

RESOLUTION

A RESOLUTION AMENDING THE ST. VRAIN SANITATION DISTRICT'S RULES, REGULATIONS AND RATES

WHEREAS, the St. Vrain Sanitation District (District) is a quasi-municipal corporation and political subdivision of the State of Colorado and duly organized as an existing Special District pursuant to Title 32, Colorado Revised Statutes, *et al.*; and

WHEREAS, the District's Board of Directors (Board) has previously adopted certain Rules and Regulations that govern the general utility affairs of the District; and

WHEREAS, The Board the authority to amend its Rules and Regulations as needed to conform to policy, practices, and procedures of the District and recent regulatory changes; and

WHEREAS, these changes are set forth below include Sections 1 "Authority", Section 6 "Subdivision Line Construction Policies", Section 11 "Sewer Design Specifications", Section 17 "Record Drawings", and Section 10 "Pretreatment Regulations"; and

WHEREAS, the Board also has the authority to fix and from time to time increase or decrease fees, rates, and charges pursuant to § 32-1-1001(1)(j), C.R.S. for services, programs, or facilities furnished by the District; and

WHEREAS, based on the District's 2023 rate study, it is necessary to increase certain rates including the Plant Investment Fee ("PIF) and service fee as set forth below in Section 4, "Schedule of Fees and Charges" ; and

WHEREAS, it is in the best interests of the District to adopt such amendments and modifications as set forth herein; and,

WHEREAS, pursuant to § 32-1-1001(2)(a)(III), C.R.S., on and before December 6, 2023 the District provided at least a thirty (30) day notice to residents and property owners within and outside the District by posting the information on the official website of the District, a link to which is on the official website for the Colorado Division of Local Government.

NOW THEREFORE BE IT RESOLVED BY THE ST. VRAIN SANITATION DISTRICT'S BOARD OF DIRECTORS THAT:

1. Effective immediately, the District's Rules and Regulation shall be revised as summarized below, **RED portions** are to be added; ~~Strike Through~~ portions to be deleted:

SECTION 1.1 MISSION STATEMENT

~~*St. Vrain Sanitation District's mission is to serve the present and the future sewage treatment needs of its customers in an efficient, cost-effective, environmentally responsible manner.*~~

"Our mission is to protect public health by providing high-quality water reclamation through collection and treatment."

SECTION 1.2

The St. Vrain Sanitation District (District) is a quasi-municipal corporation and a political subdivision of the State of Colorado. The District was organized pursuant to state law for the purposes of providing sanitary sewer and storm sewer inside the District Boundary. In 1986, the District Court in and for Weld County entered an order and decree creating the District. Organization of the District was preceded by the filing and subsequent county approval of a service plan consisting of a financial plan, including proposed funding, and a preliminary engineering survey detailing the proposed improvements within the District, the filing of a petition for organization and the subsequent hearing thereon approving said petition, and the approval of the question of the District's organization at an election held for that purpose.

The current service area (208 Boundary) of the District can be found on the following websites:
www.stsan.com_ www.stvrainsdco.gov
www.nfrwqpa.org
www.dola.colorado.gov

SECTION 1.4 MEETINGS AND NOTICES

The regular monthly meetings of the Board of Directors of St. Vrain Sanitation District shall be held at ~~9:00 a.m. on the 3rd Wednesday~~ **3:30 pm on the 3rd Thursday** of every month in the Board Room of the St. Vrain Sanitation District Administrative Office located at 11307 Business Park Circle, Firestone, Colorado, 80504. Public places for posting notice of such meetings are determined by Board Resolution at the regularly scheduled Board of Directors meetings in January.

SECTION 4

SCHEDULE OF FEES AND CHARGES

SECTION 4.1 INCLUSION/EXCLUSION FEE

Property may be included into the District as set forth in Section 32-1-401 and 32-1-402 C.R.S. or excluded from the District as set forth in Section 32-1-501 and 32-1-502, C.R.S. and at the discretion of the Board of Directors.

Exclusion Fee

The Exclusion Fee is \$1,200.00 and is purely an administrative fee to cover the costs of the exclusion proceedings, as permitted by Section 32-1-501 (1), C.R.S. Deposit of this administrative fee with the District does not ensure that the exclusion will be granted. Such decision shall be made by the District's Board of Directors in accordance with statutory requirements.

Inclusion Fee

The Inclusion Fee for residential and nonresidential property is comprised of two components, a taxable fee and a base fee as follows:

Inclusion Fee = Taxable Fee + Base Fee (Base fee = \$1,200)

Taxable Fee = A x B/1000

- A. Weld County Assessed Value for the land
- B. 3.918 Mill Levy when inclusion formula was created

SECTION 4.2 PLANT INVESTMENT FEE

An applicant for sewer service from the District shall pay a Plant Investment Fee (PIF) at the amount currently being charged by the District when the service connection is approved. Said fee shall be in addition to all other fees or charges relating to sewer service elsewhere described in these Rules and Regulations, and in no case shall such Plant Investment Fee be refunded under any circumstances. The Plant Investment Fee may be greater than indicated below if sustained usage (for three or more consecutive months) or engineered usage (for a new structure without usage history) exceeds normal usage per purchased capacity.

RESIDENTIAL USE

Plant Investment Fee (PIF) is charged for each single family equivalent (SFE) unit requesting service, or such fraction or multiple thereof as shown in the following schedule. A Plant Investment Fee shall be calculated by multiplying the then existing Plant Investment Fee rate times the following allocable SFE based upon the following standards, wherein 1 SFE = 270 gallons per day (gpd) = 2.7 people.

Type of use	Allocable SFE
Single-Family Residence	1.00
Multi-Unit Residence:	
One Bedroom/Studio	0.50
Two Bedroom	0.75
Three Bedroom	1

RESIDENTIAL PLANT INVESTMENT FEE

For each Single Family Equivalent (SFE) \$ ~~5,860.00~~ **6,600**

NON-RESIDENTIAL USE

This classification may include but is not limited to, commercial, industrial, schools, churches, hotels, motels, governmental buildings, pools, group care facilities, mobile home, trailer, or RV parks and courts wherein the units are mobile and the park or court is for transit or temporary occupancy per unit space, as determined by the District. District's unit shall be 1 SFE, and all other building uses except permanent residences.

The Plant Investment Fee will be based on projected water usage data provided by the applicant, or their engineer, and water meter size. The Plant Investment Fee is charged for each SFE requesting service, or such fraction or multiple thereof as shown below under Non-Residential Plant Investment Fee.

When water usage, alterations or expansions require a larger water meter, additional Plant Investment Fee and Line Extension Fee shall be charged at the then current rates for the new larger water meter minus the then current rate of the smaller water meter being replaced, pursuant to these Rules and Regulations as amended from time to time. Property owners shall notify the District anytime their water usage requires installation of a larger water meter.

NON-RESIDENTIAL PLANT INVESTMENT FEE

Meter Size	SFE Allotted	Amount
5/8	1.5	\$ 8,790.00 9,900
3/4"	1.5	\$ 8,790.00 9,900
1"	2.5	\$ 14,650.00 16,500
1 1/2	5	\$ 29,300.00 33,000
2"	8	\$ 46,880.00 52,800
3"	16	\$ 93,760.00 105,600
4"	32	\$ 187,520.00 211,200

The Plant Investment Fee (PIF) and Monthly Service Charge (MSC) may be re-evaluated and adjusted when additions and/or modifications to or changes in the use of buildings or facilities results in a sustained increase in wastewater flow above purchased SFE allotment.

All Plant Investment Fees are non-refundable.

Non-Residential Applications – All Non-Residential applications shall be reviewed to determine the quantity and quality of sewage to be treated and the ability of the District's facilities to treat this sewage.

This initial and ongoing review may result in an additional Plant Investment Fee and Line Extension

Fees above the standard for a given water meter. This also may result in changes to the monthly service charge. Service may be terminated if effluent fails to conform to Section 10 of these Regulations.

Any non-residential business that was surcharged in excess of two SFE's in the previous audit will be required to purchase the equivalent PIF in whole numbers rounded down to the nearest whole number. In the case where a multi-tenant building is in excess of their purchased PIF but the tenant is considered temporary then the owner can either purchase the additional PIF or pay the surcharge at twice the current rate for the excess usage until they notify the District that the business has closed.

