineer'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 drawings. Following final approval of the plans by District, construction may proceed.

### **8.4 Construction within a Subdivision**

The District Engineer shall sign the approved sewer design construction plans before construction of subdivision infrastructure. The work shall be surveyed and staked under the supervision of a licensed PLS in accordance with the approved plans, using the coordinate system adopted by the District

The District shall be notified at least forty-eight (48) hours prior to the start of work. Adequate provisions for the notification of customers who may experience a loss of sewer services must be developed and provided. Such outages shall be kept to a minimum. The developer shall be responsible for any damage that may result due to their construction. All work relating to sanitary sewers shall be inspected by District personnel.

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

### **8.5 Extending Sewer Service to a Subdivision**

Prior to the commencement of any work, a pre-construction conference shall be held at the request of District personnel involving the contractor. The project shall be surveyed and staked under the supervision of a licensed PLS in accordance with the approved plans. A silt fence shall be erected where needed or required. Design survey shall be completed using the District's survey control network.

The District shall be notified forty eight (48) hours prior to the start of work. Adequate provisions for the notification of customers who may experience a loss of sewer services must be developed and provided. Such outages shall be kept to a minimum. The contractor shall be responsible for any damage that may result due to their construction. All work relating to sanitary sewers shall be inspected by District personnel.

#### 8.6 Procedures and Submittal Requirements for Work on Sewer Lines

- 1) Procedures. The District will establish and may amend, from time to time, procedures to be followed by developers performing work on sanitary sewer lines. These procedures will include all requirements for documentation, submittals, fees, engineering design, construction, and acceptance. Initial submittal of utility plans for approval must include two (2) copies of the proposed development. "As-Builts" shall be submitted to the District Engineer for the constructed project prior to the initial acceptance by District. Refer to the signed subdivision service agreement.
- 2) Submittal Requirements. Plans will be submitted to the District Engineer on twenty four inch by thirty six inch (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.
  - (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 lateral 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.

#### 8.7 Line and Manhole Testing

At the discretion of the District, at a minimum, the air, infiltration, deflection, TV camera inspection, and manhole vacuum testing will be required to be performed at the contractor's expense. The contractor shall be responsible for supplying all materials, labor and other equipment to perform testing.

- 1) Air test per ASTM F 1417 for plastic pipe, and ASTM C 1244 for manholes.
- 2) Smoke test
- 3) Infiltration test
- 4) Deflection test
- 5) TV camera testing
- 6) Manhole vacuum testing

If the District personnel find that any completed line or part thereof fails, they may halt construction of any new sewer line until the sewer line meets specifications. The District will require additional video inspection for the sewer line segments in question. All costs of this work shall be at the expense of the contractor.

The contractor shall furnish a certified statement accompanied by the District Inspector's signature that all test requirements have been met. The District Engineer shall receive a copy of the signed certification.

#### 8.8 Engineering Procedure

Where a conflict occurs between or within standards, specifications, and drawings, the more stringent or higher quality requirements shall apply.

#### 8.9 Inspection and Approval

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

The contractor shall furnish all reasonable aid and assistance required by District personnel for the proper examination of the material and work. All work shall be performed in accordance with accepted workmanship practices and these engineering standards. No service lines shall be covered without the District's approval. Anyone making any installation without such approval shall be required to remove all soil or any other covering over the service line at their sole expense to allow its inspection. All service lines shall be inspected by the District's representative, who shall have the authority to halt construction when, in his opinion, the District Rules and Regulations are being violated or proper construction practices are not being utilized. Whenever such violations occur, the District's representative 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 with 8.07. The water service shall be shut off or kept off until inspection or testing of sewer service is complete.

Any work not accepted by District personnel shall be redone until compliance with these standards is achieved. Instructions given by District personnel relating to quality of materials and workmanship must be obeyed at once. District personnel shall not supervise, set out work or give line and grade stakes. The District personnel or representative 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 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 the 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 a rate of sixty five dollars (\$65.00) an hour, with a two (2) hour minimum. Contractors shall obtain prior 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 District Inspectors, the instructions given by the District Inspector shall prevail in the event of conflicting instructions.

#### 8.10 Traffic Control

The flow of traffic on streets and roadways within affected Town of Pagosa Springs right-of-ways (AREA OF WORK) shall be maintained at all times during construction per current barricading manual and standards at the time of construction. The contractor shall be responsible for the provision of a safe travel way on all roadways adjacent to or crossing the job site. The contractor shall erect or cause the erection of proper traffic control warning devices around all excavations, embankments and obstructions and shall be responsible for the proper maintenance of said erected devices. The contractor shall cause suitable warning lights or flares to be provided and kept lighted at night or any other times when visibility is limited.

