



WHEAT RIDGE SANITATION DISTRICT

Revised and Readopted as of July 1, 2015

**WHEAT RIDGE SANITATION DISTRICT
RULES AND REGULATIONS
REVISED JULY 2015**

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APPENDICES

APPENDIX A

CURRENT CALCULATION OF NON-RESIDENTIAL UNITS PER SFRE BY WATER SERVICE SIZE, SECTION 7-METRO WASTEWATER RULES AND REGULATIONS –

This is subject to change anytime Metro amends its method of calculation

APPENDIX B

FEE SCHEDULE

WHEAT RIDGE SANITATION DISTRICT

RULES AND REGULATIONS

SECTION

1. GENERAL

- 1.1 Policy and Purpose. These Rules and Regulations (“Regulations”) serve a public purpose and are necessary to protect and insure the health, safety, and general welfare of the inhabitants of the Wheat Ridge Sanitation District. These Regulations provide for the control, management, operation, and supervision of the business and affairs of said District.
- 1.2 Amendment. These Regulations are subject to change without notice by action of the Board. By way of explanation and not limitation these Regulations may be revised, supplemented or otherwise amended through amendment to the body hereof, or declarations set forth in the minutes of the meetings of the Board or by resolution of the District. Such amendments shall be in full force and effect from the date of such Board action, whether or not confirming language is inserted in the body of this document, its exhibits and/or appendices.
- 1.3 Manager’s Authority. The District Manager has the authority to make interim decisions concerning these Regulations, their interpretation and application. Such interim decisions shall be binding unless and until altered by the Board.
- 1.4 Prohibition. The Wheat Ridge Sanitation District sanitary sewer system is for purpose of conveying human and domestic wastes, not for the purpose of conveying industrial wastes except as herein specifically provided. The system is not to be used as a drainage system and shall not be used for lowering the water table, nor carrying away rain, or drainage water, surface or subsurface, within the District.
- 1.5 Effective Date. These Regulations shall be effective as of July 1, 2015, and with regard to any matter arising from and after said date shall supersede all previous versions of the District’s Regulations.
- 1.6 Definitions.
 - .01 “Board” and “Board of Directors” - The governing body of the Wheat Ridge Sanitation District.
 - .02 “Contractor” - Any person, firm, or corporation licensed by the District and qualified as herein set forth, to perform work and furnish materials, or both, in the District.

- .03 “Commercial Service” - Means the wastewater service provided to any building, structure or premise that is not Residential Service as described in Section 1.6.11 below.
- .04 “District” - The Wheat Ridge Sanitation District.
- .05 “District Engineer” - The qualified registered professional engineer in the State of Colorado retained by the Board of Directors to represent the District.
- .06 “Dry Cleaners” – Any business establishment which engages in the cleaning of clothing, furniture and other fabrics by the use of dry process cleaning or other cleaning processes utilizing chemicals including any new or used tetrachloroethane (Peichloroethylene), still bottom oil and separator oil.
- .07 “Independent Connection” - The plumbing system of each house or separate dwelling, each unit in a duplex, each townhouse and each separate building including each separate condominium building, store, premises, and other structures connected to the sanitary sewer shall be separate and independent from that of every other house, or dwelling, each duplex unit, building, including each condominium building, store, premise, and other structure and each shall have an independent, direct connection with the sanitary sewer, except in the case of motels and trailer courts owned by the same person or persons, firm or corporation.
- .08 “Inspector” - The person or persons duly authorized by the District to enforce these Regulations.
- .09 “METRO” – Metropolitan Wastewater Reclamation District.
- .10 “Permit” - Written permission of the Board of Directors to make a connection to any sewer line of the District or to construct an extension of any District sewer line, pursuant to these Regulations of the District.
- .11 “Residential Service” - Means the wastewater service provided by the District to any Unit as defined in Section 1.6.18.
- .12 “Service Line” - That part of a sewer line, receiving domestic, commercial, industrial or manufacturing wastes which is connected with the facilities of the District and commences at a point located at least five (5)-feet outside the building, and terminates at the public sewer system. A service line is not the property of the District; the District has no liability whatsoever in respect thereto.

- .13 “Sewage” - Wastewaters and contained ingredients. “Shall” - Shall is mandatory; “May” is permissive.
- .14 “Sewer Connection Charge” or “Tap Fee” – are used interchangeably in these Regulations and is the fee imposed by the District for the privilege of connecting to the District’s wastewater collection system. For Tap Fee purposes, the equivalency of any connection through which service is provided to a single family residence, townhome, or duplex unit, shall be one SFE. For tap fee purposes, the SFE of any connection for any non-single family residence, duplex or townhouse through which wastewater service is provided or shall be provided shall be determined based upon the size of the water service tap serving the building, structure or premise. The specific methodology for determining the SFE’s of connections that are commercial shall be as set forth in Section 7.51 of METRO’s Wastewater Rules and Regulations, as the same now exists (See Appendix A) or may hereafter be amended from time to time.
- .15 “Sewer Service Charge” – Means the charge the District may impose, as the same may be adjusted from time to time for wastewater service. For Residential Service as defined in Section 1.6.11 above the sewer service charge is calculated by multiplying the number of Units, as defined in Section 1.6.18 below, served or capable of being served by an annual rate, as the same may be adjusted from time to time. Residential customers are billed annually in advance. For Commercial Service, the sewer service charge shall be calculated by multiplying the customer’s estimated monthly water consumption times the District’s then-effective commercial sewer service rate. Estimated monthly water consumption is generally determined by obtaining winter water use information from applicable water districts for each commercial account. The District’s Manager shall be allowed to establish alternative methods for special situations to estimate average or actual monthly water consumption. Examples of special situations are amusement parks, commercial laundries, car washes, motels, and restaurants. Commercial customers are billed quarterly in arrears. Notwithstanding any other provision contained in these Regulations, there shall be a minimum annual charge payable quarterly imposed upon each commercial customer, which annual charge shall be equal to the annual charge imposed by the District upon a single family residential customer.
- .16 “SFE” or “SFRE” – may be used interchangeably in these Regulations and mean the same thing, i.e. the capacity of sewer service required for a Unit, as described in Section 1.6.18.

- .17 “System” - The District’s sanitary sewer collection system inclusive of mains, trunk or interceptor mains, but not including the customer’s sewer service line or lines.
- .18 “Unit” - Each single family residence, each unit in a duplex, each townhouse unit, each apartment unit, each motel unit, and each house trailer with housekeeping facilities shall constitute one Unit. Each temporary portable sanitary facility shall constitute a Unit or such fraction thereof, as the District’s Manager shall determine based upon circumstances and anticipated flows.

SECTION

2. SEWER LINE CONSTRUCTION

2.1 Licensed Contractors. No connections shall be made to any sewer line of the District, nor shall any service line laterals or extensions be laid or installed except by or under the supervision of a contractor licensed by the District. Prior to making any connection to the System of the District, installing any sewer lines contemplated to be connected to the System, or repairing that portion of any sewer service line that is within ten (10) feet of the connection to a District sewer main, the contractor must make application for a "Contractor's License", which application form will be furnished by the District and submitted to the District Manager or District Engineer. Before a license will be issued, each applicant shall furnish to the District, in addition to a completed application form, copies of the following:

- .01 Commercial General Liability Insurance issued to the contractor and covering liability of the Contractor with respect to all operations within the District including the Contractor's subcontractors. The District shall be named as an additional insured on this policy. The insurance shall be written with an aggregate limit of not less than \$1,000,000, and a per claim limit of not less than \$350,000 for property damage and \$990,000 for bodily injury and death.
- .02 A Certificate of Workers' Compensation Insurance covering the obligation of the contractor, and all subcontractors, in accordance with the provisions of the Workers' Compensation Act, as amended, of the State of Colorado.

If the District's Manager or the District's Engineer accept the application form and proof of insurance, as required above, the Contractor license shall be issued, using a form of license prescribed by the Board. The Contractor shall pay the District's then current license fee and such license shall be effective for the calendar year of issuance, subject to revocation or suspension by the Board. Such license may be renewed for additional periods of one (1) year each January 1st, upon payment of a renewal fee, and the furnishing of the required proof of insurance. Failure to renew the license for three (3) consecutive years shall require a new application to be filed with the District's Manager and/or Engineer.

2.2 Sanitary Sewer Extensions.

.01 General.

The landowner, developer or subdivider must submit its plans and specifications, and legal descriptions and drawings for Easements, if

required, for the project to the District's Engineer. The Engineer will review the plans, specifications and legal descriptions and drawings to assure their technical conformance to the District's standards, as well as the standards of other appropriate entities. In addition, the Engineer will advise the developer that the following items shall be submitted prior to approval of the plans for construction:

- (a) An Information Binder and/or other form of title insurance commitment ("Title Information") shall be prepared by a reputable title company, at the developer's sole cost and expense, to assure that the developer has the authority to grant the appropriate easement, and to assure that the easement area is not encumbered in a manner which would interfere with the District's ability to operate and maintain the line. After review of the Title Information, District's legal counsel will prepare the necessary easement documents. After they have been executed by the Developer, they will be presented to the Board for approval and acceptance.
- (b) A twelve month Warranty and Maintenance Bond or other security acceptable to the District on the extension project for an amount up to 25% of total construction costs, or an amount recommended by the District's Engineer, whichever is less.
- (c) An executed Application and Agreement for Extension of Sewer Mains, which shall provide that upon conditional acceptance the extension project shall be conveyed to and become the property of the District, subject to final acceptance by the District.
- (d) As more particularly set forth in the Application and Agreement for Extension of Sewer Mains, one set of final drawings and AutoCAD files tied to the City of Wheat Ridge Control Datum.

The Sanitary Sewer Extension shall be constructed at the sole cost and expense of the Developer, and all installation shall be in accordance with the District's Regulations and Engineering Standards and Specifications and shall be subject to inspection by the District's Engineer, or its designated representative before the project is either conditionally or finally accepted by the District.

- (e) The Developer shall be responsible for reimbursing the District for all District costs associated with reviewing plans, performing inspections and any other costs incurred by the District related to the project.