If purchasing the additional PIF would cause a financial hardship as a single payment, a Non-Residential customer may apply to the District for a deferral or payment plan. The District, at its sole discretion, may agree to defer the payment to a later date or arrange a payment plan for the additional PIF.

Additional PIF is based on an SFE at 270 GPD, the monthly service charge is based on an RU at 200 GPD.

Section 4.3 RECORD DRAWINGS

If a length of pipe between manholes is less than minimum slope for its diameter, the developer may be required to reinstall the pipe (manhole to manhole) or will remit to the District ~~\$1,000~~ 1,200 for each stretch of pipe that is less than minimum slope.

If the initial submittal drawings are incomplete or not approved, a \$190.00 plan review fee will be assessed for each additional submittal until approved.

Section 4.4 CONTRACTOR LICENSE

Any contractor or company that performs construction, maintenance, or other services on District owned equipment, property, lines, easements, or right-of-ways that are the responsibility of the District shall provide the District with the documentation as outlined in Appendix A.

Contractor's license	\$ 40.00
Renewal of Contractors license	\$ 20.00 (each year thereafter if paid before expiration date)

SECTION 4.5 INSPECTION FEE

This charge shall be made by the District to reimburse the costs incurred by the District for inspecting service connections, construction of main lines, and the physical connection to the District lines. This charge is payable before a service line is installed and connection made.

Any modification to an existing line must be inspected. It is the owner's responsibility to notify SVSD of such modification and pay the current inspection fee. Failure to report a service connection or tap modification will be subject to District penalties and fines.

Residential -

Inspection Fee (per house/building service)	\$ 60.00
Re-inspection Fee (per house/building service)	\$ 60.00
Replacement or Modification of Service	\$ 60.00
Temporary Service Connection/Disconnection Inspection	\$ 120.00

Non-Residential -

Inspection Fee	\$ 120.00
Replacement or Modification of Service	\$ 120.00
Temporary Service Connection/Disconnection Inspection	\$ 120.00
Main Line Inspection Fee	\$ 250.00 (minimum or \$.20 per foot of pipe, paid prior to construction)

SECTION 4.6 LINE EXTENSION FEES

Line Extension Fees have been established to reimburse parties who have funded off-site sewer line extensions pursuant to Line Extension Agreements with the District. These extensions may or may not serve properties along the route of the extension.

Note: Each Line Extension Agreement may contain Line Extension fees, and is on a per SFE basis.

Additionally, the Board of Directors has established collection system impact fees in specific areas where additional line capacity will be needed to serve the service basin.

- A. **Godding Hollow Parallel Fee** - for applicable development per Board Resolution No. 01-03-14-01
- B. **North Line Parallel Fee** - for applicable development per Board Resolution No. 2005-14
- C. **TA Line Fee** - for applicable development per Board Resolution No. 2009-08, 2011-02
- D. **AD Parallel** – for applicable development per Board Resolution No. 2014-09
- E. **Lift Station**- for applicable development per Board Resolution No. 2017-03
- F. **I-25 Crossing** – for applicable development per Board Resolution No. 2017-04

For Non-Residential buildings, the number of SFE’s to apply for purposes of Line Extension Fees is as follows:

Meter Size	Number of SFE’s
5/8”	1.5
3/4”	1.5
1”	2.5
1 ½	5.0
2”	8.0
3”	16.0
4”	32.0

SECTION 4.7 USER MAY BE REQUIRED TO INSTALL 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 produced by the user, the District may, in its sole discretion, elect to require the user to install an approved sewage flow measuring instrument or a sub water meter. The user will be charged for sewage flow as indicated by the instrument (Refer to Section 4.8.2 for charges).

SECTION 4.8 SEWER SERVICE CHARGE

- A. **Charges for Property Located within the District** - In every case where the District furnishes sanitary sewer service to property located within the District, the District shall be paid for this service. At the time of connection, or upon re-evaluation when additions and modifications to or changes in use of buildings or facilities result in changes to the purchased SFE allotment, the District shall determine the number of single family equivalents (SFE) to be served by a connection. All monthly charges for sanitary sewer service shall be based on Residential Units (RU) that is equal to the number of single family equivalents (SFE) multiplied by the then current Monthly Service Charge rate, and are billed quarterly.

- ~~B. **Annual Payment Option** – Base monthly sewer service charges may be paid one year in advance with an 8.33% discount (one month free). Account must be current to utilize this provision. This will be offered once annually with the first quarter billing. This annual payment option does not extend to any usage surcharge for non-residential users.~~

All billings for monthly service charges will be delivered to the property owner of record according to the property records of Weld County. In the case of tenancy relationships,

the billings will remain as shown in the District's records until such time that the tenancy relationship changes. At that time, the billing for monthly service charges will be the responsibility of the property owner of record. **The annual payment option will expire with 2024 sewer service payments**

- C. **Transfer Fee** - An administrative fee will be applied to all transfers that involve a change in ownership of property from one party to another. The fee is established at \$20.00 per transaction.
- D. **Inactive Sewer Service Administration Fee** - If an owner of vacant land wishes to inactivate a sewer connection, all relating fees to capping of the connection and District inspection of the capped connection will be at the sole expense of the vacant land owner. A monthly administration fee of \$5.00 per month will be charged. At the time of re-activation of that inactive sewer connection, the vacant land owner will be charged by the District the then current fees for inspection. All unpaid amounts due to the District will be assessed as an automatic statutory lien on the property.
- E. **Voluntary Termination of Sewer Service Charge** - If a vacant land owner wishes to terminate the sewer service connection, all relating fees to capping of the connection and District inspection of the capped connection will be at the sole expense of the vacant land owner. At the time of re-activation of that terminated sewer service connection, the vacant land owner will pay the then current PIF charge, along with any then current charges to inspect the reconnection.
- F. **Delinquent Accounts** -
 - a. All accounts are due and payable upon receipt of invoice.
 - b. Charges not paid by the end of the quarter in which they are billed will be considered delinquent and a late fee of \$15.00 per RU will be charged to the account.
 - c. Certification of Delinquent Accounts in the amount of at least \$150.00 and six months past due will be certified to the County Treasurer by December 1st of each year. Amounts certified will include past due amount and any fees charged by the District and the Weld County Treasurer.

Until paid, all rates, penalties, tolls, fees, interest, charges, and expenses incurred in their collection, including legal fees and court costs, shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the manner as provided by law at the discretion of the Board (CRS 32-1-1001). (Relocated within Section)

SECTION 4.8.1 RESIDENTIAL SERVICE CHARGE

For each Residential Unit (RU) ~~\$28~~**\$32.00**/month

In order to adequately plan for increased operational demands and the annual debt service on projected revenue bonds that will be issued by the District in 2010, the following rate schedule is enacted and shall be implemented:

Year	Increase	Monthly RU
4-2024	\$2.00	\$30 34.00
1-2026	\$2.00	\$32. 36.00

1-2028 \$2.00 \$38.00

SECTION 4.8.2 NON-RESIDENTIAL SERVICE CHARGE

Non-Residential service charge will be based upon minimum monthly fee per Residential Unit (RU) allocated. A Residential Unit (RU) is equivalent to 200 Gallons Per Day discharge. Water usage will be audited during the winter months December, January, and February to determine average discharge into the sewer system. Any flow in excess of purchased capacity will incur additional service charges. The audit will set the monthly service fee for the following year and will be re-audited each year.

Service Charge Based on Water Audit ~~\$30.00~~ 32.00 per RU/Month

Note: Property owners and/or managers shall inform the District of changes in occupancy of their buildings.

The Board of Directors will consider, at its discretion, case by case adjustments to non-residential sewer service usage where it can be clearly demonstrated that a significant quantity of metered water does not enter into the District's wastewater collection system. However, it cannot go below the minimum 1 RU.