The contractor shall coordinate his work with the District and the Town of Pagosa Springs in order to arrange for detours, parking, and access to property adjacent to the work area. These arrangements shall be made at least forty-eight (48) hours prior to their need. The contractor shall not close any street or portion of a street without receiving a traffic variance or permit from the District and the Town of Pagosa Springs at least forty-eight (48) hours prior to such closure.

#### 8.11 Proper Agencies Contacted

It is the contractor's responsibility to notify the following agencies as well as any other interested or directly affected party at least twenty-four (24) hours prior to closing any street when such closure has been authorized by the District and the Town of Pagosa Springs.

- 1) Utility Notification Center of Colorado (UNCC)
- 2) Archuleta County Communications Center
- 3) The Town of Pagosa Springs Code Enforcement Department
- 4) The Town of Pagosa Springs Police Department

- 5) Pagosa Springs Fire Protection District
- 6) Archuleta County Joint 50 School District Transportation Department
- 7) Colorado Department of Transportation

The contractor shall also notify the aforementioned entities immediately after reopening of any street, alley, fire lane, or other thoroughfare. The District shall close down any work which is not controlled in accordance with approved barricading procedures or on projects which require a traffic variance and such has not been obtained by the contractor. 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 4:30 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 an off duty police officer to regulate traffic when work is performed at the signal controlled intersection.

#### 8.12 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 forty-eight (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/contractor's expense and upon approval by the District personnel.

#### 8.13 Outages

If service is interrupted for more than four (4) hours, all affected customers must be notified individually by the contractor at least twenty-four (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 District personnel. If service is interrupted for more than four (4) hours are necessary, they must be conducted at times to cause the least inconvenience to the District customers and upon the approval of District personnel. Under all circumstances, work shall continue until all customers 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 District personnel and supplied or provided by the contractor.

#### 8.14 Bonding

Developers/contractors will be required to post a performance bond equal to the amount of the sewer project cost to the District for a length of two (2) years after the initial acceptance, or until final acceptance, whichever is greater to provide protection against the following situations that include, but are not limited to:

- 1) Necessary repairs caused by installing defective material.
- 2) Necessary repairs caused by poor installation techniques.
- 3) Costs incurred by the District due to the contractor's failure to perform in accordance with these standards.
- 4) Maintenance guarantee.
- 5) Failure to video (TV) line during the twentieth (20) month. For subdivisions, it shall be the responsibility of the developer to post the necessary bonds and warranties with the District. For line extensions, it is the contractor who is responsible to post the necessary bonds and warranties with the District.

#### 8.15 Acceptance of Work

For initial acceptance for a filing or phase, the following requirements shall be met:

- 1) Full completion of platted filing or phase.
- 2) Plug any line that is connected to an active and/or cleaned sewer line.
- 3) Manholes must be coated with coal tar epoxy on the outside.
- 4) All lines must be pressure tested and must pass.
- 5) All manholes must be vacuum tested and must pass.
- 6) All manholes and lines must be vacuumed, jetted and videoed.
- 7) All manholes must be free from ramneck hanging out of seams.
- 8) All manhole trough's must be free of obstructions and grouted smooth.
- 9) One (1) lift of asphalt cover on road.
- 10) All manholes shall be at finished grade and have concrete collars from the top of the cone to the ring.
- 11) All manhole lids shall be Denver pick slot style and have the District insignia.
- 12) All service laterals shall be marked with an "S" on the curb.
- 13) All manholes outside of a residential subdivision shall be marked with carsonite markers.

- 14) District Personnel must receive mylar "As-Builts".
- 15) District Personnel must receive AutoCAD "As-Builts", oriented into Districts survey control network.
- 16) District Personnel must receive a table of latitude and longitude position of all manholes after each phase. Manholes shall be tied into the Districts survey control network.
- 17) District Personnel must receive a sewer costs after each phase or filing.