- .02 Applications. Application must be made to the District by the developer, for all sewer line extensions. Applications for line extensions on newly platted and unimproved streets must be accompanied by two copies of the recorded plat and two copies of finished street grade profiles approved by the proper authorities.
- .03 Authorization to Construct Extension. No sewer line construction shall be commenced until an appropriate Application and Agreement for Extension of Sewer Mains has been executed by the Developer and the District. Such Application and Agreement for Extension of Sewer Mains shall be executed by the District only after the plans, profiles and specifications have been approved by the Engineer for the District, and all appropriate easements, if necessary, have been conveyed to and accepted by the District. At the time of applying for permission to construct an extension to the District's System, the contractor shall furnish to the District a copy of all permits necessary to enable the work to be done, including but not limited to any required street cut permit, CDOT permits, irrigation company permits, etc. District permits shall be signed by a licensed contractor, who shall be fully responsible for conformance of the work to District Standards. District permits for sewer line extensions shall expire one (1) year after the date of issue, if construction has not begun.
- .04 Inspection. Inspection of all sewer line extensions shall be performed by the District engineer at the owner's expense. The District's inspection fee must be paid to the District upon demand and in no event later than conditional acceptance of the sewer main extension.
- .05 Acceptance. When a sewer line is completed and has been tested as prescribed by the District, the owner has 60 days to initiate the conditional acceptance process by means of submission of a request to the Engineer for a preliminary inspection of the line for conformance with the original plans and specifications.

The Engineer shall inform the Developer that the following are examples of necessary prerequisites to conditional acceptance of the line by the District:

- (a) Satisfactory preliminary inspection.
- (b) The District is satisfied in its sole discretion that the project has been constructed in accordance with the approved plans.
- (c) The District is satisfied that all easements have been obtained for the project and that the project, as constructed, is located within said easements or other suitable public rights-of-way. The cost of

preparing any surveys necessary to show that the sewer lines have been constructed within deeded easements shall be the responsibility of the owner and/or developer.

- (d) Receipt by the District of record drawings for the project, certified compaction test results and any survey certifications that the District Manager or consulting engineer may require.
- (e) Without in anyway limiting the specificity of the foregoing, the District, in its sole discretion, is satisfied that there are no matters outstanding which need to be finalized and which would prohibit or unreasonably interfere with the use of the project for its intended purpose.
- (f) Receipt and approval by the District of one of the forms of warranty security described in the Application and Agreement for Extension of Sewer Mains.

The Engineer shall, after preliminary inspection of the line, and after review of items (a) through (f) above, submit to the attorneys for the District a certification that all items (a) through (f) have been complied with, and if appropriate, recommending conditional acceptance by the District.

Attorney's Review: The attorneys for the District shall review items (a) through (f), above as submitted by the developer.

Board Acceptance (Conditional): The Board shall then either approve or deny conditional acceptance of the line for a twelve-month period. Should the Board deny conditional acceptance of the line, the Board will give written notice to the Developer of such denial, outlining the conditions which must be met for acceptance. No connections to the line will be allowed until the Board grants conditional acceptance. Until final acceptance it shall be the owners or developers responsibility to maintain the project during the one year conditional acceptance/warranty period.

Board Acceptance (Final): Upon successful completion of the twelve-month warranty period, the Board shall accept the sewer main extension project for all purposes, including maintenance.

2.3 Sewer Connections, Alterations of Connections.

- .01 Permits. No connections or alterations of any connection shall be made to any District sewer line until a written sewer connection permit has been obtained from the District office and such fees paid as set forth in these Regulations. Permits will only be issued after all applicable fees have been

paid, including the District's sewer connection fee and inspection fee, and approval of the tap application by the District Engineer or Manager.

An altered connection occurs when the use of any District connection is changed. Changes include but are not limited to changes from residential to commercial use, changes from commercial to residential use, changes from any previous use to institutional, manufacturing or higher density use. Change in the use also includes any new construction to be served by an existing connection, or addition replacement or remodel of existing construction at the location of an existing connection.

Charges for an altered connection shall be based upon the difference in single family equivalents created by the alteration. Initially, the District shall calculate the single family equivalents of the existing and approved tap connection on the premises for the pre-existing use and shall then calculate the single family equivalency of the altered connection or use and in the event there is any increase in single family equivalency as calculated in accordance with these Regulations, then the sewer connection fees shall be assessed at the then-effective rate of the District, less a credit for the existing connection. There shall be no rebate or future credits created where an altered connection results in a reduction in single family equivalency of the connection.

Upon the issuance of a sewer tap permit, the same must be used within one (1) year (or as agreed to by the District for special circumstances) and if not used it is terminated and is of no further force and effect. The permit may be renewed upon proper application to the Board without additional charge provided that no modifications to the permit are proposed. In the event of modifications, an additional inspection fee will be charged and additional connection charges will be assessed as appropriate.

When a sewer connection is inactive for a period of five (5) years or more it shall be considered a new connection upon reactivation. Payment of all inspection, permit and connection charges will be required. Applicants will be notified that all connections and alterations may require payment to METRO and payment shall be mandatory in the event of any increase in utilization and for METRO purposes, an altered connection is defined as any sewer connection which serves a premise or building in which the number of single family household units is increased or where there is an increase in the size of the water service tap.

All sewer service connections which are replaced or repaired within a ten-foot (10') distance of the sewer main or a structure demolition/rebuild shall be replaced to the main. Inspection of all sewer service connections will be

performed by the District at the Owner's expense and at the District's inspection fee then in effect. The District's inspection fee is payable to the District upon demand.

- .02 Separate Tap Required for Each Separate Structure. The plumbing system of each separate structure, each house or separate dwelling, each unit in a duplex, and each townhouse, and each separate building, including each separate condominium building, store, premises, and other structures connected to the District's sanitary sewer system shall be separate and independent from that of every other house, structure, or dwelling unit, each duplex unit, building including each condominium building, store, premises and other structure and each shall have an independent, direct connection with the sanitary sewer system, except in the case of motels and trailer courts owned by the same person or persons, firm or corporation and except that multi-unit apartment buildings and preexisting service lines for duplex units may be served by a single service line. Exceptions to this rule may be granted, but only upon timely application for a waiver to the District. In each such application for waiver and/or permission to install or continue to use a single service line for duplex or other multiple units, such as townhomes, the owner must show each of the following requirements:
- (a) That no significant additional flows will occur, which might exceed the capacity of the existing service line.
 - (b) That the existing service line is in good condition.
 - (c) A recorded common elements agreement which shall be recorded, run with the land and be binding on all future owners of the multiple unit dwelling, that provides for payment of sewer charges and maintenance of the common service line by the homeowners of the multiple dwelling units.

Unless a waiver is granted, nothing herein contained shall permit new duplexes or substantially remodeled and expanded duplexes to avoid the necessity of a separate sewer service line.

- .03 Specifications. All connections to the District's System shall be made in accordance with the District's Engineering Standards and Specifications. By way of explanation and not limitation, connections shall be made to established wyes where installed, but if pre-installed wyes are not available, a mechanical tap and the use of saddles shall be mandatory. All taps shall be made in the presence of a District Inspector. When a saddle is used, the main line pipe and saddle shall be completely encased in concrete. No connections will be permitted where the service line extends through or

from a septic tank or cesspool. For single units all lines shall be four (4) inch diameter pipe. For multiple connections such as apartment houses, motels. etc., the size for connection lines shall be determined by the uniform plumbing code or fixture unit counts. All lines shall be laid without low spots and shall be laid to not less than the minimum grade. Minimum grade for the various pipe sizes shall be as set forth in the State rules and regulations, which currently provide as follows:

4" - 1.00%

6" - 0.64%

8" - 0.45%

(a) Wye branches and machine taps, using manufactured wye saddles, will be the only types of connections permitted.

- 1) Sanitary sewer wyes will be installed where specifically approved in the construction plans and specifications.
- 2) Existing wye or tee branches which exist, and are accessible and undamaged, shall be utilized for building connections.
- 3) Those sanitary sewers in which wyes or tees exist but are inaccessible, or where they are not provided, shall be tapped by the use of a machine and accepted prefabricated wye saddles or a type approved by the District Engineer.
- 4) Only plumbers, drain layers, and contractors duly licensed by the District will be allowed to tap and install connection saddles to the Districts sanitary sewer mains.

(b) Materials.

- 1) Tapping saddles shall be fabricated to insure that no protrusions of the saddle will extend into the sewer being tapped. Saddles shall fit the contours of the sewer being tapped. All saddles used shall be a plastic wye saddle with gasketed skirt installed with two stainless steel straps. This type saddle does not require any epoxy joint materials or concrete encasement.
- 2) The use of fold in form sewer lining for service lines is prohibited.

(c) Construction.

- 1) Saddle connections shall be made in a smooth, round hole, machine drilled into the sewer main. The machine drilled hole shall be of such a size to provide one-eighth inch (1/8") clearance between the outside of the saddle and the hole. This space shall be completely filled with epoxy joint material. The space between the shoulder of the saddle and the face of the sewer main shall be one-eighth inch (1/8") and this space shall also be filled with epoxy material.
- 2) No back-filling shall be done until the connection has been inspected and approved by the District Inspector.

When necessary, in the judgment of the Inspector, levels or lasers shall be run to lay the line. The Contractor shall use all precautions to secure watertight joints. When making connection in the presence of ground water, the trench shall be drained and kept free of water until the connection is approved.

- .04 Inspection. No trench shall be backfilled until an Inspection of the sewer connection has been made and the Inspector has signed the permit granting permission to backfill the trench. Inspection hours shall be between 7:30 AM and 4:30 PM, Monday through Friday, and any inspection after those hours shall require payment of an additional inspection fee.

2.4 City of Wheat Ridge Requirements.

Developers or contractors shall comply with all applicable provisions of the City of Wheat Ridge Ordinances, Regulations and Codes, including but not limited to all applicable Ordinances, Regulations and Codes pertaining to excavation, backfill, pavement replacement, traffic control and traffic barriers, when working on District facilities.

SECTION

3. CLASS OR CLASSES OF SERVICE

The requirements of this Section shall apply to type of service, degree of treatment required, and volumes of sewage flows. As used herein classes shall be: Domestic, Commercial or Industrial. Nothing herein contained is intended to affect, modify or abridge the Residential and Non-Residential classifications used by the District for wastewater service charge purposes.