In order to adequately plan for increased operational demands and the annual debt service on projected revenue bonds that will be issued by the District in 2010, the following rate schedule is enacted and shall be implemented:

Year	Increase	Monthly RU and Service Charge
4-2024	\$2.00	\$30 34.00 per RU/Month
1-2026	\$2.00	\$36.00 per RU/Month
1-2028	\$2.00	\$38.00 per RU/Month

SECTION 4.9 WAIVING OF MONTHLY SERVICE FEE DURING INITIAL CONSTRUCTION

The District has the option of waiving the monthly service fee for users on an individual case-by-case basis upon written application for said waiver. The waiver may be granted for a maximum of three months, except in the case of non-residential user applicants that are political subdivisions of the State of Colorado, including but not limited to municipalities, school Districts, special Districts, and non-profit organizations, which are eligible to receive a waiver until the Certificate of Occupancy is issued. The user's application for waiver shall meet the following criteria in order to be eligible for said waiver:

- A. Identified on the "request for sewer connection" at the time of tap purchase;
- B. Have a 1" or larger water tap;
- C. Have no discharge into the sewer system; and,

- D. Provide a construction schedule that demonstrates non-use of the sewer. Upon establishing that the criteria has been met, the waiver shall be granted. After a waiver is granted, there shall be no discharge into the sewer system. Any discharge into the sewer system shall immediately revoke the waiver of the service charge and will subject the user to all applicable penalties and fines, including, but not limited to, all service fees and charges retroactive to the date of the waiver.

SECTION 4.10 AVAILABILITY OF SERVICE FEE

As set forth in Section 32-1-1006 C.R.S., the Board may assess an "availability of service" charge against residential 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 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.

SECTION 4.11 CHARGES FOR PROPERTY NOT IN DISTRICT

At the discretion of the Board of Directors, the District may provide sanitary sewer service to areas not included in the District upon request for service. 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. Such individual service contracts 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 single family equivalents (SFE) to be served, and any extraordinary expense of the District in serving this property.

SECTION 4.12 TEMPORARY USE

A person may seek a temporary connection to the District's system by leasing capacity in lieu of paying a Plant Investment Fee. This approach is intended for temporary situations where purchase of a service connection and payment of the full Plant Investment Fee for a short period of service does not make sense. Leased capacity, when approved, will be charged at a rate of 0.0125 SFE per month (a full SFE will have been paid every 80 months). This leased capacity charge is in addition to the regular monthly service charge.

Pretreatment appurtenances may be required on a Non-Residential temporary service connection.

An example of this computation based on a Residential service connection one (1) SFE and a Non Residential service connection of one and one half (1.5) SFE is as follows:

Residential:

1 SFE = ~~\$5,860~~ 6,600.00 X .0125 = ~~\$73.25~~ 82.50 per month
~~\$73.25~~ 82.50 + (monthly service charge) = monthly bill

At the time of temporary service approval, the user will also be required to pay two inspection fees of \$60 for a total of \$120 to inspect the connection and disconnection of the temporary service.

Non Residential:

5/8" water tap = 1.5 SFE

1.5 SFE= ~~\$8,790~~ 9,900.00 X .0125 = ~~\$109.88~~ 123.75 per month
~~\$109.88~~ 123.75 + (monthly service charge) = monthly bill

At the time of temporary service approval, the user will also be required to pay two inspection fees of \$60 for a total of \$120 to inspect the connection and disconnection of the temporary service.

When the temporary service is no longer required, the user will disconnect the temporary service at the point of connection with a water tight repair. All costs of disconnection will be borne by the user. The disconnect of service must be witnessed by a SVSD representative.

SECTION 4.13 SERVICE SURCHARGES

The Board of Directors may establish surcharges for specific areas of not less than ten (10) acres in size within the District based on the special services or facilities required to provide services to such areas.

SECTION 4.14 CONSTRUCTION PLAN REVIEW FEE

Technical review by the District's outside consultant will be billed back to the developer/owner.

Non-Residential Building/Tenant Finish: ~~\$90~~ 120 per submittal
Subdivision (Residential or Non-Residential): ~~\$220~~ 360 per submittal

SECTION 4.15 COMMERCIAL, NON-RESIDENTIAL, INSTITUTIONAL, OR INDUSTRIAL SURCHARGES

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 three hundred milligrams per liter (300 mg/L) or concentration of TSS greater three hundred milligrams per liter (300 mg/L), shall be subject to a surcharge rate. In addition to the surcharge rate for BOD and TSS, there will be an additional surcharge 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.

Users whose main activity is to perform food preparation such as restaurants, grocery stores and food manufacturers will be assigned a BOD strength of 600 mg/L for purposes of surcharge calculation. The strength rating is subject to appeal by collection of a representative composite sample collected by District staff. All cost incurred in the collecting and testing of the samples will be the responsibility of the property owner. The results, either lower or higher, will then be used to calculate the surcharge for that user. Additional sampling may be done at any time and the result used to adjust future charges.

A. Surcharge Rate for Excess BOD and, TSS, NH3-N, Volume and FOG

1. Excess BOD - ~~forty-six~~ **four** cents (\$0.46 ~~44~~) per pound
2. Excess TSS - ~~forty-six~~ **five** cents (\$0.46 ~~45~~) per pound
3. **Excess NH3-N – One dollar eleven cents (\$1. 11) per pound**
4. **Excess TP – five dollars ninety-one cents (\$5.91) per pound**
5. **Excess Volume – six dollars four cents (\$6.04) per 1000 gallons**
6. Excess FOG - ~~twenty-five~~ **six and a half** cents (\$0.25 ~~26.5~~) per pound

Biochemical Oxygen Demand (BOD)

Total Suspended Solids (TSS)

Ammonia NH3-N

Total Phosphorus (TP)

Fat, Oil, Grease (FOG)

B. 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 discharging significant concentrations of pollutants may be monitored by the District. 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.
2. Non-residential users of the POTW not monitored 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 shall include, but are not limited to, food service establishments, hotels, commercial and industrial laundries, car washes, hospitals and clinics.

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

Cs = (Bc) (B)(Vu) (8.34) where:

Cs = The monthly charge in dollars, for POTW treatment of wastewater with excessive concentration of regulated constituents.

Bc = 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.

8.34 = Pounds per gallon of water.

Vu = Volume of wastewater discharged in million gallons/month.

Repeat calculation for each pollutant that exceeds the baseline pollutant concentration and total charges for all pollutant surcharges.

SECTION 4.16 USE FEE FOR DISTRICT FACILITIES

The St. Vrain Sanitation District Administrative office board room is available for rental based upon availability. Please contact the District office at (303) 776-9570.

Charge for use of the board room: \$65.8000 per hour

After hours (after 5 p.m. on weekdays and weekends) use is available but will require additional cost for staffing from St. Vrain Sanitation District.

The additional cost is: \$20.00 per hour.

The District Manager or designee may waive or modify these fees.

SECTION 6

SUBDIVISION LINE CONSTRUCTION POLICIES

SECTION 6.2 ADMINISTRATIVE REQUIREMENTS. A person seeking to connect a subdivision to the District's system must follow these procedures before sewer line construction can begin.

- A. Request a Will Serve Letter from the District (apply online at ~~www.stsan.com~~-
www.stvrainsdco.gov)
- B. Inclusion into the District.
- C. Upon issuance of a Will Serve Letter and after the property is included, submit one full size set and an electronic PDF file of the construction drawings for technical review and plan review fee as determined by Section 4.14 of these Rules and Regulations.

SECTION 6.4 RECORD DRAWINGS

Upon completion of construction, a set of Record Drawings in PDF Format must be submitted for review and approval. If a length of pipe between manholes is less than minimum slope for its diameter, the developer may be required to reinstall the pipe (manhole to manhole) or will remit to the District \$4,000 **1,200** for each stretch of pipe that is less than minimum slope.

If the initial submittal drawings are incomplete or not approved, a \$190.00 plan review fee will be assessed for each additional submittal until approved.

When Record Drawings are approved, the following is required before an initial acceptance letter is issued.

- A. AutoCAD 2012 (bind all external reference into the record drawing file) and PDF format of Record Drawings, including Final Plat and Address Plat
- B. X, Y, and Z coordinate of manholes using NAD 1983 State plane Colorado North FIPS 0501 Feet using St. Vrain Sanitation District's form
- C. Cost of Installation for each phase or filing (pipe size, lineal feet, and # of manholes)
- D. 2-year warranty surety instrument or letter of credit in the amount of 15% of sewer line construction cost or \$5000 whichever is greater

SECTION 7.5 INSPECTIONS

The applicant shall notify the District forty-eight (48) hours prior to service connection inspection and be familiarized with the District standards and specifications. Service connection inspection requests can be made by filling out a form at ~~www.stsan.com~~ www.stvrainsdco.gov

The connection shall only be made by a licensed contractor. All service lines shall be inspected by the District's representative, who shall have the authority to halt construction when 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. 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 for inspection. If the inspection fails, or the permit card is not onsite, a re-inspection fee shall be charged.