Upon the completion of installation and prior to paving operation, a punch list shall be formulated stating all discrepancies that relate to the collection system. This punch list, made by District personnel, shall be submitted to the contractor and the developer. At this time the contractor will also verify and ensure all sewer services are located and marked with a ten (10) foot length of two by four inch (2" x 4") wood post painted green. The two by four inch (2"x 4") wood post shall be placed at the end of the stub-out in a vertical position. The contractor shall take measurements of distances from manholes to indicate the location of service taps. This information will be conveyed to the drafter of the "As-Builts". Service locations will 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. No services are to be located in concrete areas or under driveways. After paving operations have been completed, a second punch list shall be formulated and sent to the contractor and developer. Once this punch list has been completed and "As-Built" drawings have been received by the District, an initial acceptance letter will be drafted and mailed to the contractor or developer stating the date the two (2) year warranty period begins. Once the two (2) year warranty period begins, the District shall be responsible for locating the main lines only. The District is not responsible for locating service laterals.

#### 8.16 Warranty of Work

The contractor shall warrant to the District that all work is free from defects in workmanship or materials for a period of two (2) years commencing upon the date set by the initial acceptance. The contractor 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 municipality or District personnel. The contractor shall further indemnify and hold harmless the District from and against any loss, claim or demand for damage arising out of defective workmanship or materials, during said two (2) year warranty period.

Any repairs needed on any installation after the lines have been approved for service shall be performed by the contractor or developer. If the contractor or developer does not start work within two (2) months of the request, the District shall contract out the work. All work performed shall be invoiced to the contractor or developer at cost plus District administration fee and deducted from the posted bond. If there is no bond posted, the District will not sell any sewer taps to builders within said subdivision until all invoices are paid in full, any and all related claims against the developer are settled, and the District has no further issues with the installation. Prior to the end of the two (2) year warranty period, a third inspection shall be performed and if necessary, a new punch list shall be formulated and sent to the contractor and developer. The developer shall also video the warranted collection system during the twentieth (20) month. Upon completion of this final punch list to

the satisfaction of the District, the District shall send a letter to the contractor or developer stating the final acceptance of all collection lines.

#### 8.17 Point Repair

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

#### 8.18 Installation

Installation specifications shall contain appropriate requirements based on the criteria, standards and requirements established in Section 7 and by the industry. Requirements shall be set forth in the specifications for the pipe and methods of bedding and backfilling.

If deflection limits exceed the manufacturer's recommendation or the Industry Standards, the contractor shall be responsible for removing the existing pipe and for the installation of new pipe material. Deflection Test may be required at the sole discretion of the District.

#### 8.19 Authorization

A connection authorization shall be secured from the District a minimum of forty-eight (48) hours prior to construction, at which time the constructor shall become familiarized with the District standards and specifications. The owner or constructor shall obtain approval for the location of the service line and submit appropriate site and mechanical plans and inform the District's personnel of intended schedule for construction.

Constructors shall apply for and obtain all permits required by any governmental entity or agency, including a permit to work in the public right-of-way, if applicable, prior to commencement of construction.

Service connections will only be authorized when all applicable PIFs and charges have been paid to the District. Service connections will not be authorized or permitted if it is not practical or feasible to provide sewer service to the site for which service is requested. "Practical and feasible" in this context means that the District has the available collection facilities and treatment plant capacity to treat the effluent from the proposed discharge site and that service is in accordance with the Rules and Regulations of the District and in accordance with the laws of the state of Colorado and any other governing entity or municipality.

#### 8.20 Subdivision Service

Approved lines are to be constructed with stub-outs and shall be made from under the streets so that subsequent cutting of the streets is not required. These stub-outs shall be plugged, located, inspected and approved in writing by a duly authorized representative of the District. 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. Taps shall conform to Section 7, Design and Specifications.

#### 8.21 Excavation

All excavation required for the installation of service lines shall be open-trench work unless otherwise approved by the District and shall be performed in accordance with all applicable governmental or regulatory standards, requirements, and codes.

Pipe laying and backfill shall be performed in accordance with the District's standards and specifications. No excavation shall remain open for more than forty-eight (48) hours, and all District mains are required to be covered overnight.

All backfill shall be maintained in a satisfactory condition and all places showing signs of settlement shall be filled and maintained for a period of two (2) years following completion of construction. When an applicant is notified by the District that a backfill is hazardous, he shall correct such hazardous conditions at once. If an applicant or property owner fails to correct a hazardous condition immediately upon notification, the District will take any and all measures necessary to correct the situation and said property owner will be held liable for all costs associated with the corrective action taken.

#### 8.22 Tapping the Main

Only the District is authorized to make taps onto the District's sewer mains. The applicant for the sewer service shall notify the District when the service is ready for the tapping of the main. All Tap and PIFs must be paid before a tap may be made.