- 3.1 Domestic Class. Service to and for facilities for human comfort and convenience of normal household varieties. Service to all residential uses and to business uses not otherwise classed shall be of the domestic class.
- 3.2 Commercial Class. Service to any business, commercial or industrial, normally contributing sewage of a quality in excess of those contributed by sanitary convenience facilities but less than those contributed by an industrial class, shall be in the commercial class. Service to the following, without limiting, shall be of the commercial class: laundromats, restaurants, cafeterias, auto washes, **garages** and service stations containing **wash bays**, testing **and** experimental laboratories not in the industrial class, and any mixed use facilities as being in the commercial class.
- 3.3 Industrial Class. Any commercial or industrial use, which contributes or is likely to contribute sewage to the public system which would require special handling and/or extra treatment works capacities shall be of the industrial class. Industries so classed shall be those identified in the Standard Industrial Classification Manual under: Division A, Agriculture, Forestry, Fishing; Division B, Mining; Division C, Manufacturing; Division E, Transportation, Communications, Electrical, Sanitary Services; and Division I, Services. A user of the type in the Divisions listed may be excluded from this class if the District determines that normal contributed sewage is representative of the type contributed by a domestic commercial class. In such instances the facility shall be considered as being in the commercial class.
- 3.4 Prohibition of Discharge of Dry Cleaning Process Wastes.

Effective on January 1, 1994, dry cleaning establishments within the District are prohibited from discharging into the District's public sewer system or METRO's system any dry cleaning process wastes including new and used tetrachloroethane (perchloroethylene), still bottom oil, separator water or any other waste waters containing perchloroethylene. All Dry Cleaners, as defined in Section 1.6.06 of these Regulations shall be required to obtain a zero Discharge Permit pursuant to Section 4.6 of these Regulations and METRO's rules.

SECTION

4. PROHIBITED USES

- 4.1 Storm Water Drainage. It shall be unlawful for any person to discharge or cause the discharge into the District's system any storm water drainage from ground surface, roof drains, catch basins or subsurface water from foundation drains or sumps.
- 4.2 Septic Tanks and Cesspools. No connection to a District line will be permitted when the service line extends through or from a septic tank or cesspool.
- 4.3 Industrial Wastes. No oils, acids, or other matter which will be detrimental to the treatment process employed by the treatment plant treating sewage from the District shall be permitted to be discharged into the District's sewer system. Garages, service stations, motor repair shops and the like are prohibited from disposing of oil or grease into the District sewer system, or into any lines connecting to said system.
- 4.4 Industrial Plants. Manufacturing, processing or industrial plants shall not discharge wastes into the District's sewer system without first receiving a permit from the District or METRO, as applicable, to do so.
- 4.5 Deleterious Wastes. Sewage containing any of the following shall not be discharged into the District's system: Sewage which may create a flammable, explosive or corrosive condition in the system, or sewage containing any solid or viscous material which may cause stoppages or otherwise interfere with treatment processes; sludge in any form from sewage, industrial or water treatment plants; water containing petroleum oils or greases; wastes containing phenolic compounds, sulfides, cyanides and compounds capable of liberating hydrocyanic gases; wastes containing acid from pickling, plating solutions, Aldrin, Dieldrin, Benzidine, Cadmium, DDD, DDE, DDT, Endrin, Mercury, Polychlorinated Biphenyls or toxaphene; and any other material or substance which is in itself corrosive, toxic or noxious and irritating to humans and animals, or which would otherwise create conditions harmful to the public system or receiving waterways.
- 4.6 Zero Discharge Permit System For Dry Cleaning Process Wastes.

Effective on January 1, 1994, any dry cleaning establishments located within the service area of the Wheat Ridge Sanitation District shall be required to apply for and obtain a zero discharge permit from METRO and the District. By January 1, 1994, METRO and the District will issue a zero discharge permit to each dry cleaning establishment within the District. This permit system shall be separate from the waste water discharge permit system established under Sections 4.1

through 4.5 of these Regulations. Each permit holder is legally responsible for meeting all permit conditions and requirements effective upon the date of issuance of the permit. METRO's permitting requirements and permit format are incorporated into this Section of the Wheat Ridge Sanitation District Pretreatment/Industrial waste control regulations by reference, effective on January 1, 1994. All dry cleaning establishments within the District's service area shall file a zero discharge compliance report form annually. The annual zero discharge compliance report shall be completed, signed and a copy filed with both the District and METRO by January 31st of each year commencing with January 31, 1995. The completed zero discharge compliance report shall be submitted to:

Metro Wastewater Reclamation District
6450 York Street
Denver, Colorado 80229

and to:

Wheat Ridge Sanitation District
P.O. Box 288
Wheat Ridge, Colorado 80034-0288

SECTION

5. PERMISSIBLE USES

5.1 Automotive Wash Installations and Service Stations with Car Wash Facilities. Car washes shall be connected to the District's System rather than to the storm sewer because of the anti-pollution laws. The wastewaters may be disposed of into the District sanitary sewers provided the following conditions are satisfied:

- .01 A degradable detergent shall be used and arrangements shall be provided for samples of detergents to be used to be analyzed by the District.
- .02 A sand trap and/or a grease trap, of a design conforming to the details in the District's Engineering Standards and Specifications shall be provided for each installation and shall be maintained in proper working condition at all times.
- .03 Plans and specifications of the proposed installation shall be submitted to the District Engineer for approval.

5.2 Swimming Pool Wastewater. Backwash water from swimming pool filters shall be connected to sanitary sewer facilities. Main drains from swimming pools may be connected to storm sewer facilities where such facilities are available provided this procedure meets with the approval of the City of Wheat Ridge and the state and local health departments. If storm sewer facilities are not available, then swimming pool drains may, upon the issuance of an appropriate tap permit by the District, be connected to the District sanitary sewers if the following conditions are satisfied:

- .01 A letter shall be written to the District requesting permission to connect into the District's sanitary sewer.
- .02 If permission is granted for this connection by the District the pool shall be drained only during the period of 12:00 midnight until 6:00 AM, pursuant to a permit that shall be issued by the District and the owner of the pool shall first obtain permission from the District prior to each time the pool is to be drained.
- .03 The drain from the swimming pool shall be permanently controlled to discharge a maximum of 0.5 cfs or at a rate that is approved by the District's Engineer based on available reasonable capacity.

SECTION

6. GREASE INTERCEPTORS

6.1 General Policy.

- .01 This Section covers the requirements for grease interceptors, grease traps, and oil/sand separators, and their application and use within the District. Additional information in support of this Section is contained and updated in the “Wheat Ridge Sanitation District – Grease Interceptor Handbook.”
- .02 Except as otherwise provided herein, grease interceptors, when necessary for the proper handling of liquid waste containing oil and grease in excessive amounts, sand or other ingredients harmful to a public sanitary sewer collection/treatment system, are required for all establishments that connect directly or indirectly to the District’s public sanitary sewer collection system that provide automotive repair and maintenance services, or that conduct food preparation or processing activities, or any other activities that result in the discharge of oil, grease, sand or other harmful ingredients into the District’s sanitary sewer system. Notwithstanding the foregoing, such interceptors shall not be required for private residences or dwelling units unless there are commercial uses being conducted therein that generate amounts of oil, grease, sand or other harmful ingredients beyond those normally generated by a residential dwelling. By way of explanation and not limitation, establishments that are required to install grease interceptors include restaurants, caterers, fast food establishments, hotels, motels, lodges, bed and breakfast facilities, bakeries, grocery stores, or similar food preparation and food service establishments, car washes, automotive surface garages, service garages and other similar automotive service establishments.
- .03 Unless a grease trap is determined by the District’s Engineer to be appropriate, a grease interceptor shall be installed on the discharge line of every establishment described in Section 6.1.02 above. Without limiting the generality of 6.1.02, a grease interceptor shall be installed on the discharge line of every establishment that services or has the capacity to serve one hundred (100) or more meals per day or where necessary to prevent the discharge of excessive amounts of grease to the sewer collection system. An establishment shall be deemed to have the capacity to serve one hundred (100) or more meals per day if it has the seating capacity of fifteen (15) or more patrons at any time.
- .04 An oil/sand separator shall be installed at all establishments described in Section 6.1.02 above that have the potential for oil, grease and sand to enter

floor drains, sinks or other pathways into the public sanitary sewer collection system.

- .05 All grease interceptors, and when permitted grease traps, shall be installed and maintained at no cost or expense to the District.
- .06 Grease Surcharge – When the Board, in its sole discretion, determines that the cost of specifically enforcing its grease interceptor regulation with regard to a non-compliant establishment outweighs the benefits to be obtained from taking such action, the Board may, impose a Grease Surcharge on the non-compliant establishment for the purpose of more fairly allocating the cost of treating the excessive grease discharged by the non-compliant establishment into the District’s collection system, which Grease Surcharge shall be calculated and imposed as hereinafter provided:

Payment – The annual Grease Surcharge shall be calculated and billed, effective January 1 of each year.

Due Date – The Grease Surcharge shall be due and payable in full within 25 days from the billing date. Any amounts not paid within said date shall be delinquent and subject to imposition of a late charge. In addition, all delinquent Grease Surcharges shall be eligible for certification to the Jefferson County Treasurer’s office in accordance with and pursuant to the provisions of Section 32-1-1101(1)(e), C.R.S.

Calculation of Grease Surcharge – The Grease Surcharge for the year shall be calculated by multiplying the District’s estimated cost for treating a pound of BOD and TSS for the year as those terms are defined in these Regulations, by the estimated quantity of excessive BOD and excessive TSS (as defined below), which are discharged into the District’s collection system by the non-compliant establishment.

BOD and TSS Values – Unless values are determined by the District’s Engineer based on actual sampling of the effluent from the Noncompliant Establishment, the concentration or strength of the BOD and TSS discharged by the Noncompliant Establishment into the Collection System will be determined by using the concentration values for BOD and TSS as set forth in the District’s Engineering Standards and Specifications and/or the Wheat Ridge Sanitation District – Grease Interceptor Handbook.

Administrative Costs – The Grease Surcharge shall also include an amount to recover the District’s administrative cost of calculating and billing the Grease Surcharge.

Sampling – Any sample taken for purposes of calculating the Grease Surcharge shall be done in accordance with the procedures described in the latest edition of “Standards Methods for the Examination of Water and Wastewater” as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Such individual sampling and analysis will be offered by the District on request of the user, at the user’s expense and, if requested, the sample will be split and half of the sample will be given to such user for analysis by an independent laboratory. If analysis ordered by the District and obtained by the user are significantly different, the District’s Engineer may accept the user’s analysis, or may order a new sample and analysis done at District expense. Each nonresidential establishment must provide suitable access for sampling purposes.