The District may require that the sewer line be pressure tested at the owner's expense. The water service shall be shut off or kept off until inspection or testing of sewer service is complete

SECTION 11

SEWER DESIGN SPECIFICATIONS

11.7.3 Manhole Diameter

Manhole barrels shall be sized according to the following tables:
One invert in and one invert out:

Pipe Size	Barrel Size
8" - 18 5 "	48"
24 18" - 27"	60"
30" pipe and greater	as determined by SVSD

Multiple inverts in and one invert out:
Barrel size based on largest of the three pipes.

Pipe Size	Barrel Size	Example
8" - 15"	48"	1-8" pipe & 1-10" pipe and 1-15" pipe
18" - 24"	60"	1-12" pipe & 1-15" pipe and 1-24" pipe
27" - 54"		As determined by SVSD

Increase manhole barrel size whenever more than a two-way manhole of maximum pipe diameter is required. Specially designed manholes/vaults are required for pipes greater than twenty-four (24) inch diameter and when multiple inverts exist.

Appendix A

SECTION 17

RECORD DRAWINGS

Upon completion of construction, a set of Record Drawings in electronic PDF must be submitted for review and approval. If a length of pipe between manholes is less than minimum slope for its diameter, the developer may be required to reinstall the pipe (manhole to manhole) or will remit to the District ~~\$1,000~~ **1,200** for each stretch of pipe that is less than minimum slope.

If the initial submittal drawings are incomplete or not approved, a ~~\$220.00~~ **\$190** plan review fee will be assessed for each additional submittal until approved.

When Record Drawings are approved, the following is required before an initial acceptance letter is issued.

- A. AutoCAD (bind all external references into the record drawing files) of Record Drawings, including Final Plat and Address Plat.
- B. X, Y, and Z coordinate of manholes using NAD 1983 State plane Colorado North FIPS 0501 Feet using St. Vrain Sanitation District's form.
- C. The cost of installation for each phase or filing (pipe size, lineal feet, and # of manholes).
- D. 2-year warranty surety instrument or letter of credit in the amount of 15% of sewer line construction cost or ~~\$5000~~ **12,000** whichever is greater.

SECTION 10

PRETREATMENT REGULATIONS

SECTION 10.1 GENERAL PROVISIONS

10.1.1 Purpose and Policy

This Section 10 sets forth uniform requirements for Industrial Users of the Publicly Owned Treatment Works (POTW) for the St. Vrain Sanitation District and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this regulation are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and biosolids from the POTW;

- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- F. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids reuse or disposal requirements, and any other Federal or State laws to which the POTW is subject.

This regulation shall apply to all Industrial Users (IUs) of the POTW. The regulation authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Industrial User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

10.1.2 Administration

Except as otherwise provided herein, the District Manager shall administer, implement, and enforce the provisions of this regulation. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other District personnel.

10.1.3 Abbreviations

The following abbreviations, when used in this regulation, shall have the designated meanings:

BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
EPA - U.S. Environmental Protection Agency
FOG - Fats oil and grease, from animal or vegetable sources
Gpd - gallons per day
IU - Industrial User
mg/l - milligrams per liter
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIU - Significant Industrial User
TSS - Total Suspended Solids
U.S.C. - United States Code

10.1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated.

- A. **Act or "the Act"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- B. **Approval Authority** - The Regional Administrator of the Environmental Protection Agency in Region 8 or the Director of the Colorado Department of Public Health and Environment (CDPHE) at such time as EPA authorizes the State pretreatment program.

C. Authorized or Duly Authorized Representative of the Industrial User –

1. If the IU is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the IU is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the IU is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the entity, and the written authorization is submitted to the District.

D. Biochemical Oxygen Demand or BOD - The quantity of oxygen utilized in the biochemical oxidation of organic matter using standard laboratory procedures for five (5) days at 20 degrees centigrade, expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 10.2.1 A and B [40CFR 403.5(a)(1) and (b)]. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Best management practices (BMPs) may be developed to implement the provisions of this section. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this section and section 307(d) of the Act.

F. Categorical Pretreatment Standard or Categorical Standard - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- G. **Categorical Industrial User** - An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- H. **Composite Sample** – A representative flow-proportioned or time proportioned sample collected during normal hours of process operation over a period representative of process discharge to the POTW sewer. A composite sample shall be composed of a minimum of four individual grabs or as modified by the control authority
- I. **Control Authority** - The St. Vrain Sanitation District or the District.
- J. **Daily Maximum Limit or Daily Maximum** - The maximum allowable discharge of a specified pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- K. **District** - The St. Vrain Sanitation District.
- L. **Enforcement Response Plan** - A document that details specific actions the District will take in response to violations of pretreatment regulations.
- M. **Environmental Protection Agency or EPA** - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- N. **Existing Source** - Any source of discharge that is not a “New Source”.
- O. **Grab Sample** - A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- P. **Indirect Discharge or Discharge** - The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.
- Q. **Industrial User or IU** - A source of Indirect Discharge
- R. **Instantaneous Maximum Allowable Discharge Limit** - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- S. **Interference** - A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, reuse or disposal; and therefore, is a cause of a violation of the District’s NPDES permit or of the prevention of biosolids reuse or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations

contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- T. **Local Limit** - Effluent limitation developed for Industrial Users by the Manager to specifically protect the "Publicly Owned Treatment Plant" (POTW) from "Interference" and "Pass-through" based on site-specific design and disposal limits and conditions of the POTW. Local limits are developed to assure that IU discharges to POTWs do not cause the POTW to violate its permit limits, upset the POTW's biological, chemical or physical treatment processes, prevent the reuse or disposal of biosolids, impact worker health and safety or harm the collection system infrastructure. Local Limits shall be deemed Pretreatment Standards pursuant to 40 CFR 403.5(d).
- U. **Manager or District Manager** - The person designated by the District's Board of Directors to administer and supervise the affairs, operations and maintenance of the facilities of the District, and who is charged with certain duties and responsibilities by this regulation. The term also means a duly authorized representative of the Manager.
- V. **Medical Waste** - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- W. **Monthly Average Limit or Monthly Average** - The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period.
- X. **New Source** –
1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new

building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. 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 is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- Y. **Noncontact Cooling Water** - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- Z. **Pass Through** - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.
- AA. **Person** - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- BB. **pH** - The base 10 logarithm of the reciprocal of the hydrogen ion concentration in moles per liter of solution.
- CC. **Pollutant** - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- DD. **Pretreatment** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by

other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

- EE. **Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a Pretreatment Standard.
- FF. **Pretreatment Standard or Standards** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to § 403.5, including prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits, and Best Management Practices.
- GG. **Prohibited Discharge Standards or Prohibited Discharges** - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.2.1 of this regulation.
- HH. **Publicly Owned Treatment Works or POTW** - A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the entity as defined by Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- II. **Septic Tank Waste** - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- JJ. **Sewage** - Human excrement and gray water (household showers, dishwashing operations, etc.)
- KK. **Significant Industrial User (SIU)** - Except as provided in paragraphs (3) and (4) of this section, a Significant Industrial User is:
1. ~~An Industrial User~~ A user-subject to Categorical Pretreatment Standards; or
 2. An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

3. The District may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
 - b. The Industrial User annually submits the certification statement required in Section 10.6.14 B (see 40CR 403.12(q)), together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.
4. Upon a finding that an Industrial User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such IU should not be considered a Significant Industrial User.

KK. Slug Load or Slug Discharge - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10.2.1 of this regulation. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

LL. Storm Water - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

MM. Suspended Solids - The total suspended matter, as measured in milligrams per liter, that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering using standard methods.

NN. User - Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

OO. Wastewater - Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

PP. Wastewater Treatment Plant or Treatment Plant - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 10.2 GENERAL SEWER USE REQUIREMENTS

10.2.1 Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass-Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than five (5.0) or greater than twelve and one half (12.5) standard units, or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one half inch (1/2") in any dimension;
 4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 5. Wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass-Through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the Manager in accordance with Section 10.3.5 of this regulation;
 9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Manager;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity testing;
15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
16. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

10.2.2 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated herein and made a part of these regulations by this reference.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with Sections 10.2.2E and 10.2.2F (See 40 CFR 403.6(c)).
- B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations

expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. (See 40 CFR 403.6(c) (2)).