#### 8.23 Combined Sewer Interceptors

Combined sewers are not permitted. Storm water and underdrains must be completely separate and isolated from the sewer system so there is no combination of the flows. No storm water shall be intentionally introduced into the sanitary sewer collection system.

### **SECTION 9. VIOLATIONS, PENALTIES AND APPEALS**

#### 9.1 Notices

Whenever the District finds that any user has violated or is violating this section, or a wastewater permit or order issued hereunder, the terms of any Right-of-Way, easement or other agreement between the District and the user or Property Owner, the Sanitation Supervisor or his/her designated agent or representative may serve upon said user or Property owner written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions shall be submitted to the District. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

#### 9.2 Liability to District

Any person violating any of the provisions of these Rules and Regulations shall become liable to the District for any expense, loss or damage occasioned by reason of such violation.

#### 9.3 Enforcement

No person or user shall discharge to the POTW or contribute or cause to be contributed, directly or indirectly, to the waste stream entering the POTW, from any source, any Pollutant or Harmful Waste which interferes with or could interfere with the operation or performance of the POTW, or cause the same to be done contrary to or in violation of any of the provisions of Section 9 of the Rules and Regulations. These general prohibitions

shall apply to all users of the POTW whether residing within the Town of Pagosa Springs, within the District or outside the District. Any person in violation of any of the provisions of these Rules and Regulations, or any of the terms and conditions of any wastewater discharge permit, shall be subject to any or all of the administrative procedures, orders, fines, penalties, civil penalties, suspension, discontinuance or termination of service as authorized by this Section 9, for violations as deemed necessary and appropriate in the circumstances by the Sanitation Supervisor or his/her designated representative. In addition, any person 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 any ordinance adopted by the Town Council imposing penalties for Interference with a Publicly Owned Treatment Works.

#### 9.4 Administrative Fines and/or Orders

Notwithstanding any other section of these Rules and Regulations, any user who is found to have violated any provision of this Section, or permits and orders issued hereunder, and who has been served a notification of violation shall be subject to an administrative or civil penalty according to Section 9.13. Such assessments may be added to the user's next scheduled sewer service charge or billing, and the District shall have such other collection remedies as they have to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Any user that disputes such administrative penalty must file, within ten (10) days of being notified of the penalty, a request with the District for reconsideration of the penalty. The District shall schedule and hold a hearing on the matter within fifteen (15) days of receiving the request from the user.

#### 9.5 Consent Orders

The Sanitation Supervisor is hereby empowered to enter into consent orders, assurances, voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the on compliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to this section.

#### 9.6 Show Cause Hearing

The District may order any user which causes or contributes to a violation of this section or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action shall not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as requested in the notice, immediate enforcement action may be pursued.

#### 9.7 Compliance Order

When the District finds that a user has violated or continues to violate this section, a permit or an order issued, an order may be issued to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed

and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

#### 9.8 Suspension, Discontinuance or Termination of Service

In addition to and without waiving any other available remedy, the District shall have and may exercise the right to suspend, discontinue or terminate wastewater treatment service to any property where or as to which a violation of these Rules and Regulations, or of any permit, residential or commercial building demolition, approved plans or applicable contract, occurs or continues.

- 1) Immediate or Emergency Suspension. The District may immediately suspend service upon revocation of any Tap or Discharge Permit, or the District may, without prior notice of hearing, order wastewater treatment service, service connections permits, and wastewater discharge permits immediately suspended 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 or causes the District to violate any condition of its NPDES permit. Any such emergency suspension order shall become effective immediately, and any person notified of such suspension shall immediately stop or eliminate all discharge of industrial waste. The District is also authorized, in such severance of the sewer connection, to prevent or minimize danger or property damage.
- 2) Execution of Order. Any person notified of a suspension, termination or discontinuance 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, termination or discontinuance. The District may take such steps as deemed necessary, including a physical interruption or disconnection of service, in order to enforce the suspension, termination or discontinuance order.
- 3) Notice. Posting the notice conspicuously at the service address shall constitute delivery thereof to the Property Owner. If the Property Owner does not cure the stated deficiency or request a hearing within the time provided, the District shall forthwith order the service to be suspended or terminated, as appropriate. If the Property Owner makes a timely written request for a hearing, the Sanitation Supervisor shall promptly schedule and hold such a hearing. The Sanitation Supervisor shall state the reasons supporting his/her decision. Suspension or termination of service shall be stayed until the Sanitation Supervisor holds the hearing and renders his/her decision.
- 4) Opportunity for Hearing. When it appears that any fees or charges imposed under these Rules and Regulations become delinquent, or that any other cause for suspension or termination of service exists, the District may mail or deliver to the owner of the property where or as to which the deficiency occurs, at the service address or latest known current mailing address for the Property Owner of the affected property, a notice advising him of the following:

- (a) The alleged deficiency;

(b) That the sewer service to the property will be suspended or terminated on account of such deficiency on a date as stated in the notice unless the stated deficiency is sooner cured;

(c) That he has the right to a hearing at which he may be heard concerning the alleged deficiency; and

(d) That he must request the hearing in writing before the suspension or termination date specified in the notice if he desires the hearing to be held.

Upon an adequate showing of mitigating circumstances by the Property Owner, the Sanitation Supervisor may extend the stay for up to ten (10) days following the date of his/her decision. If the deficiency is not cured as required within such period, the District shall forthwith order the service suspended, terminated or discontinued, as appropriate.

#### 9.9 Grounds for Termination or Discontinuance

Service shall be terminated or discontinued and not merely suspended if one of the following occurs:

- 1) The Tap or Discharge Permit is revoked.
- 2) The connection providing such service was not authorized when made.
- 3) The service was suspended at least two (2) times within the preceding five (5) years as a consequence of the acts or omissions of the same Property Owner.

Any service terminated under this Section may not be reinstated. The owner of any property served by a service which has been so terminated may apply for new service for such property.

#### 9.10 Reinstatement of Suspended Service

The District shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection charge and the Sanitation Supervisor's reasonable estimate of any applicable Reconnection Charge imposed by these Rules and Regulations, and any and all other amounts then due to the District from such person.

- 1) Any suspended service or permit shall be reinstated upon proof of elimination of the violation, payment of all costs and expenses incurred by the District in connection with the suspension and approval by the District of a satisfactory plan to prevent future such violations.
- 2) The District may order wastewater treatment service permanently terminated, and wastewater discharge permits revoked if it has found it necessary to make a suspension order or emergency suspension order more than three (3) times in any twelve (12) month period.
- 3) If deemed necessary to prevent danger, property damage or interference with the POTW, the District may order a user to provide pretreatment, flow rate control, suitable access facilities, such as a manhole or vault and periodic sampling, testing, and reporting of the quality and quantity of wastewater being discharged. Any such

order shall become effective at the time specified therein, unless the District Board of Directors, on appeal by the effected person, shall reverse the order or stay its effect.

- 4) 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.

#### 9.11 Penalty Charges

Penalty charges shall be set by the Board for the purposes of defraying the District's costs and expenses incurred in discovering, investigating, curing and repairing the consequences of violations of these Rules and Regulations; and in order to deter persons from committing such violations, there is hereby imposed upon any person who the District finds and determines causes, or attempts to cause, or who permits, solicits, aids or abets any other person to cause or attempt to cause, by act or omission, any of the violations set forth herein, the penalty charges set forth in Appendix

For the purposes of this section, it shall be presumed, subject to rebuttal, that the owner of the property served by any private sewer facilities where or upon which such violation exists, or of property which directly benefits from such violation, is the person who caused or permitted the same to occur. A separate and distinct violation shall be deemed committed upon each day or portion of thereof that any such violation shall occur or continue. Provisions applicable to invoicing and collection of fees and charges shall apply to any and all penalty charges imposed.

##### 9.11.1. Non-Service Use Penalty

All taps must be put to beneficial use (service) within one (1) year following payment of the PIF or within one (1) year following completion and availability of the District's sewage works, whichever is longer. Taps that are not put to beneficial use within the required period must pay a penalty of fifty percent (50%) of the difference between the PIF actually paid and the PIF in effect at the time service commences. All PIFs are non-refundable

##### 9.11.2. Unauthorized Discharge by User

No user shall discharge or cause to be discharged into District facilities any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sewer as herein defined.

Wastewater discharges shall conform to Section 11 - EFFLUENT DISCHARGE, of these Rules and Regulations. Wastewater other than domestic sewage shall be pretreated by the user. Pretreatment shall be provided by the user to the satisfaction of the District before the waste is allowed to enter the District disposal system.