6.2 Definitions.

- .01 Grease Interceptor – A two compartment chamber that contains a primary and secondary chamber. The grease interceptor collects grease as it rises to the top of a primary chamber when wastewater passes through the unit. The secondary chamber serves as a backup. The grease that is intercepted must be manually removed from the grease interceptor. Such grease interceptors include, but not limited to tanks that capture wastewater from dishwashers, floor drains, pot and pan sinks and trenches. As used in these Regulations the term “grease interceptor” shall mean both grease interceptors and oil/sand separators.
- .02 Grease Trap – A small indoor device designed to retain grease from one to a maximum of four fixtures. A Grease Trap is not appropriate for use on heated water (e.g. dishwasher) or in-line to a waste disposal unit.
- .03 Oil and Grease – Animal or vegetable fat, oil, grease or similar products or byproducts having similar characteristics, as well as petroleum oil, grease, and other products.
- .04 Oil/Sand Separators – A two compartment chamber that contains a primary and secondary chamber. An oil/sand separator is designed for the primary chamber to allow oils and grease, which are lighter than water, float at the surface while solids such as sand will sink to the bottom. The oil, grease, and sand that are intercepted must be manually removed from the oil/sand separator.

6.3 Requirements.

- .01 Grease Interceptor Design Specifications – All grease interceptors, and grease traps where permitted by the District’s Engineer, shall be of a type, capacity and design as approved in writing by the District’s Engineer and/or his designee (hereinafter referred to as the “District Engineer”) and shall be located so as to be readily and easily accessible for cleaning and inspection. Except for existing grease interceptors located inside buildings that the District Engineer determines are functioning properly, or except as otherwise permitted by variance, all grease interceptors shall be located outside the building served and within the property lines of the establishment’s premises at a point on the establishment’s private sewer service line so that the interceptor will prevent excessive oil, grease, or other harmful substances from entering the District’s public sanitary sewer collection system. All establishments required to install grease interceptors shall submit plans and specifications for such interceptors to the District Engineer for review and approval prior to the installation thereof. No grease interceptors shall be used until the District Engineer has observed and approved of the interceptor installation. Review fees will be charged to the establishment’s owner/operator on an hourly basis.
- .02 Grease Interceptor Installation – All grease interceptors shall be installed in accordance with the plans and specifications therefore as approved by the District Engineer. By way of explanation and not limitation, all grease interceptors shall be installed so that all plumbing fixtures and drains contributing waste flows containing oil and grease shall be connected to the grease interceptor, including but not limited to kitchen and pantry sinks, dishwashers, all food and garbage grinder/disposal units, and all floor drains in areas where food is prepared and utensils are washed. Restroom facilities and water closets will not be connected to the grease interceptor. Grease interceptors shall be vented as required by applicable provisions of the Uniform Plumbing Code (current edition), which provisions are incorporated herein by this reference. All grease interceptors shall have gas tight lids fixed upon each access way.
- .03 Time of Installation – All grease interceptors or grease traps where permitted under these Regulations shall be installed prior to the private sewer service line being connected to the District’s public sanitary sewer collection system, and if the private sewer service line is presently connected, the grease interceptor or grease trap shall be installed within ninety (90) days from the date written notice is delivered by the District to the establishment indicating that the installation is required. The District shall require the installation of a new grease interceptor or grease trap for

any establishment where the District Engineer determines that the existing grease interceptor is inadequate for any reason to properly protect the District's public sewer system, including if there is no interceptor in existence.

- .04 Inspection of Grease Interceptors – The District Engineer shall establish an inspection program for all grease interceptors. District representatives shall have the right to make periodic inspection of grease interceptors and grease traps. All inspections shall be charged to the establishment in accordance with the rates, fees and charges as established by the District from time to time. During such inspection the District Engineer may request and the establishment owner/operator shall provide maintenance records for the grease interceptor serving the premises.
- .05 Right of Entry – Whenever it is necessary to make an inspection to enforce any provision of this Section 6 of these Regulations, or whenever the District Engineer believes that there exists in any establishment, subject to this Section 6, any condition or violation with regard to the use and maintenance of grease interceptors, the District Engineer may enter such premises to inspect the same; provided that they shall first present proper credentials and request and be granted entry, or otherwise have grounds for an administrative search warrant as may be authorized by law. If requested entry is refused, the District Engineer shall have recourse to every remedy provided by law to secure entry, including issuance of an administrative search warrant from the municipal court or the district court of the State of Colorado.
- .06 Variances – In the event any establishment owner/operator subject to the provisions of this Section 6 desires to obtain a variance from the requirement for a grease interceptor or other specified intercepting trap, the location thereof, or any other requirement under the provisions of this Section 6, such person shall submit a written application to the District Engineer, setting forth his name, a description of the property in question with a street address therefore, the type of business operated and the nature of waste discharged into the District's public sanitary sewer collection system, the reasons this regulation should not be applied to such property, and a general description of any fixture or apparatus presently used on the premises to collect waste prior to discharge into the District's public sanitary sewer collection system. The District Engineer shall investigate such establishments and shall establish a date for a hearing on the variance application and, after such hearing, may grant a variance from these Regulations upon such terms and conditions as the District Engineer deems proper to adequately protect the District's public sanitary sewer collection

system, or the District Engineer may deny such application for a variance. No variance shall be valid except for the specified establishment and for that person to whom the variance is issued. Review fees will be charged to the establishment's owner/operator on an hourly basis.

6.4 Additional Design Criteria.

In addition to the design requirements set forth in Section 6.3 above, the following additional criteria shall apply to all grease interceptors required under this Section 6:

- .01 The standard detail for a grease interceptor can be found in the "Wheat Ridge Sanitation District – Grease Interceptor Handbook." All new grease interceptors shall be in full compliance with this standard detail.
- .02 Grease interceptor shall be watertight and constructed of concrete.
- .03 All interceptors shall be so designed and installed that they will not become air-bound and will not permit siphonage. (i.e. vented)
- .04 Grease Interceptors shall not be located inside the building unless it is determined by the District Engineer to be impractical to install an outside grease interceptor. This will be subject to approval by the City of Wheat Ridge, Jefferson County, or other authority having jurisdiction.
- .05 Water jacketed interceptors or those which are of a similar type requiring connection to the potable water supply system shall not be used.
- .06 More detailed information regarding design and installation of grease interceptors can be found in the "Wheat Ridge Sanitation District – Grease Interceptor Handbook."
- .07 Installation of the grease interceptor shall be observed by the District Engineer to ensure compliance with these Regulations and that the installed unit is in accordance with the submitted design.

6.5 Operation and Maintenance.

- .01 Each establishment shall be responsible for the operation and maintenance (i.e. cleaning) of the grease interceptor that serves that establishment. All grease interceptors shall be cleaned every three (3) months unless conditions and use of the interceptor dictate either a more or less frequent cleaning interval, all as determined and approved by the District Engineer. Every establishment owner/operator shall maintain adequate proof of such cleaning, which proof may consist of service bills or other documentation

showing the date and volume of oil, grease or other matter removed. All accumulated oil, grease, liquids and sediments shall be removed and disposed of in a manner that is in accordance with all laws governing the disposal of such waste. Biological treatment shall not be a substitute for the pumping and cleaning of the grease interceptor. In addition to the foregoing, every establishment owner/operator shall:

- .02 The owner shall employ best management practices and other efforts to minimize the amount of grease entering the drains.
- .03 The owner shall conduct regular inspections of the grease interceptor to ensure proper operation and maintenance.
- .04 The ultimate responsibility for operation and maintenance of the grease interceptor shall be that of the property owner on whose property the grease interceptor is located.
- .05 More detailed information regarding operations and maintenance can be found in the “Wheat Ridge Sanitation District – Grease Interceptor Handbook.”

6.6 Prohibitions.

- .01 The introduction of cleaning agents, emulsifiers or other substances containing enzymes as an active ingredient into grease interceptors within the District is prohibited.
- .02 Grease interceptor waste shall never be dumped directly or indirectly into a public sanitary sewer collection system, storm drains or any stream or water course.

6.7 Inspections.

- .01 Grease interceptors will be randomly inspected every one (1) to six (6) months by the District Engineer.
- .02 Access to the grease interceptor shall be available to the District Engineer at all times.
- .03 Grease interceptors will be evaluated per the “Wheat Ridge Sanitation District – Grease Interceptor Handbook.” The evaluation will include checking the condition of the grease interceptor components, capacity, pumping documentation, and disposal records.

6.8 Non-Compliance.

- .01 The proper operation and maintenance of grease interceptors is a matter of great concern to the health, safety and welfare of the District's inhabitants and, as such, strict compliance with the District's requirements is imperative.
- .02 Failure to maintain and clean grease interceptors shall constitute a violation of the regulations set forth.
- .03 In the event a grease interceptor is believed to be in violation of either the design specifications, maintenance requirements or any other provision of these Regulations, the establishment owner/operator shall be given written notice specifying the violation or violations that have occurred and setting forth the penalties that will be imposed, including termination of sanitary sewer service if the violation(s) are not cured within the time limit as hereinafter provided. The notice shall also inform the establishment owner/operator of his right to a hearing before the District Board. The District and the owner/operator of the establishment that received the notice of violation shall mutually agree upon a time within which all violations shall be corrected, which, in any event shall not exceed fifteen (15) days from the date of the notice of violation was issued to the owner/operator. The District shall mail a copy of the notice of violation to the owner of the real property upon which the establishment is located at said owner's last known address, if the owner of the property is different than the owner/operator of the establishment.
- .04 If all violation(s) have not been cured within said fifteen (15) day period, the District shall be entitled to pursue all available legal or equitable remedies, including the issuance of a court order compelling compliance with these Regulations, or the District when it is practical to do so, may cause the establishment's grease interceptor to be brought into compliance with these Regulations. The cost of such work shall be billed to the owner/operator of the establishment. In addition to the foregoing, the District shall impose the penalties for each violation as more particularly set forth in the District's Fee Schedule.
- .05 The failure of an establishment to correct all violations and pay all pumping and other corrective costs, fines and re-inspection fees shall be grounds for discontinuance of the sanitary sewer service to the establishment and/or the filing of a lien against the property that is being served by the District.
- .06 If a violator of grease interceptor regulations refuses entry to the District Engineer for inspections and/or to perform corrective work, the District will

assume the violation to be continuing. In such cases, the District will notify the local health department and shall proceed with terminating sanitary sewer service to the property following notice and hearing to the property owner and in accordance with law.

- .07 More detailed information regarding non-compliance of grease interceptors can be found in the “Wheat Ridge Sanitation District – Grease Interceptor Handbook.”

SECTION

7. HOLDING TANKS

- 7.1 Where it is deemed necessary to prevent a potential overloading of the District's sewage collection system or of its sewage treatment facilities, the District may require that holding tanks be installed by developers and/or owners on either residential or commercial service connections.
- 7.2 The decision for the requirement of holding tanks shall be made by the District's Board of Directors upon receipt of satisfactory evidence from the District's Engineer or other source of an actual or potential overloading condition in the District's sewage.
- 7.3 If a holding tank is permitted the District, based upon the advice and recommendation of its Engineer, may require supplemental aeration before any wastewater held in the holding tank is discharged into the District's System.