- C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the District shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the District. The District may establish equivalent mass limits only if the Industrial User meets all of the conditions set forth in Sections 10.2.2E(1)(a) through 10.2.2E(1)(e) below.
1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism; Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - b. Provide sufficient information to establish the facilities actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - c. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - d. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 - e. An Industrial User subject to equivalent mass limits must:
 - f. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - g. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - h. Continue to record the facility's production rates and notify the District whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 10.2.2E(1)(c) of this section. Upon notification of a revised production rate, the District

must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- i. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 10.2.2E (1) (a) of this section as long as it discharges under an equivalent mass limit.

2. When developing equivalent mass limits, the District:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 10.2.6. The Industrial User must also be in compliance with Section 10.13.3 regarding the prohibition of bypass.

F. The District may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the District. When converting such limits to concentration limits, the District must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 10.2.6 of this regulation. (See 40 CFR 403.6(d)).

G. The District must document how the equivalent limits were derived for any changes from concentration to mass limits or vice versa and make this information publicly available. (See 40 CFR 403.6(c) (7)).

H. Once incorporated into its permit, the Industrial User must comply with the equivalent limitations developed in this Section (10.2.2) in lieu of the promulgated categorical standards from which the equivalent limitations were derived. (see 40 CFR 403.6(c) (7)).

I. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same

production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. (see 40 CFR 403.6(c) (8)).

J. Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the District within two (2) business days after the IU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any IU not notifying the District of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate. (see 40 CFR 403.6(c)(9))

K. The District may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1. The District may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with paragraph (I) of this section and include the certification statement in § 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
5. Any grant of the monitoring waiver by the District must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the District for 3 years after expiration of the waiver.
6. Upon approval of the monitoring waiver and revision of the User's control mechanism by the District, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User: Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the

wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

7. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (e)(1) of this section or other more frequent monitoring requirements imposed by the District; and notify the District.
8. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

10.2.3 State Pretreatment Standards

Colorado State Pretreatment Standards located at 5CCR 1002-63, Regulation Number 63, are hereby incorporated herein and made a part of these regulations by this reference.

10.2.4 Local Limits

- A. The District is authorized to establish local limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass-Through and Interference. No Significant Industrial User shall discharge wastewater containing in excess of the following daily maximum limits.

0.065	mg/l arsenic
1350	mg/l BOD5
0.049	mg/l cadmium
24.06	mg/l chromium
2.925	mg/L hexavalent chromium dissolved
0.846	mg/l copper
0.365	mg/l lead
0.0045	mg/l mercury
0.202	mg/l molybdenum
0.864	mg/l nickel
0.192	mg/l selenium
1.032	mg/l silver
1300	mg/l total suspended solids
3.305	mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations are for total metals unless indicated otherwise. The District may impose mass limitations in addition to the concentration based limitations above.

- C. The District may develop Best Management Practices (BMPs), by regulation or in wastewater discharge permits, to implement local limits and the requirements of Section 10.2.1.

10.2.5 District's Right of Revision

The District reserves the right to establish, by regulation or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this regulation.

10.2.6 Dilution

No IU shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Manager may impose mass limitations on IUs who are using dilution to meet applicable Pretreatment Standards or requirements or in other cases when the imposition of mass limitations is appropriate.

SECTION 10.3 PRETREATMENT OF WASTEWATER

10.3.1 Pretreatment Facilities

Industrial Users shall provide wastewater treatment as necessary to comply with these regulations and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 10.2.1 of these regulations within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this regulation.

10.3.2 Fats, Oil and Grease Management

- A. Applicability. This section shall apply to all commercial food service establishments and any other discharger that has the potential to release significant quantities of fats, oil and grease (FOG).
 1. New food service establishments. All new and relocated food service establishments shall be required to install an adequate grease interceptor prior to commencing discharge to the District.
 2. Existing food service establishments.

Unless otherwise exempted any food service establishments in existence prior to the enactment of this regulation shall install a grease interceptor within 180 days after notice that such a device is required. A grease interceptor shall be required if:

The food service establishment does not have an adequate grease interceptor and has applied best management practices but is still discharging wastewater containing FOG in quantities sufficient to cause sanitary sewer line restriction or necessitate increased District maintenance.

The food service establishment changes in nature or is renovated in such a manner as to increase the likelihood of discharging FOG in quantities sufficient to cause sanitary sewer line restriction or necessitate increased District maintenance.

Existing food service establishments that are unable to comply with this section due to site or plumbing constraints which make compliance exceptionally difficult or financially impracticable shall apply in writing to the Manager for an exemption, which may be granted by the Manager at his discretion. All such requests shall detail the potential difficulties and associated costs involved as well as proposed alternate actions such as adoption of best management practices to reduce the discharge of FOG. An exemption is non-transferable to any future owner or other location, and may be reevaluated in association with any remodel or process change.

- B. A surcharge may be assessed to compensate the District for the additional expense of handling and processing such untreated wastewater.
- C. Grease Interceptor Requirements. Interceptor sizing shall be approved by the District, but in no case will be less than 750 gallons. Plans are to be submitted to the District for approval prior to installation. The plans must indicate the size of the unit, its relative site location, the waste streams being routed to the unit, and the inlet/outlet pipe routing. All FOG-bearing wastewaters must be routed through the unit. No domestic wastewater may be routed through the unit. The unit must be installed in accordance with the manufacturer's instructions, District requirements, and all applicable guidelines. Where requirements vary, the most stringent requirement will apply. The District will perform a site inspection of all grease interceptor installations prior to their covering. Grease interceptors shall be baffled with access to both compartments, shall be vented and shall be located to provide easy access for cleaning and inspection.
- D. Interceptor Maintenance and Recordkeeping Best Management Practices.
 - 1. Grease interceptors shall be maintained in proper working order at all times. Food service establishments shall be responsible to inspect and repair or replace the unit as necessary to ensure proper functioning. Building owners and lessees are jointly responsible.
 - 2. Grease interceptors shall be cleaned at intervals so as to prevent the unit from exceeding 25% of its capacity with the combination of settled solids and captured FOG. A minimum cleaning frequency of six months is required unless extended by District inspection. Cleaning frequency may not be extended beyond one year.
 - 3. With each cleaning the food service establishment is responsible to inspect the unit and document that:
 - a. The contents of the unit have been fully removed and that nothing remained in the unit after cleaning, and
 - b. The body and interior components of the unit are in proper working order.
 - 4. District staff will be available, with a 24-hour notice, to assist in the evaluation and documentation of cleaned grease interceptors and may require the food service establishment to provide such notice. In the event that an interceptor fails an inspection, the owner/lessee shall have ten (10) business days to bring the unit into compliance. If the interceptor still fails after the second inspection, the District may contract with private company to bring the unit into compliance.

The cost of the work shall be payable by the owner/lessee as an addition to its regular sewer service bill.

5. Food service establishments shall keep records documenting all maintenance and cleaning activities. Such records will include the date and time of service, name of service provider, description of the service rendered, and the date, time and results of all inspections performed. Records must be kept for a period of three years.

E. Prohibited Actions.

1. Discharging wastewater to a grease interceptor in excess 140 degrees Fahrenheit (60 degrees Centigrade).
2. Altering or tampering with a grease interceptor so that it does not function as designed.
3. Discharging or permitting another to discharge any liquid or solid material back into a grease interceptor in association with maintenance or cleaning operations.
4. Use of hot water, chemicals, enzymes, bacteria or other products to emulsify or mobilize FOG in the interceptor so that it leaves through the discharge line. Such actions may be taken to clear internal drain lines provided that any products are used according to their labels and they do not interfere with the operation of the grease interceptor. Use of such products shall be documented and labels or other instructions kept on file.