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

##### 9.11.3. Interceptor Violation

Bypassing, failure to have, failure to use, or failure to maintain any grease or sand interceptor to District standards shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.4. Swimming Pool Discharge Violations

Failure to obtain or comply with the terms of a swimming pool discharge permit shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.5. Interference, Failure to Permit Inspection

Interfering with the employees or agents of the District in the performance of their duties, or refusing to permit District employees or agents to inspect the premises shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.6. Basement Drains

Connecting a basement drain to the District system shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.7. Tampering

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

#### 9.11.8. Easement Violations

Placing any prohibited plant or structure within the boundaries of any District rights-of-way or easement shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.9. Unauthorized Entry

Opening any manhole or entering any portion of the District system without authorization shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.10. Infiltration

Knowingly permitting root infiltration, storm runoff, or groundwater to enter the District system shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.11. Escape of Wastewater

Permitting wastewater to escape from the District system shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.12. 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 considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.13. Failure to Notify of Use Changes

Failure by property owner 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 considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.14. Violation of Stop Work Order

Performing or continuing to perform any work in violation of a Stop Work Order shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.15. Failure to Provide Record Drawings

Failure to furnish record drawings of taps as installed shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.16. Violation of Suspension/Termination/Discontinuance Order

Failure to stop or eliminate the discharge of wastewater from property affected by an order suspending or terminating service to such property shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.17. False Official Statement

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 considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.18. Failure to Notify of Excavations

Failure to notify the District of excavations in the area of subsurface District facilities at least two (2) business days or forty-eight (48) hours before beginning such excavation shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District.

#### 9.11.19. Default of Closure Dates

Remaining open during closed dates would result in payments of the entire closure period and suspension of dormancy status shall be considered a violation of these Rules and Regulations and will be subject to a penalty assessment by the District. In two years an application can be submitted to regain dormancy status.

## 9.12 Civil Penalties

Any user who has violated or continues to violate this section or any order or permit issued hereunder, and who had been served a notification of said violation(s), shall be liable to the District for a civil penalty of not more than one thousand dollars (\$1000) per day per violation for as long as the violation continues. Each day on which noncompliance shall occur or continue shall constitute and be deemed a separate and distinct violation. In addition to the above described penalty and damages, the District may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. The District shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

## 9.13 Civil Liability for Expenses

Any person or user violating the provisions of this section or any applicable state or federal regulations or any terms and conditions of his wastewater discharge permit, shall be liable for any expense, loss, or damage caused the POTW by reason of such violation, including the increased costs, if any, for managing effluent or sludge when such increases are the result of the user's discharge of toxic pollutants.

## 9.14 District Cure at Owner Cost

If the Property Owner or user fails within the specified time following a duly served notice to cure the nonconformity stated in said notice, the District may, in addition to and without waiving any other remedy, perform the work or have the work performed and charge the Property owner or user, for the actual costs incurred plus any applicable administrative fees incurred in connection therewith, calculated in accordance with the rates as set forth in these Rules and Regulations. Applicable rules pertaining to invoicing and collection fees and charges shall apply to any charges assessed to the Property Owner or user under these Rules and Regulations.

## 9.15 Criminal Penalties

No person or user shall discharge to the POTW or contribute or cause to be contributed, directly or indirectly, to the waste stream entering the POTW, from any source, any Pollutant or Harmful Waste which interferes with or could interfere with the operation or performance of the POTW, or cause the same to be done contrary to or in violation of any of the provisions of this Section 9. These general prohibitions shall apply to all persons or users of the POTW whether residing within the Town of Pagosa Springs, within the District or outside the District. Any person or user violating any of the provisions of Section 9 or any permit issued by the District shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation should occur and shall be punished by a fine not to exceed one thousand dollars (\$1,000) per violation. Such charge shall be filed in the Municipal Court of Pagosa Springs as Interference with a Publicly Owned Treatment Works pursuant to such ordinance as may be adopted by the Town Council imposing and adopting penalties for Interference with a POTW. Each day that any such violation occurs, exists or continues shall be deemed a separate offense which is separately punishable hereunder. Such penalties shall be in addition to any administrative remedies or such other liability provided for in this chapter.

## 9.16 Injunctive Relief

In addition to and without waiving any other available remedy, the District may seek injunctive relief from any act or omission by any person or user which violates these Rules and Regulations, or which otherwise jeopardizes the property or health of any person, including the District by petitioning the District Court for injunctive relief restraining any person or user from the continued violation of this section.