SECTION

8. INCLUSIONS.

- 8.1 Property Outside the District. Additional property may be included into the District. When any owner of property located outside of the District desires to receive wastewater services for said property from the District. Said owner must at his sole cost and expense have his property included in the District, and he must make application to the District therefore. Such application shall be on a form of Petition provided and prepared by the District. The inclusion thereof must be approved by the Board of Directors and the statutory form for inclusion must be followed. Nothing herein contained shall place any obligation on the District's Board of Directors to include property into the District.

SECTION

9. GENERAL REQUIREMENTS

- 9.1 Inspection of Property. The Inspector for the District shall have the right, upon reasonable prior notice, to enter upon any premises being served by the sewer System of the District at any reasonable hour for the purpose of making inspections of the facilities connected to the District's System.
- 9.2 Responsibility of Service Lines. The District has no responsibility for installation, repair or maintenance of customer sewer service lines either on private property or in the public right-of-way. It shall be the responsibility of the property owner to keep the sewer service line between the Unit or structure served and the District's sewer line clean and clear of any obstruction and to keep said line in good repair at all times. In case of failure to properly maintain a sewer service line, corrective measures may be taken by the District after forty-eight (48) hours written notice to the property owner or occupant and the cost of same charged to the owner of the property, and shall constitute a lien on said property until paid.
- 9.3 Interpretations. Any dispute as to interpretation of these Regulations, or as to their application in any given case, shall be submitted to the Board of Directors and their decision thereon shall be final.
- 9.4 Violations of Rules and Regulations. Any person found to be violating any of the provisions of these Regulations shall be served with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. Any person who shall continue any violation beyond the time limit provided herein shall be charged with a misdemeanor, and upon conviction thereof shall be fined in an amount as established by the courts for each violation. Any person violating any of the provisions of these Regulations shall be liable to the District for any expense, loss or damage occasioned by reason of such violation.
- 9.5 Revision. The Board of Directors of the District may from time to time enlarge upon, delete, change or amend the foregoing Regulations at any time at a regular or specially called meeting of the Board.
- 9.6 Disconnection of Service. Disconnection of service for any reason shall be subject to inspection by the District, and the property owner will be assessed an inspection fee therefore.

Any property owner desiring to have sewer service disconnected shall notify the District office a minimum of 72 hours in advance of the date of disconnection. It will be the property owner's responsibility to uncover the service line at the

sanitary sewer main, install a plug into the main and backfill to the original condition, after having obtained an inspection by the District. The plug shall be a mechanical pressure plug encased in concrete.

Sewer service fees shall be assessed until inspection of the disconnection is approved by the District.

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

Should reactivation of the sewer service line occur within the five (5) year period, credit will be given for the previously existing SFE's. In the event these discontinuance-of-service procedures have not been followed, as reflected by the District's records, credit will not be given for previously existing SFE's. There shall be no rebate or future credit where alteration of property results in a reduction of units.

- 9.7 Variance. The District Engineer, with the approval of the District's Board of Directors, may allow a variance of the disconnection procedures provided for herein, upon application to the District and the issuance of a permit to terminate the service line at some point other than at the District main.

SECTION

10. RATES, FEES AND CHARGES

The rates, fees, tolls, charges and penalties to be collected for the wastewater and related services provided by the District shall be established by the Board. The Board shall establish by resolution a schedule of rates, fees, tolls, charges, and penalties which shall remain in effect until modified by subsequent action of the Board. The remedies provided in these Regulations for nonpayment of any rate, fee, toll, charge or penalty are in addition to and not in derogation of any other remedy available to the District pursuant to any law or regulation.

- 10.1 Perpetual Lien. Until paid, all rates, fees, tolls, charges and penalties shall, in accordance with these Regulations and state law, and any industrial pretreatment agreement, or other agreement, constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics liens.
- 10.2 Joint and Severable Liability. The District shall have the right to assess against any property that is delinquent in any District rate, fee, toll, charge or penalty, together with the person or persons having ownership or control of the property, all court and other costs necessary to or incidental to the collection of said delinquent amounts, including attorneys' fees. All unpaid District rates, fees, tolls, charges and penalties, together with the cost of collecting the same, shall be secured by the perpetual lien referred to in Section 10.1 above. The property and person(s) having ownership or control of the property are jointly and severally liable for any rate, fee, toll, charge, or penalty of the District. Any agreement entered into between any customer, owner, or other person with regard to the responsibility for the payment of any District rate, fee, toll, charge and penalty shall be of no force and effect upon the District and the District may collect its rates, fees, tolls, charges and penalties from any party or property responsible for payment.
- 10.3 Change of Rates, Fees, Tolls, and Charges. The Board reserves the right to change or modify, at any time, any District rate, fee, toll, charge or penalty, in accordance with and subject to the notice provisions provided by state law.
- 10.4 Contractor's License Fee. Prior to performing any construction on any District sanitary sewer mains or private service lines described in Section 2.1, contractors must obtain a License from the District. The License must be renewed annually; is not transferable; and any company changing ownership must obtain a new license under its new name.

10.5 Sewer Connection Fees. A sewer connection fee shall be collected with respect to each property requiring wastewater service pursuant to and calculated in accordance with Section 1.6.14 above. The charge shall be due and payable to the District in full at the time application for a sewer tap permit is made. The amount of the sewer connection fee shall be based upon estimated flows from the licensed premises, expressed in single family equivalents (SFE), as defined in these Regulations. The criteria for determining the number of SFEs for each connection shall be the same as the criteria and methodology used by METRO, as such criteria may be changed by METRO from time to time.

.01 Sewer Connection Fee Credit. Effective January 1, 2012 the District shall allow a credit for an existing wastewater connection when redevelopment of a licensed premise requires replacement, enlargement or reconfiguration of the wastewater service to the premises.

When a sewer connection permit fee was paid for the existing connection, a credit will be given for the existing connection equal to the then current sewer connection permit fee for the SFEs assigned to the existing connection.

When a sewer connection fee was not paid or there is no record of such payment, a credit in an amount equal to the lesser of the following, shall be given to for the SFEs attributable to the existing connection: (i) the value of the then-current sewer connection fee based upon the water tap size serving the property or (ii) the value of the then current sewer connection permit fee for the SFEs attributable to the existing sewer connection is calculated by the District's Engineer based upon the average annual water consumption for the property for the highest five years of consumption during the last ten year period.

No refund will be granted if redevelopment, replacement, or reconfiguration of the wastewater service connection lowers the demand or requires less SFEs than were previously allocated to the property.

The amount of the sewer connection permit fee credit will be determined as of the date the first application for a new modified sewer connection permit is submitted to the District for processing. All sewer tap connection permit fees applicable to the property must be used within five years of the date the credit is applied for or said credit will be forfeited.

To be eligible for a wastewater connection permit fee credit, the following conditions must be satisfied: (a) the existing/old sewer connection serving the premises must be physically disconnected at the District's sewer main, (b) the sewer connection fee credit applies only when the new wastewater

service connection serves property that incorporates all or a part of the original licensed premises or is entirely contained within the original licensed premises, (c) all outstanding sewer bills, fees and charges must be paid, and (d) the existing wastewater service connection permit must still be valid and must not have been cancelled for any reason, including failure to pay wastewater service charges.

Whenever redevelopment involves modification of more than one wastewater connection or construction of one or more buildings, the wastewater sewer connection permit fee credit for the property may be combined and moved within the redevelopment property as determined by the property owners, subject only to the requirements of Section 10.5.01 above.

- 10.6 METRO Connection Charge. In addition to the District's connection fee, the District shall also collect the then applicable METRO wastewater connection fee for the property to be served.
- 10.7 Sewer Connection Inspection Fees. Inspections of wastewater connections are performed by the District. A connection inspection fee will be assessed based upon the number of sewer line inspections needed on the project.
- 10.8 Plan Review Fees. Plan review fees are based upon the District's actual cost in reviewing plans for any particular project or connection shall be assessed. An estimate of the fees shall be paid at the time the plans are submitted for approval. A final bill shall be paid once the plans have been approved and/or construction is authorized.
- 10.9 Special Situations. Whenever any service is provided from the District for which a charge is not established by the schedule of charges, the District's Board, may as it determines appropriate, estimate the actual amount of time the District will spend providing such service, including reasonable administration costs. The Board may then condition provision of the service upon receipt of a deposit for 100% of the estimated actual cost the District will incur in providing the service. In the event the actual cost is less than the deposit, the balance shall be refunded to the person paying the deposit upon completion of the services.
- 10.10 Wastewater Service Charge. The District shall cause billing for residential wastewater service to be rendered annually or at such other convenient interval, as determined by the Board, at rates established by the Board from time to time. Bills for wastewater service shall be due and payable in the amounts and at the time stated in the bill, which shall be mailed to the last known address of the user or owner as shown on the District's records.

The District shall cause billing for wastewater service to commercial properties to be billed quarterly, as more particularly set forth in Section 1.15 of these Regulations.

- 10.11 Late Fee. Fees and charges levied in accordance with these Regulations shall be deemed delinquent if not paid on or before the due date stated in the bill. Pursuant to Section 32-1-1006(1)(d), C.R.S., the District shall assess late fees and other delinquency charges as set forth in the District's schedule of rates, fees, tolls, penalties and charges.
- 10.12 Suspension of Service. The District may suspend or discontinue wastewater service for nonpayment of any wastewater service charge or any other charge imposed by the District, or for the violation of any regulation of the District. The District may disconnect a sewer service (suspension) for any property served by the District where the wastewater service or other charge is delinquent for 90 days or more. When the District believes reasonable cause for suspension exists a written notice of such findings shall be sent to the last known address of the customer or owner at the discretion of the District, 30 days prior to disconnection, requesting that payment be made prior to the effective date of the proposed suspension as set forth in the notice. Further, the notice shall advise the owner and/or customer of the right to hearing to determine whether reasonable cause exists for suspension, whether the suspension should be taken, and whether there are extenuating circumstances (the "Hearing"). Notice of the Hearing shall be sent via U.S. Mail, Certified Receipt Return Requested or by hand delivery to the occupant, owner or agent of the owner. In the event that payment is not received as demanded in the notice and no hearing is requested in writing within the time specified in the notice, the District may suspend services to the property upon expiration of the period.
- 10.13 Certification to County. When any wastewater service account remains unpaid and delinquent for a period of six months and the amount owed to the District exceeds \$150, the District shall, in addition to all other remedies be entitled, pursuant to Section 32-1-1001(1)(e), C.R.S., to send written notice via Certified Mail with Return Receipt Requested or by hand delivery to the property owner. The notice shall specify the District's intent to certify the delinquent amount to the County Treasurer for collection with the real property taxes. Following the Hearing, the Board, by resolution, may certify the delinquent fees, rates, tolls, charges, and penalties, if any, for assessment to the County Treasurer for collection with the taxes. The District shall certify to the County Treasurer the amounts to be collected in the same manner as property taxes pursuant to Section 39-10-107, C.R.S. Any certified amounts shall be a lien upon the real property served by the District and shall be levied, certified, received and collected by sale

annually, from year to year by the proper County officials as general property taxes, and the proceeds therefrom will be remitted to the District.