F. Best Management Practices - Best management practices are designed to reduce the amount of FOG released through kitchen activities. These include:

1. Implement and document an employee training program designed to educate workers on the problems associated with FOG and the methods available for its control.
2. Scrape waste food into garbage can/minimize garbage disposal use.
3. Pour all liquid grease and oil from pots and pans into a waste grease bucket stored at the pot washing sink. Empty congealed contents to a garbage can.
4. Use "dry" clean-up methods, including scraping or soaking up FOG from plates and cookware before washing.
5. Install and maintain mesh screens over all sink and floor drains.
6. Pre-wash plates by spraying them off with cold water over an in-sink catch basin that can be emptied to a garbage can.
7. Use an outside waste oil and grease disposal/recycling bin.
8. Maintain any existing grease traps.

Use of best management practices may be required for food service establishments that do not have an adequately sized grease interceptor. The District will perform periodic inspections to verify their use. Failure to implement required best management practices is a violation of this regulation that can result in fines or other penalties. If the use of best management practices alone is not enough to prevent the discharge of FOG in quantities sufficient to cause sanitary sewer line restriction or increased District maintenance, then installation of an approved grease interceptor will be required.

10.3.3 Additional Pretreatment Measures

- A. Whenever deemed necessary, the District may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the IU's compliance with the requirements of this regulation.
- B. The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter at their own expense. The records generated by this meter shall be retained for three (3) years and shall be made available to the Manager upon request.
- D. Industrial Users performing pH adjustment of wastewaters may be required to install and maintain an approved continuously recording pH meter at their own expense. The records generated by this meter shall be retained for three (3) years and shall be made available to the Manager upon request.
- E. Oil and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of petroleum oils and/or sand; except that such interceptors shall not be required for residential users. Interceptors will be required for all new construction and relocation of service stations, auto repair shops, car washes and other facilities with the potential to discharge excessive amounts of oil and/or sand. All interceptors shall be of a type and capacity approved by the District and shall be so located to be easily accessible for cleaning and inspection, but in no case shall be less than 750 gallons. Such interceptors shall be inspected, cleaned, and repaired per the District requirements, by the IU at their expense, with records being kept for a period of at least three (3) years.
- F. Monitoring manholes are required to be installed on any Non-Residential User's sewer service line to provide a direct access point for the purposes of sample collection or flow monitoring, when, in the opinion of the District, that IU has a reasonable potential to discharge pollutant concentrations in excess of typical domestic wastewater. All monitoring manholes shall be approved by the District for design and placement prior to construction. Flow monitoring and/or sampling equipment, secure above ground equipment containment, and electrical service may be required for qualifying Users.

- G. The federal Dental Office Point Source Category requirements located at 40 CFR Part 441 are hereby incorporated herein and made part of these regulations by this reference.

10.3.4 Accidental Discharge/Slug Discharge Control Plans

The District shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The District may require any IU to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the District may develop such a plan for any IU. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or slug discharge, as required by Section 10.6.6 of this regulation; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

10.3.5 Hauled Wastewater

- A. Septic tank and chemical toilet wastes may be introduced into the POTW only at locations designated by the District, and at such times as are established by the District. Such wastes shall not violate Section 10.2 of this regulation or any other requirements established by the District. The District may require septic tank and chemical toilet waste haulers to obtain wastewater discharge permits and may set record keeping requirements.
- B. The District shall require waste haulers of ~~non-domestic waste~~ to obtain wastewater discharge permits. The District may require generators of hauled waste to obtain wastewater discharge permits. The District also may prohibit the acceptance of hauled waste. The discharge of hauled waste is subject to all other requirements of this regulation.
- C. Waste haulers may discharge loads only at locations designated by the District. No load may be discharged without prior consent of The District. The District may collect samples of each hauled load to ensure compliance with applicable standards. The District may require the waste hauler to provide a waste analysis of any load prior to discharge.
- D. Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck

identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of business or activity, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 10.4 WASTEWATER DISCHARGE PERMITS

10.4.1 Wastewater Data

When requested by the District, an Industrial User must submit information on the nature and characteristics of its processes or wastewater within thirty (30) days of the request. The District is authorized to prepare a form for this purpose and may periodically require IUs to update this information. The District will evaluate the data furnished by the User and may require additional information. Within 90 days of receipt of a complete permit application, the District will determine whether to issue a wastewater discharge permit. The District may deny any application for a wastewater discharge permit.

10.4.2 Wastewater Discharge Permit Requirement

- A. No Significant Industrial User or Non-Significant Categorical Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the District, except that an IU that has filed a timely application pursuant to Section 10.4.3 of this regulation may continue to discharge for the time period specified therein.
- B. The District may require other IUs to obtain wastewater discharge permits as necessary to carry out the purposes of this regulation.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 10.10 through 10.12 of these regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

10.4.3 Wastewater Discharge Permitting: Existing Connections

Any IU required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this regulation and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the District for a wastewater discharge permit in accordance with Section 10.4.5 of these regulations, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of these regulations except in accordance with a wastewater discharge permit issued by the District. Wastewater discharge permits issued by the District prior to adoption of these regulations will continue to be valid but may be revised per the provisions of Section 10.5.3.

10.4.4 Wastewater Discharge Permitting: New Connections

Any Industrial User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or

recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 10.4.5 of these regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

10.4.5 Wastewater Discharge Permit Application Contents

- A. All IUs required to obtain a wastewater discharge permit must submit a permit application. IUs that are eligible may request a general permit under Section 10.4.6. The District may require IUs to submit some or all of the following information as part of a permit application.
1. Identifying Information:
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - a. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the IU. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes and any unregulated flows.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees/workers, hours of operation, and proposed or actual hours of operation;
 - d. Each product produced by type, amount, processes, and rate of production;
 - e. Type and amount of raw materials processed (average and maximum per day);
 - f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 4. Time and duration of discharges.
 5. The location(s) for monitoring all wastes covered by the permit.

6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula per Section 10.2.2C (40 CFR 403.6(e)).
7. Measurement of Pollutants.
 - a. The Categorical Pretreatment Standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the District, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 10.6.10 of this regulation. Where the standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the District or the applicable standards to determine compliance with the standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 10.6.11 of this regulation.
8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).
9. Any request to be covered by a general permit based on Section 10.4.6.
10. Any other information as may be deemed necessary by the District to evaluate the wastewater discharge permit application.

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

10.4.6 Wastewater Discharge Permitting: General Permits (See 40CFR403.8 (f) (1) (iii) (A))

- A. At the discretion of the District, the District may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 1. Involve the same or substantially similar types of operations;
 2. Discharge the same types of wastes;
 3. Require the same effluent limitations;

4. Require the same or similar monitoring; and
 5. In the opinion of the District, are more appropriately controlled under a general permit than under individual control mechanisms.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location(s) for monitoring all wastes covered by the general permit, any requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the District has provided written notice to the SIU that such a waiver request has been granted.
- C. The District must retain a copy of the general permit documentation to support the POTW's determination that a specific SIU meets the criteria in Section 10.4.6A (1) to (5) (40 CFR 403.8(f) (1) (iii) (A) (1) through (5)) and applicable State regulations, and a copy of the SIU's written request for coverage for 3 years after the expiration of the general control mechanism.
- D. The District may not control an SIU through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula (Section 10.2.2C (40CFR403.6(e)) or net/gross calculations (Section 10.2.2 D (40 CFR 403.15)).

10.4.7 Application Signatories and Certifications

- A. All wastewater discharge permit applications and IU reports must be signed by an authorized representative of the IU as defined in Section 10.1.4.C and contain the certification statement in Section 10.6.14 A.
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the District prior to or together with any reports to be signed by an authorized representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to Section 10.1.4 JJ(3) (see 40CFR403.3(v)(2)) must annually submit the signed certification statement in Section 10.6.14.B.

SECTION 10.5 WASTEWATER DISCHARGE PERMIT ISSUANCE

10.5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the District. Each wastewater discharge permit will indicate a specific date upon which it will expire.

10.5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the District to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits (both individual and general permits) must contain:
1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 10.5.4 of this regulation, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 4. Self-monitoring, representative sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with 40CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual permit.
 6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 7. Requirements to control slug discharge, if determined by the District to be necessary.
 8. Requirements for additional reporting as specified in Section 10.6.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or no routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the wastewater discharge permit does not relieve the permitted of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the District to ensure compliance with these regulations, and State and Federal laws, rules, and regulations.

10.5.3 Wastewater Discharge Permit Modification

The District may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
- B. To address significant alterations or additions to the IU's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District' POTW, District personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from Categorical Pretreatment Standards Pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 10.5.4.