## 9.17 Civil Fine Pass-Through

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

## 9.18 Falsifying Information and Tampering

No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the terms of this section or wastewater discharge permit or any person who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required here shall, upon conviction, be punished by a fine not to exceed one thousand dollars (\$1,000) per violation, or by imprisonment not to exceed ninety (90) days per violation, or by both such fine and imprisonment.

## 9.19 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 POTW in a sum determined by the District to be necessary to achieve consistent compliance.

### 9.19.1. Appeal Notice

Any person desiring to appeal any order or determination of the District shall file a written notice of appeal with the District within ten (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.

### 9.19.2. Date of Appeal Hearing

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 seven (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 mailed to the party filing the notice of appeal. The Board may continue the hearing as it deems necessary, without further notice.

### 9.19.3. Conduct of Appeal Hearing

The Board shall act as a quasi-judicial body in the conduct of the hearing. The party appealing 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 appealing party. In addition, the Board may stay any order pending resolution of an appeal.

#### 9.20 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 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.

### **SECTION 10. SEPTAGE**

#### 10.1 Acceptance of Septage

The District WTS lagoons shall not accept septage waste from any source.

#### 10.2 Manifest

The septage hauler shall provide a manifest, on a form to be provided by the District, indicating the estimated amount and source of all septage delivered to the District. This manifest shall also require certification, as to the hauler's best information, knowledge, or belief regarding the quality and character of the load. The septage hauler shall sign and certify as to the accuracy and completeness of this information. Fees and Charges related to Septage can be found under Section 4 – FEES, RATES, AND CHARGES.

#### 10.3 Right to Refuse

The District maintains the right to refuse any septage load at any time without notice based on suspected or actual content, clean up or handling problems at the dump location, failure to pay or any other problem affecting the District. The septage hauler may appeal this action by presenting his case to the Board at any of its regular or special meetings.

### **SECTION 11. EFFLUENT DISCHARGE REGULATIONS**

#### 11.1 Effluent Discharge Policy

This section sets forth uniform requirements for direct and indirect contributors to the wastewater collection and treatment system of the District, and enables the District to comply with all applicable state and federal laws including the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this section are as follows:

- 1) To regulate the collection of wastewater and treatment thereof, 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.

This regulation shall apply within the District and to persons outside the District who are, by contract, agreement or authorized by the District to discharge into the District's publicly owned treatment works. Except as otherwise provided herein, the Sanitation Supervisor or his /her designated representative or agent shall supervise and control in all matters and shall administer, implement, and enforce the provisions of this section.

#### 11.2 General Discharge Prohibitions

No person shall discharge wastewater containing any pollutant in excess of the limitations on discharges as set forth in this section.

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

- 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 POTW or to the operation of the POTW. At no time shall two (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 five (5%) percent nor any single reading over ten (10%) percent of the lower explosive limit (LEL) 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 POTW.
- 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 one-half (1/2) inch 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 POTW 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 POTW, to contaminate the sludge of the POTW, 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 POTW's effluent or any other product of the POTW 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 POTW cause the POTW 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 substances, that will cause the POTW to violate its NPDES permit of the receiving water quality standards.
- 8) Any wastewater having a temperature that will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Centigrade or one hundred four (104) degrees Fahrenheit.
- 9) Any pollutants, including oxygen demanding pollutants, BOD, etc. released in a discharge at a flow rate and/or pollutant concentration, that will cause interference to the POTW.
- 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) Any slug loads. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four hour (24) concentration, quantities, or flow during normal operation.
- 13) Any wastewater that creates a fire or explosion hazard in the publicly-owned treatment works (POTW), including but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees Centigrade or one hundred forty (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 POTW 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 POTW .

### 11.3 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.

### 11.4 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.

### 11.5 District Right of Revision

The District reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented herein.

### 11.6 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.

### 11.7 Accidental Discharges

Each industrial 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 industrial 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 industrial users, when directed by the District, shall complete facilities and procedures in accordance a Accidental Discharge plan. No industrial user who commences contribution to the POTW 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 industrial 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 industrial 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 five (5) days following an accidental discharge, the industrial user shall submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or liability which may be incurred as a result of damage to the POTW, fish tolls, or any other damage to persons or property, nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

A notice shall be permanently posted on the industrial 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.

#### 11.8 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 POTW, provided said user compensates the District for any additional costs of treatment. No such agreement may permit any discharge prohibited in 11.02 of this section.