- 10.14 Withholding Approvals and Permits. Notwithstanding any other provision contained in these Regulations to the contrary, the District may withhold permits, approvals or other authorization from any person until all sums then due to the District from such person are paid in full.
- 10.15 Rights and Remedies Reserved. Nothing contained in this Section 10 shall be construed as a limitation or as an alternative to any right or remedy of the District regarding collection, termination of Service or other enforcement rights and remedies as provided by law.
- 10.16 METRO. METRO has established sewer connection charges for the purpose of assessing a portion of the capital costs of wastewater collection and treatment facilities to those customers that utilize said facilities. For each new or altered sewer connection to the District's wastewater collection system, a METRO sewer connection charge will be collected in addition to the District's sewer connection fee. The amount of the METRO sewer connection charge shall be based upon the number of SFEs attributable to each connection and the sewer connection charge shall be as set forth from time to time by METRO. METRO's sewer charge is separate and apart from the connection fee that is charged by this District for a permit to connect to its system.
- 10.17 Line Extension Inspection. Inspection charges shall be assessed for the time expended by District personnel in performing inspections on sanitary sewer line extensions within the District. Charges may be based on a daily rate or hourly rate as deemed appropriate for each project.
- 10.18 Video Main Inspection. The District may video any District sewer main, which has been repaired, lined, jetted, or any reason the District believes necessary to inspect for possible damages to the District sewer main.
- 10.19 Returned Checks/Insufficient Funds. Checks submitted for payment of fees and charges which are returned for insufficient funds will be assessed an additional fee as set forth in the District's schedule of rates, fees, tolls, charges and penalties.
- 10.20 Damage to District Lines. The District's Regulations provide for charging contractors, developers, property owners or any other person or entity for costs to the District associated with damages to District lines or creating conditions that cause the District to pay for services to correct problems caused by the contractors, developers, property owners of any other person or entity.

- 10.21 Facilities Inspection. The District will respond to requests for confirmation of the number of units allocable to multi-family, residential, commercial or industrial sewer service connections, on a reimbursable basis for costs incurred.
- 10.22 Summary of Fees and Service Charges. A summary of the District's rates, fees, tolls, charges, and penalties is set forth in a separate fee schedule, a copy of which is attached hereto as Appendix B.
- 10.23 Adjustment of Bills. A customer's bill may be adjusted at any time it is demonstrated to the reasonable satisfaction of the District's Manager that a bill is erroneous and based on inaccurate information. Bills will be adjusted going back for a period of reasonable time, but under no circumstances shall the District refund sewer charges that were imposed more than six years prior to the date the incorrect charge was first brought to the attention of the District's manager. No interest shall be paid on any refund amount.

SECTION

11. INDUSTRIAL SERVICE

Industrial dischargers shall be subject to certain additional regulations and requirements, as more particularly determined by METRO. The District has delegated all industrial pre-treatment requirements to METRO, which requirements, if in conflict with any provisions of these Regulations, shall control.

- 11.1 Industrial Cost Recovery. In addition to charges for sewer service, users of the industrial class shall be subject to annual charges for Industrial Cost Recovery in amounts sufficient to recover prorated portions of capital facility grants utilized by this District and by METRO. The charge for Industrial Cost Recovery shall be equal to contributed measured flows and contained units by weight of BOD and SS multiplied by the unit rates of such charge established by this Board together with the unit rates of such charge established by the Reclamation District. Such charges shall be established and made annually beginning in 1976, and payable by the users so charged within 60 days after the close of the calendar year for which the charge is made.
- 11.2 Metering/Sampling. Refer to METRO Wastewater Rules and Regulations. The Wheat Ridge Sanitation District is bound by portions of the METRO Wastewater District Rules and Regulations and Section 6 of METRO Wastewater Reclamations District Rules and Regulations regarding Pretreatment/Industrial Waste Control, as amended from time to time, is hereby adopted in its entirety.
- 11.3 Pretreatment. The Board of Directors of the Wheat Ridge Sanitation District adopted a revised set of pre-treatment/industrial waste control regulations to conform to changes requested by METRO effective on March 15, 1994. Accordingly, the Board has determined that the Wheat Ridge Sanitation District is required to comply with all of METRO's pre-treatment/industrial waste control regulations.
- 11.4 Delegation of the Pretreatment Enforcement Responsibilities. Effective as of May 10, 1994, the District and METRO entered into a "Delegation Agreement", pursuant to which, all of the District's pretreatment enforcement responsibilities, except those expressly retained by the District pursuant to the terms of the Delegation Agreement, are delegated to METRO. The District shall continue to cooperate fully with METRO in implementation of METRO's industrial pretreatment program, including providing information to METRO whenever requested. Furthermore, the District shall continue to fulfill those responsibilities for pretreatment enforcement expressly retained by the District pursuant to the Delegation Agreement. District counsel is directed to contact METRO to inform them of Board approval of such delegation and to request that an original

Delegation Agreement be sent to the District. Upon receipt, the President of the Board of Directors is authorized to sign the Delegation Agreement for the District.

- 11.5 Rates. Computed on the same basis as the Wastewater Service Charge, plus a surcharge for contributed sewage discharge, containing concentrations of Biochemical Oxygen Demand and Suspended Solids, in combination, in amounts greater than a base of 700 mg/l. Such surcharge shall be assessed on a per pound or fraction basis or contributed BOD and SS in excess of base limits. All industrial class charges established by estimation shall be subject to periodic adjustments to actual contributions.

SECTION

12. PURCHASE, USE AND DISPOSAL OF CHEMICAL SUBSTANCES

It is the policy and intent of the Wheat Ridge Sanitation District to mandate rules for the purchase, use and disposal of all chemicals required for use in sewer line inspection and repair operations. Such purchase, use and disposal of chemicals shall be strictly in conformity with all applicable federal and state statutes and regulations there under and any local ordinances or rules regarding these matters. Moreover, in carrying out this policy the District's foremost concern shall be for the protection of public health and the environment.

The following policies shall apply to any purchase of chemical substances or mixtures for use in District operations whether such purchase is by employees of Wheat Ridge Sanitation District or representatives of any contractors carrying out operations for the District.

12.1 Purchase and Procurement.

.01 Pre-Purchase Approval.

- (a) Review By District Counsel: Other than for retail purchases of small quantities of "household chemicals" and fluids used in maintenance of District and contractor vehicles and chemicals purchased for emergency situations, it shall be the policy of the Wheat Ridge Sanitation District that prior to the purchase of any chemical substances or mixtures for use by the District or its contractors sewer line operations and maintenance, such proposals for the purchase and use of chemicals shall be submitted to the District's legal counsel for review after preliminary authorization by the Board of Directors.
- (b) Scope of Review by Counsel: The purpose of such pre-purchase review shall be to determine whether such chemicals are licensed or registered, (where such license or registration is required by the appropriate state or federal agencies) for use for their intended purpose. Such review shall also include research to determine if the chemical in review shall also include research to determine if the chemical in question is a listed hazardous substance or waste under state or federal regulations. Furthermore, such legal review shall include research into any health or safety related problems which may be attributed to that chemical and which may lead to the revocation of the approval or registration for such chemical, or might

have led to issuance of special health and safety warnings by federal and state regulatory agencies regarding the use of that chemical.

- (c) **Only Necessary Chemicals:** The District shall only purchase such chemicals as are necessary for proper operation and maintenance for inspection and maintenance of District sewer lines. Furthermore, such chemicals shall only be purchased in such quantities as are required to carry out the purpose in question.
- (d) **Proposal to Board of Directors:** Any contractor, agent or employee who proposes purchase of any chemical for the Wheat Ridge Sanitation District shall submit such request to the Board of Directors for preliminary approval. Preliminary approval shall not authorize purchase or use of any chemical. After preliminary approval, all chemical purchase requests shall be submitted to environmental review by District counsel and District counsel shall issue counsel's report concerning the chemicals at the next regular or special meeting of the Directors. The Directors shall then consider counsel's report and make a final determination to authorize or reject purchase of a chemical consistent with this policy.
- (e) **Purchase Criteria:**
 - 1) The District shall only purchase chemicals which have been approved and registered by the appropriate state or federal agency (where necessary) for use for their intended purpose. The District shall not approve purchase of any chemical regarding which there have been serious health and safety problems cited by Colorado or federal regulatory agencies which may lead to the revocation of approval or registration of the use of that chemical for its intended purpose. The District also shall not approve the purchase of any chemical for which there is no approved method of recycling, reuse or disposal.
 - 2) The District shall not approve the purchase of any chemical designated as a hazardous substance or hazardous waste, or for which designation as a hazardous substance or waste is believed to be imminent unless there is an approved method for recycling, reuse or disposal of that chemical. The District shall not purchase any hazardous substance or material which could be automatically designated as a "hazardous waste" immediately upon expiration of its warranty date or termination of its use by the District or its contractors.

- .02 Alternatives Encouraged. It shall be the policy of the District to use nontoxic alternatives to toxic chemicals in line operations and maintenance wherever possible. Prior to proposing the purchase of any toxic chemical the employee or contractor making such proposal shall conduct reasonable inquiry to determine whether or not feasible nontoxic alternatives exist which would accomplish the purpose in question. If such feasible nontoxic alternative product exists its use shall be proposed to the Board of Directors for discussion and it shall be the preferred alternative.

12.2 Policy on Use of Chemicals by District Employees and Contractors.

.01 Conformity with State and Federal Laws.