10.5.4 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the District approves the wastewater discharge permit transfer. The notice to the District must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

10.5.5 Wastewater Discharge Permit Revocation

The District may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District of significant changes, including changes of 20% or more to the wastewater flow or loading prior to the changed discharge;
- B. Failure to provide prior notification to the District of changed conditions pursuant to Section 10.6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this regulation.

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

10.5.6 Wastewater Discharge Permit Re-issuance

An IU with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 10.4.5 of this regulation, a minimum of ninety (90) days prior to the expiration of the IU's existing wastewater discharge permit.

An expired permit will continue to be effective and enforceable until the permit is re-issued if:

- A. The permit holder has submitted a complete permit application at least 90 days prior to the expiration of the existing permit.
- B. The failure to reissue the permit, prior to any expiration of any previous permit, is not due to any act or failure to act on the part of the permit holder.
- C. Permit cannot be extended past 5 years.

SECTION 10.6 REPORTING REQUIREMENTS

10.6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the District a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Categorical **Industrial** Users described above shall submit the information set forth below.
 1. All information required in Section 10.4.5A(1)(a), Section 10.4.5A (2) and Section 10.4.5A(3)(a) [40 CFR 403.12(b)(1) -(7)]
 2. Measurement of pollutants.

- a. The IU shall provide the information required in Section 10.4.5A (7) (a) thru (d).
 - b. The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the IU should measure the flows and concentrations necessary to allow use of the combined waste stream formula of § 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the District;
 - d. Sampling and analysis shall be performed in accordance with Section 10.6.11 and 10.6.10.
 - e. The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. Compliance Certification. A statement, reviewed by the IU's authorized representative as defined in Section 10.1.4C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 4. Compliance Schedule. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O & M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 10.6.2 of this regulation.
 5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 10.6.14A of this regulation and signed by an authorized representative as defined by Section 10.1.4C.

10.6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 10.6.1(B) (4) of this regulation:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The IU shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the IU to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the District.

10.6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any IU subject to such Pretreatment Standards and requirements shall submit to the District a report containing the information described in Section 10.4.5A (6) and (7) and 10.6.1(B) (2) of this regulation. For IUs subject to equivalent mass or concentration limits established in accordance with the procedures in Section 10.2.2 (see 40CFR 403.6(c)), this report shall contain a reasonable measure of the IU's long-term production rate. For all other IUs subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the IU's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10.6.14 A of this regulation. All sampling will be done in conformance with Section 10.6.11.

10.6.4 Periodic Compliance Reports

- A. All Significant Industrial Users must, at a frequency determined by the District, submit no less than twice per year reports indicating the nature, concentration, and flow of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the IU must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the IU.

- B. All periodic compliance reports must be signed and certified in accordance with Section 10.6.14 A of this regulation.
- C. All wastewater samples must be representative of the IU's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an IU to keep its monitoring facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of its discharge.
- D. If an IU subject to the reporting requirement in this section monitors any regulated pollutant at a regulated sampling location more frequently than required by the District, using the procedures prescribed in Section 10.6.11 of this regulation, the results of this monitoring shall be included in the report. (See 40CFR403.12 (g) (6)).

10.6.5 Reports of Changed Conditions

Each Industrial User must notify the District of any significant changes (20% or more) to the IU's operations or system which might alter the flow, loading, nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The District may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.4.5 of this regulation.
- B. The District may issue a wastewater discharge permit under Section 10.5.6 of this regulation or modify an existing wastewater discharge permit under Section 10.5.3 of this regulation in response to changed conditions or anticipated changed conditions.

10.6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that may cause potential problems for the POTW, the IU shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the IU.
- B. Within five (5) days following such discharge, the IU shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to these regulations.
- C. A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

- D. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a slug discharge.

10.6.7 Reports from Unpermitted Industrial Users

All Industrial Users not required to obtain a wastewater discharge permit or general permit shall provide appropriate reports to the District as the District may require.

10.6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an IU indicates a violation, the IU must notify the Manger within twenty-four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the District performs sampling at the IU's facility at least once a month, or if the District performs sampling at the IU between the time when the initial sampling was conducted and the time when the IU or the District receives the results of this sampling. (See 40CFR 403.12(g) (2)).

10.6.9 Notification of the Discharge of Hazardous Waste

- A. Any IU who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the IU discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the IU: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 10.6.5 of this regulation. The notification requirement in this section does not apply to pollutants already reported by IUs subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 10.6.1, 10.6.3, and 10.6.4 of this regulation.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.

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

10.6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures approved by the District.

10.6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The District shall specify the frequency of monitoring necessary to assess and assure compliance by the IU with applicable Pretreatment Standards and Requirements.

- A. Except as indicated in Section B and C below, the IU must collect wastewater samples using 24-hour flow proportional composite sampling techniques to determine compliance with daily maximum limits specified in the permit, unless time proportional composite sampling or grab sampling is authorized by the District. Where time proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits. (See 40CFR 403.12(g) (3)).
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 10.6.1 and 406.3 (40CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by Section 10.6.4 (40CFR 403.12(e) and 40CFR 403.12(h)), the District shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. (See 40 CFR 403.12(g) (4)).

10.6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

10.6.13 Record Keeping

Industrial Users subject to the reporting requirements of this regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the IU independent of such requirements, and documentation associated with Best Management Practices established under Section 10.1.4E. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the IU and the District, or where the IU has been specifically notified of a longer retention period by the District.

10.6.14 Certification Statements

- A. Certification of Permit Applications, Industrial User Reports and Initial Monitoring Waiver
The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 10.4.7; IUs submitting baseline monitoring reports under Section 10.6.1B (5) (See 40 CFR 403.12 (l)); IUs submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 10.6.3 (See 40 CFR 403.12(d)); IUs submitting periodic compliance reports required by Section 10.6.4A – B (See 40 CFR 403.12(e)), and IUs submitting an initial request to forego sampling of a pollutant based on 40 CFR 403.12(e)(2)(iii). The following certification statement must be signed by an authorized representative as defined by Section 10.1.4C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to Sections 10.1.4JJ (3) and 10.4.7C (See 40CFR403.3(v)(2)) must annually submit the following certification statement signed in accordance with the signatory requirements in Section 10.1.4C (See 40CFR 403.120(I)). This certification must accompany an alternative report required by the District:

1. Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ (months, days, year):

- a. The facility described as _____ (facility name) met the definition of a Non-Significant Categorical Industrial User as described in Section 10.1.4JJ (3) (40 CFR 403.3(v)(2));
- b. The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

2. This compliance certification is based upon the following information;

C. **Pollutants Not Present Certification - 40 CFR 403.12(e)(2)(v) - Upon approval of the monitoring waiver and revision of the User's control mechanism by the District, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:**

1. **Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ (list pollutant(s)) in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).**

SECTION 10.7 COMPLIANCE MONITORING

10.7.1 Right of Entry: Inspection and Sampling

The District shall have the right to enter the premises of any Industrial User to determine whether the IU is complying with all requirements of these regulations and any wastewater discharge permit or order issued hereunder. IUs shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where an IU has security measures in force which require proper identification and clearance before entry into its premises, the IU shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District will be permitted to enter without delay for the purposes of performing specific responsibilities. The District may sample and inspect without notice and at monitoring locations other

than that specified in the permit to determine compliance independent of information supplied by the IU. This sampling may be performed at locations on the IU's property and outside of any security measures.

- B. The District shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.
- C. The District may require the IU to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per the manufacturer's specifications to ensure their accuracy. The District may opt to assume control and responsibility for the operation and/or maintenance of any or all sampling or monitoring equipment.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be born by the IU.
- E. Unreasonable delays in allowing the District access to the IU's premises shall be a violation of this regulation.