#### 11.9 Bypass

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

#### 11.10 Non-critical Wastewater Discharge Permit

No person shall cause or allow the discharge of wastewater into the POTW 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.

#### 11.11 Critical Wastewater Discharge Permit

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

##### 11.11.1. 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 ninety (90) days prior to the proposed connection to, or contribution to, the POTW. 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. Quality characteristics include, but are not limited to, those mentioned in Section 11.03 and 11.08 as determined by an acceptable analytical laboratory approved by the District.
- 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 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) No increment referred to in paragraph (a) of subsection (C 8) of this section shall exceed six (6) months; and
  - (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the 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 issue a wastewater discharge permit.

The applicant shall have ten (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 ten (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.

#### 11.11.2. Permit Modification

Upon promulgation of additional categorical pretreatment standards and within the time prescribed thereby, the wastewater discharge permit of users subject to such standards shall be revised as required to comply with any part thereof which is more strict 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 thirty (30) days after promulgation of the applicable categorical pretreatment standard. Any user with an existing wastewater discharge permit shall submit to the District, within thirty (30) days after such promulgation, the information required by subsections 11.12.01(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.

#### 11.11.3. Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions of this section and all other applicable regulations, user charges, and fees 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 POTW.
- 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 POTW, that the industrial wastewater could be served preventing discharge into the POTW but still allowing the users sanitary wastewater to discharge into the POTW.
- 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.

#### 11.11.4. Permit Duration

A wastewater discharge permit shall be issued for a period of three (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 ninety (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.

#### 11.11.5. 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.

### 11.12 Compliance Date Report

Within ninety (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.

#### 11.13 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 subsection 11.13.01.

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 subsection 11.13.01 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.

#### 11.14 Spill Management Plan

The District will evaluate, at least once every two (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, civil penalties, or

other liabilities which may be imposed in the event of violations of this code or other applicable laws or ordinances.

#### 11.15 Signatory Requirements

The reports required by Sections 11.13.01 and 11.13.02 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.

#### 11.16 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 ninety (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 users 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

discontinued 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 POTW sewer nearest to the point at which the building sewer is connected to the public sewer. All measurements, tests, and analysis, and all sampling shall be at the expense of the user.

#### 11.17 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.

#### 11.18 Food Preparation Establishments

Food preparation establishments shall be defined as any establishment that cooks or prepares food that is sold to or served to customers or patrons of that establishment for consumption either in or on the premises or to be removed or taken from the premises for consumption at another location.

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 approved and inspected 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 six (6) inches. 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).

The responsibility of cleaning and maintaining the interceptor in efficient operating condition shall be at the Owner's and/or Lessee's responsibility and expense. All interceptors shall be cleaned at a minimum interval of once every six (6) months or whenever it becomes full, whichever event occurs first. The District retains the right as allowed by Colorado State Statutes to inspect any interceptor at any time without prior notice to the Owner or Lessee. If the District inspection indicates that the interceptor requires pumping or repairs, the District can require that the Owner or Lessee have these services performed immediately or the District can proceed to have this action done at the sole expense of the Owner and/or Lessee.

The District will require that all establishments having grease interceptors provide evidence of all cleaning and maintenance performed to the interceptor for their establishment at the time the service is performed. This evidence shall be in the form of copies of invoices and any other documentation relating to the service performed. Failure of the owner/lessee to comply with any requirement of this section will subject said Owner and/or Lessee to any and all penalties as prescribed in this Section.

#### 11.19 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.

#### 11.20 Confidential Information

The industrial user must assert such claim at the time of submission by stating the words Confidential Business Information on each page containing such information. If no such claim is made at the time of submission, the District may make the information available to the public without further notice. Effluent or discharge data shall not be considered confidential.

If the industrial user feels that the approval authority's findings are in error, the user may elect to appeal such findings in accordance with Rule 106.A.2 of the Colorado Rules of Civil Procedure.

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 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 District, Federal, or any 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 ten (10) day written notification is given to the user by certified mail or personal service.

#### 11.21 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 thirty (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.

## 11.22 Specific Pollutant Limitations

Every user of the POTW 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.

## 11.23 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 12. LIMITATION**

These rules and Regulations are adopted by the Pagosa Springs Sanitation General Improvement District as an expression of those powers conferred upon this governmental body by the statutes of the State of Colorado. However, these regulations should not be construed as a limitation on any authority of this Board to exercise its applicable powers under the Colorado Statutes outside of the confines of these regulations.