- (a) All chemical substances purchased for use by the District shall be used strictly in conformity with the requirements of Colorado and federal laws and regulations thereunder governing their use along with ordinances and rules of the City of Wheat Ridge and Jefferson County regarding the use of chemicals, specifically including pesticides.
- (b) Such use shall conform to instructions provided with the chemicals purchased on labels on the containers along with any special instructions received from the manufacturer or distributor of the chemical. Any special instructions received from the manufacturer or distributor, especially those which involve health and safety warnings regarding use of the chemicals, shall be strictly followed by District employees and contractors and such health and safety information shall be supplied to all employees working with the substance.
- (c) Without exception, chemicals purchased for a particular purpose as intended by the manufacturer shall be used strictly for their intended purpose. Any new uses of a chemical which are not specifically approved are prohibited unless specific written permission is given by the Colorado Department of Health or the U.S. EPA for the use of the chemical in such a manner.

.02 Spills or Releases of any Chemical Substances which are Designated as Hazardous Substances, Materials or Wastes.

- (a) Any spill or release of any chemical which has been designated as a hazardous substance, material or waste under any Colorado or federal law or regulation shall be reported immediately to the required parties under the District's Emergency Response Plan, a

copy of which has been placed in three separate files in the Wheat Ridge Sanitation District offices, laboratory and garage. All such releases shall also be reported as soon as possible to the District's counsel and engineer.

- (b) Regarding any spills or releases of hazardous substances, all District employees and employees of contractors for the District shall comply with the requirements under the District's Emergency Response Plan and shall cooperate with all emergency response agencies.

12.3 Disposal of Chemicals.

.01 Compliance with State and Federal Laws.

- (a) All reuse, recycling or disposal of chemicals by the District or its contractors shall be done in strict conformity with the requirements of applicable Colorado and federal laws and regulations thereunder, specifically: the Resource Conservation and Recovery Act (RCRA), the Solid Waste Disposal Act Amendments (SWDA), and the Colorado Hazardous Waste and Solid Waste Acts and all pertinent regulations thereunder.
- (b) No chemicals shall be stored on the District premises.

.02 Required Procedures.

- (a) After a chemical has been used for its intended purpose, the remaining quantities of which the District or its contractors do not have an immediate or certain future use for that intended purpose, such quantities of chemicals shall be sold or disposed of in conformity with the applicable Colorado and federal laws and regulations. Responsibility for such sale or disposal shall be that of the contractor or employee using such chemical, and such sale or disposal shall further be cleared with the District's counsel and Operator in Responsible Charge (ORC) in writing prior to such sale or disposal.

12.4 Emergency Response Plan. At any time that a new chemical, specifically any hazardous substance, is to be used by the District or its contractors, the District's Emergency Response Plan as filed with the State of Colorado and the Jefferson County Emergency Planning Committee shall be supplemented with this additional information including material safety data sheets (MSDS's). Furthermore, any such MSDS's on new chemicals shall be stored at the District

offices with the Emergency Plan and access to such MSDS's by employees shall be provided. Furthermore, if any chemicals are purchased which are officially designated as hazardous substances under Colorado or federal laws, all employees shall be informed of the purchase and use of such hazardous substance and given an opportunity to review the supplement to the Emergency Response Plan and the new MSDS's.

Additionally, such rules shall apply where the manufacturer or distributor of a chemical sends to the District supplemental health and safety information or amended MSDS's for such chemical.

SECTION

13. DISCONNECTION OF BUILDINGS FROM THE DISTRICT SANITARY SEWER SYSTEM

- 13.1 Purpose. The purpose for the District's disconnection Regulations governing the disconnection of residential, commercial, and industrial buildings from the District System is to prevent the introduction of deleterious wastes, including oil and grease, and other wastes and pollutants into the public sewer system and into the publicly owned treatment works, operated and by METRO. It is the policy of the District that connectors to its public sanitary sewer System should not discharge hazardous wastes, substances and pollutants into its public sanitary sewer system where they may pose a threat to public health and safety as well as the operation of publicly owned treatment works. It is further the policy of the District to prevent the introduction of any solid or viscous material, including oil and grease into the sewer system, which could cause obstruction in flow in the sewers or interfere with the sewage pretreatment and treatment processes.
- 13.2 Reasons for Disconnection. The District's Board may order disconnection of any residential, commercial or industrial building or facility from the District's System for any violation of these Regulations or those of METRO, or for any violation of any rules or regulations of the Colorado Department of Health or the US Environmental Protection Agency. The following is illustrative, but is not a limitation on the violations that may result in disconnection from the District's System:
- .01 Violation of any of the District's Regulations regarding sewer service line construction, connection, alteration or maintenance as set forth in Section 2 of the District's Regulations.
 - .02 Use of the District system for any use which is defined as a prohibited use under Section 4 of the District's Regulations.
 - .03 Violation of Section 6 of the District's Regulations regarding requirements for installation and maintenance of interceptors and grease traps.
 - .04 Violation of any of the general requirements of the District, including those for inspection of property and responsibility for service lines, as set forth in Section 9 of these Regulations.
 - .05 Failure to pay fees and service charges as set forth in Section 10 of the District's Regulations.
 - .06 Violation of any of these Regulations or of METRO regarding pretreatment and prevention of the introduction of deleterious wastes, solid and viscous

wastes, hazardous substances and pollutants into the public sewer system and publicly owned sewage treatment works.

- .07 Violation of any rules and regulations of the Colorado Department of Health, and the US Environmental Protection Agency regarding the protection of public health, welfare, and the environment.

- 13.3 Disconnection Procedure. Pursuant to Section 9.4 of the District's Regulations except in emergency situations, any person, or business which is found to be in continuing violation of the provisions of these Regulations of the District or as otherwise set forth above, shall be served with a written notice stating the nature of the violation and stating a reasonable time limit for correction of such violation, as deemed to be appropriate by the Board. At the end of that period, an inspection shall be conducted by a representative of the District to determine if such violation has been corrected and the cost of such inspection shall be billed to the violator.

If such violation continues beyond the time limit established in the written notice, the Board of Directors may direct the District's attorney to file a written notice to be served upon the violator, by certified mail, return receipt requested, notifying the violator that he must immediately cease and desist from such violation and/or take whatever corrective action is necessary, or face disconnection of his property from the District's sewer system. Such notice shall state that the violator shall be disconnected from the District's sewer system at the end of ten (10) calendar days from the date of the notice, unless he requests a public hearing before the Board of Directors of the District to show cause why his property should not be immediately disconnected from the District's sanitary sewer system. If requested, such public hearing shall take place at the next regularly scheduled Board meeting, or at a special Board meeting, if one is deemed necessary by the Board. If that person fails to appear and show good cause why his property should not be disconnected from the public sanitary sewer system, the Board may order such person's property to be immediately disconnected from the sewer system and the cost of such disconnection billed directly to the property owner.

Any person in violation who has been disconnected from the sewer system shall have the right to petition the Board of Directors for reconnection upon a petition in writing to the Board stating that any previous violations have been corrected. Such violator may be reconnected to the District's sewer system after inspection by a representative of the District at the violator's expense and proof that the violator has paid the bill for disconnection. The cost of reconnection to the sewer system shall be paid by the violator.

- 13.4 Emergency Situations. When any ongoing violation of the District's Regulations or those of METRO poses a significant, immediate or imminent threat to public health and safety, or to the operation of the public sewer system or publicly owned

treatment works, the Board of Directors of the District may order immediate disconnection of a building from the sewer system upon twenty-four (24) hours written notice to the violator. The violator may request a public hearing and petition for reconnection after such emergency disconnection, using the procedure set forth above in Section 13.3.

13.5 Procedure for Sewer Main Backups That Result In Damage to Residential Properties.

.01 Call Insurance Company

Call insurance company to report incident. Fax them a written report.

.02 Determination of District Main Status

When the District receives information regarding a sewer backup, the District's Maintenance Contractor shall be present on site to determine the condition of the District's sewer main. If the main is blocked or damaged, normal emergency procedures will be used to restore the sewer main's ability to function normally, and the owner of residence will be notified of these efforts. The Owner or occupant of potentially impacted properties will be notified.

If the District's sewer main is functional, the District's Maintenance Contractor shall notify the owner or occupant and advise them of the potential that their private service line may not be operating correctly and may have caused a backup at their property. The property owner or occupant shall be advised to have the private service line checked at their expense.

.03 Cleanup and Removal of Sewage-Related Damage

If it is determined that a backup in the District's sewer main resulted in damage to residential property, an independent contractor will be hired for the purpose of providing initial cleanup and sanitization of any areas that have been impacted. When the location of the cause of the backup cannot be determined, the District Management is authorized to immediately hire a contractor and commence initial cleanup of residential backups regardless of the ultimate source. Initial cleanup is defined as pumping out and vacuuming up of waste water from any residential property plus removal of debris and soaked carpeting, furniture, or other property. Such initial cleanup will always be performed at the expense of the District when residential property is involved in a sewer backup.

SECTION

14. LOCATION AND MARKING OF UNDERGROUND DISTRICT UTILITIES

- 14.1 General. All provisions state statute governing the location of underground utilities are incorporated into these Regulations by reference and nothing herein contained shall be deemed to supersede or preempt any statutory requirements.

Property owners within the District are deemed to be the “owners” and “operators” of their private sewer service lines connecting the structure or property served to the District’s System. Excavators requiring information on the location of a property owner’s service lines located on private property must contact the property owners in addition to any other notification required herein. The District shall locate service lines only to the extent they are located within dedicated public rights-of-way.

- 14.2 Definitions. As used in these Regulations, unless the context otherwise requires, the following definitions of terms shall apply:

- .01 “Business Day” shall mean a twenty four hour day Monday through Friday in which the office of the District is open, not including any legal holidays, as designated under Colorado or federal law, or any weekend days.
- .02 “Damage” includes the penetration or destruction of any public sewer main, lift station or other sewer facility of the District or any service line or connection of a property owner, the partial or complete severance of any such facility or the rendering of any such facility inaccessible.
- .03 “Emergency Situations” includes ruptures and leakage of pipelines, explosions, fires, and similar instances where immediate action is necessary and advance notice of proposed excavation is impracticable under the circumstances.
- .04 “Excavation” means any operation in which earth is moved or removed by means of any tools, equipment, or explosives, and includes auguring, backfilling, ditching, drilling, grading, plowing in, plugging in, ripping, scarring, trenching and tunneling. “Excavator” means any “person” engaging in “excavation” as herein defined.
- .05 “Notice of Excavation” shall mean notice given by an excavator to the Colorado Utility Notification Association or directly to the District at least two (2) full business days prior to commencement of excavation, not including the day of actual notice. Such notice may be given in person, by telephone, or in writing delivered.