10.7.2 Search Warrants

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

SECTION 10.8 CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the IU 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 under applicable law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the IU furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 10.9 PUBLICATIONS OF USERS IN SIGNIFICANT NONCOMPLIANCE

The District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the District, a list of the Industrial Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term significant noncompliance shall be applicable to all Significant Industrial Users and any other IU that violates paragraphs (C), (D) or (H) of this section and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six (6) month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 10.2 (40 CFR 403.3(l));
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Section 10.2 (40 CFR 403.3(l)) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Continuous recorder monitoring for pH compliance shall utilize pH range excursions of greater than fifteen (>15) minutes duration for determination of violation. An industry shall be in Significant Noncompliance (SNC) when the total violations incurred during a semi-annual review period exceed sixty-six percent (66%) of the total pH analytical results during the same time period.
- D. Any other violation of a Pretreatment Standard or Requirement as defined by Section 10.2 (40 CFR 403.3(l)), (daily maximum, long-term average, instantaneous limit, or narrative standard), that the District determines has caused, alone or in combination with other discharges, Interference or Pass-Through, including endangering the health of POTW personnel or the general public;
- E. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- F. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- G. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- H. Failure to accurately report noncompliance; or

- I. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10.10 ADMINISTRATIVE ENFORCEMENT REMEDIES

10.10.1 Enforcement Response Plan

The District will implement policies and procedures as set forth in the District's Enforcement Response Plan for carrying out the provisions of these Rules and Regulations, provided that such policies and procedures are not in conflict with these Rules and Regulations or any applicable state or federal law or regulation.

10.10.2 Notification of Violation

When the District finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that IU a written Notice of Violation. Within ten (10) days of the receipt 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 by the IU to the District. Submission of this plan in no way relieves the IU of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.10.3 Consent Orders

The District may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any IU responsible for noncompliance. Such documents will include specific action to be taken by the IU to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.10.4 and 10.10.5 of this regulation and shall be judicially enforceable.

10.10.4 Show Cause Hearing

The District may order an IU which has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the IU show cause why the 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 authorized representative of the IU as defined in Section 10.1.4 C and required by Section 10.4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the IU.

10.10.5 Compliance Orders

When the District finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the IU responsible for the discharge directing that the IU come into compliance within a specified time. If the IU does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the IU of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

10.10.6 Cease and Desist Orders

When the District finds that an IU has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the IU's past violations are likely to recur, the District may issue an order to the IU directing it to cease and desist all such violations and directing the IU to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.10.7 Administrative Fines

- A. When the District finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such IU in an amount not to exceed two thousand dollars per day (\$2000.00/day). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Such assessed fines may be added to the IU's next scheduled sewer service charges and if not paid, may be collected as other delinquent utility charges under these rules and regulations.
- C. Industrial Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the District may convene a hearing on the matter. In the event the IU's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the IU. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

10.10.8 Emergency Suspensions

The District may immediately suspend an Industrial User's discharge, after informal notice to the IU, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend an IU's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any IU notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an IU's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District may allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.10.8 of these regulations are initiated against the IU.
- B. An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 10.10.3 or 10.10.8 of these regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

10.10.9 Termination of Discharge

In addition to the provisions in Section 10.5.5 of these regulations, any Industrial User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 10.2 of this ordinance.

Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.10.3 of this ordinance why the proposed action

should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the IU.

SECTION 10.11 JUDICIAL ENFORCEMENT REMEDIES

10.11.1 Injunctive Relief

When the District finds that an Industrial User has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Weld County District Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this regulation on activities of the IU. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the IU to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an IU.

10.11.2 Civil Penalties

- A. An Industrial User who has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of five thousand dollars (\$5000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil 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 of the violation, any economic benefit gained through the IU's violation, corrective actions by the IU, the compliance history of the IU, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

10.11.3 Criminal Prosecution

- A. If any Industrial User discharges sewage, industrial wastes or other wastes into the District's POTW contrary to the provisions of these Rules and Regulations, or any orders or permits issued hereunder, the District's attorney may commence an action for appropriate legal relief. In cases of possible criminal action, including falsification or tampering, the District shall make a referral to an appropriate law enforcement agency.

10.11.4 Remedies Nonexclusive

The remedies provided for in this regulation are not exclusive. The Manager may take any, all, or any combination of these actions against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the Manager may take other action against any IU when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant IU.

SECTION 10.12 SUPPLEMENTAL ENFORCEMENT ACTIONS

10.12.1 Performance Surety

The Manager may decline to issue or reissue a wastewater discharge permit to any IU who has failed to comply with any provision of this regulation, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such IU first files a satisfactory surety instrument, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance.

10.12.2 Liability Insurance

The District may decline to issue or reissue a wastewater discharge permit to any IU who has failed to comply with any provision of this regulation, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the IU first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

10.12.3 Payment of Outstanding Fees and Penalties

The District may decline to issue or reissue a wastewater discharge permit to any IU who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this regulation, a previous wastewater discharge permit, or order issued hereunder.

10.12.4 Contractor Listing

Industrial Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by an IU found to be in significant noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the District.

SECTION 10.13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

10.13.1 Upset

~~IUs may claim upset as a defense in accordance with 40 CFR 403.16.~~

- A. For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.
- C. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - 3. The Industrial User has submitted the following information to the POTW and District within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
 - a. A description of the Indirect Discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

10.13.2 Prohibited Discharge Standards

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 10.2.1(A) of these regulations or the specific prohibitions in Sections 10.2.1(B) (3) through (7) and (9) through (17) of these regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass-Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the IU was in compliance with each limit directly prior to, and during, the Pass-Through or Interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the IU's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements; and
- C. In the case of an IU required to apply for a permit or an IU holding a permit, disclosed the pollutant(s) in its application for a permit.

10.13.3 Bypass

~~IU's may claim bypass as a defense in accordance with 40 CFR 403.17.~~

A. Definitions.

1. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

C. Notice.

1. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the District, if possible at least ten days before the date of the bypass.
2. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the District within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Prohibition of bypass.

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

SECTION 10.14 MISCELLANEOUS PROVISIONS

10.14.1 Pretreatment Charges and Fees

The District may set reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing an IU's discharge, and reviewing monitoring reports submitted by IUs;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 10.14.1B) associated with the enforcement activity taken by the District to address IU noncompliance; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this pretreatment regulation and are separate from all other fees, fines, and penalties chargeable by the District.

Pretreatment Fee Schedule

General Program Administration – permitting, report review, recordkeeping, routine inspections, discharge monitoring and compliance assistance.

New Permit Fee	\$1300
Significant/Categorical Industrial Users	\$2400/year
Zero Discharge/Non-significant Categorical Industrial Users	\$325/year
Other discharging facilities with treatment units (Example: grease/sand/oil interceptors, silver recovery, pH adjustment)	\$200/year
Facilities storing bulk chemicals in amounts over 250 gallons (Excludes underground fuel storage)	\$50/year
analyses at cost	Sample

Non-routine pretreatment activities - To include enforcement response actions such as accelerated sampling, site inspections, correspondence, notice of violation, compliance meetings, compliance schedule preparation and tracking, accidental or slug discharge response, other actions deemed necessary by the District.

Non-routine pretreatment activities expenses \$ 65/hour plus

This schedule is not all-inclusive, additional fees, charges, and penalties are authorized by these regulations, and may be assessed as provided therein.

10.14.2 Severability

If any provision of this regulation is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

10.14.3 Cost Recovery

The District may recover damages, reasonable attorney fees, court costs, and other expenses of litigation by appropriate suit at law against the person found to have violated these regulations or any permits issued hereunder which violation causes damages to the POTW or additional enforcement or operations and maintenance expenses to the District.

10.14.4 Leased/Rental Property

In situations involving leased or rented property, not resolved with the tenant, the owner or authorized representative of the property shall be notified of continued violations and is responsible for assuring compliance with the standards and requirements of this regulation.

SECTION 10.15 EFFECTIVE DATE

This regulation shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

2. This Resolution supersedes any contrary provision contained in the District’s Rules and Regulations, which shall be modified as soon as reasonably practical to conform to the provisions set forth in this Resolution. All charges, rates, and fees set forth in the Rules and Regulations which are not changed by this Resolution shall remain in full force and effect.

3. This Resolution shall take effect and be enforced immediately upon its approval by the District Board.

Adopted: January ____, 2024

ST. VRAIN SANITATION DISTRICT

By: _____
President

A motion to adopt the foregoing Resolution was duly moved by Director _____ and seconded by Director _____, put to a vote and carried upon the majority vote of the Board. Thereupon the Board President declared the motion carried and the Resolution duly passed and was adopted on January 10, 2024.

ATTEST:

Secretary

Approved as to form:

Catherine A. Tallerico

Catherine Tallerico
Attorney for the District