- .06 “Owner” or “Operator” in the case of District facilities means the Wheat Ridge Sanitation District, as a Colorado special district and a political subdivision of the State of Colorado having the right to bury its public sewer facilities in or near a public road, street, alley, right-of-way, or utility easement. The District is the “owner” and “operator” only of its public sanitary sewer facilities in the public right-of-way and/or in any utility easement, which facilities include only the public sanitary sewer mains and any pump or lift stations. The terms “owner” and “operator” shall also include individual private property owners who are persons having the right to bury their service lines connecting their structures or property with the public sewer main in or near a public road, street, alley, right-of-way or utility easement. Individual property owners are the “owners” and “operators” of their private service lines between their structures and the connection with the public sewer main, including those portions of the service line which are within the public right-of-way or any District easement.
- .07 “Person” means any individual, partnership, association, corporation, or joint venture; the state, any political subdivision of the state or any instrumentality or agency of either; or the legal representative of any of them.
- .08 “Underground Facility” as that term applies to the District, means the District’s underground public sanitary sewer mains along with any buried lift stations or pump stations owned and operated by the District in connection with the storage or conveyance of sewage to the District’s facility. The term “underground facility” as it applies to individual private property owners as the “owners” and “operators” of their service lines, means the service line connecting the property owner’s structure or property with the public sewer main and the connection device itself and includes that portion of the service line extending from the structure to the connection with the public sewer main, including those portions which are within the public right-of-way or any District easement.

14.3 Location and Marking of The District’s Public Sewer Mains and Wyes or Connections.

- .01 Upon notice given by the excavator to the Utility Notification Association of Colorado, Inc. or directly to the District in person, by telephone or in writing delivered, at least two (2) full business days in advance of commencement of excavation, not including the day of actual notice, the District will advise the excavator of the location and size of its underground facilities by marking the location of its public sewer mains, pump stations and lift stations and the wyes or connections to the mains in the public

right-of-way or any District utility easement with clearly identifiable markings to the extent practical within eighteen (18) inches horizontally from the exterior sides of the mains and connections, along with the depth thereof, if known to the District, and shall be made pursuant to the uniform color code as approved by the utility location and coordinating council of the American Public Works Association. Contractors are requested to give the District at least seven (7) business days WRITTEN NOTICE, if possible, in advance of the date that such marking must be completed.

In the event such location and marking cannot be completed within two (2) full business days of receipt of notice by the District, then the District and the excavator shall agree upon a reasonable later period of time by mutual consent. Such notice must include the name and telephone number of the excavator; the name and telephone number of the party giving notice; and specific location, starting date and description of the intended excavation activity. Because of traffic and weather which may obliterate markings on the pavement, the District will only guarantee the accuracy of the markings for thirty (30) calendar days as provided in the Excavation Requirements Statute. If the excavation has not been completed within such thirty (30) day period, the excavator shall notify the District and the Utility Notification Association at least two (2) full business days before the end of such thirty (30) day period, not including the day of actual notice.

- .02 The excavator is responsible for maintaining adequate and accurate information on the location of the District's underground facilities throughout the excavation period. If such information becomes lost or invalid the excavator shall notify the Association and the District to request an immediate reverification of the location of the District's underground facilities. Upon receipt of such notification, the District shall respond as quickly as is practicable to complete reverification. Ordinarily, such reverification will take up to at least two (2) full additional business days. The excavator shall cease excavation at the affected location until the location has been re-verified. If such reverification is necessary due to the actions of the excavator in losing or somehow rendering location information invalid, the excavator shall pay the full cost of such reverification directly to the District. If the excavator continues excavation while such reverification is being completed, he shall be solely responsible for the cost of repairing any damage to the District's underground facilities which occurs as the result of such excavation.

The District does not have and is not legally obligated to maintain information on the location of private property owner service lines on private property, and takes no responsibility whatsoever for the location or

marking of property owner sewer service lines on private property. However, the District will mark the location of its public sewer mains and connections within District utility easements on private property. Persons engaging in excavation who require information on the location of customer service lines on private property must contact the individual property owners for further information and to request line location at least two (2) business days in advance using the same procedures set forth herein and in the Colorado Excavation Requirements Statute. The District does not provide services for location and marking of property owner service lines on private property. The District accepts no responsibility for any damage caused to customer service lines on private property resulting from failure of an excavator to contact the property owner in advance for information on the location of such service lines.

- 14.4 On-Site Construction Observation. In order to avoid damage to the District's underground facilities and customer service lines, the District may send a representative to the site of an excavation to observe such excavation activities and assist the excavator with any problems in locating public sewer mains, connections or service lines. The excavator shall give District representatives full cooperation in such on site observation.
- 14.5 Emergency Situations. In an emergency situation, contractors and other excavators shall take such precautions as are reasonable under the circumstances to avoid damage to the District's public sewer mains and other underground facilities and must notify the District and the Utility Notification Association as soon as possible of such emergency excavation. In the event of damage to any underground District facility, the excavator shall immediately repair and shall take whatever actions are necessary to prevent further damage or threats to public health and safety. An "emergency situation" includes ruptures and leakage of pipelines, explosions, fires, and similar instances where immediate action is necessary and advanced notice of proposed excavation is impracticable under the circumstances.
- 14.6 Damage to an Underground Facility. Pursuant to the Excavation Requirements Statute, in the event of damage to a District sewer main line, connection or service line, the excavator and District shall cooperate to mitigate damages to the extent reasonably possible. If such damage is due to the actions of the excavator, then the excavator shall be solely responsible for payment of the cost of such repairs.
- 14.7 Membership in Utility Notification Association of Colorado. As required pursuant to the Excavation Requirements Statute, the Wheat Ridge Sanitation District is a member of the Utility Notification Association of Colorado. All requests for location and marking of District sewer lines should initially be directed to the

Utility Notification Association of Colorado to arrange for such location and marking.

- 14.8 Injunctive Action. If any person has repeatedly engaged in excavation which has resulted in damage to the District's public sewer mains, the District may commence an action, in the District Court of Jefferson County, for a temporary restraining order or injunction to prevent negligent and unsafe excavation and to avoid damage. The District may further institute an action for collection of compensatory damages for damage to District public sewer main lines.
- 14.9 Pre-Construction Meetings. The attendance of a representative of the District at a pre-construction meeting held by a person engaged in excavation, prior to commencement of excavation shall not constitute notice to the District of a request for line location and marking under these Regulations or under the Colorado Excavation Requirements Statute. The presence of plans or drawings of the proposed excavation at such meeting shall also not be considered adequate notice of excavation. Any advanced notice of commencement of excavation and request for line location must strictly conform to the requirements of these Regulations and the Colorado Excavation Requirements Statute. Any representative of the District who attends a preconstruction meeting held by a person engaged in excavation shall provide a disclaimer letter to the excavator setting forth the above. Such letter shall clearly state that the excavator must provide the notice specified herein in the form and time period required prior to commencement of excavation.

APPENDIX A

CALCULATION OF NON-RESIDENTIAL UNITS PER SFRE BY WATER SERVICE SIZE

SECTION 7-METRO WASTEWATER RULES AND REGULATIONS

APPENDIX A
TABLE 1

Wheat Ridge Sanitation District Rules and Regulations

Water Service Tap Size, Inches	Number of SFE's
3/4	2.0
1	4.8
1-1/2	11
2	20
3	43
4	86
6 or larger	New connections served by multiple new water service taps with a combined number of single family equivalence greater than or equal to 205 shall have the number of single family equivalents determined in accordance with Section 1.4(b) and 1.4(c)

SECTION 7

SEWER CONNECTION CHARGE SYSTEM

7.1 GENERAL

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

7.2 GEOGRAPHICAL AREA OF APPLICATION AND RESPONSIBILITY

7.2.1 **Area of Application.** The sewer connection charge is applicable for all new or altered sewer connections in the entire service area from which wastewater flow enters the Metro District System. Each connecting municipality and special connector is responsible for meeting the obligations of the Sewer Connection Charge System for all sewer connections within its service area and those areas it serves by contract. A map of each servicing municipality's geographical service area and political boundaries showing street numbers and names at boundaries shall be furnished to the Metro District. Maps shall be of legible standard size and to a scale of not less than 1 inch equals one-half mile. All changes to the service area shall be reported to the Metro District and new maps furnished annually if changes are made. The map showing any changes must be submitted within sixty (60) days after the end of the calendar year.

7.2.2 **Overlap Area.** When the service area boundaries of a servicing municipality extend into the political boundaries of another municipality, the area shall be known as an overlap area. Overlap areas shall be the responsibility of the servicing municipality. Where there are disputes concerning such responsibility, the Manager or his designated representative shall assign responsibility and transmit this assignment in writing to the affected municipalities involved.

7.2.3 **Service Area Extensions.** After January 1, 1983, if a connecting municipality or a special connector extends service to an area with an existing sewer system or to an area with existing structures, each individual existing connection is considered a new sewer connection. The sewer connection charge is applicable to each new sewer connection in the service area extension, with the exception that for any connection which was served directly or indirectly by the Metro District on January 1, 1983, there shall be no charge.

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

7.3 APPLICATION FOR CONNECTION TO SEWER

- 7.3.1 **Standard Forms.** The connecting municipality or special connector is responsible for seeing that all relevant information regarding connections within its service area and the service area of any contracting municipality served by it is provided to the Metro District. Copies of suggested report forms may be obtained from the Metro District.
- 7.3.2 **Disposition of Application.** The connecting municipality or special connector shall receive and retain all completed forms and file such forms in a systematic order for review by the Metro District.

7.4 SINGLE FAMILY RESIDENTIAL PROPERTY

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

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

7.5 OTHER THAN SINGLE FAMILY RESIDENTIAL PROPERTY

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

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

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

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

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

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

Effective Through 12/31/14

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

Effective 01/01/15

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

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

AND

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

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

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

Effective Through 12/31/14

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

Effective 01/01/15

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

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

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

7.5.2 Other Water Service Tap Sizes. For water service tap sizes which are not denoted in Section 7.5.1, the next larger size shall be used. For example, a 1-1/4 inch service shall be considered as a 1-1/2 inch service. If taps larger than 10 inches are made, SFREs shall be determined by the Metro District on the basis of expected wastewater discharge relative to those sizes shown.

7.5.3 Multiple Water and/or Sewer Taps. When a building, structure, or premise is served by more than one water service tap, the Single Family Residential Equivalent shall be the sum of equivalents of each tap. Where a building, premise, or structure has more than one physical sewer connection, the sewer connection charge shall be determined by the water service tap size serving the premise.

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

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

7.5.6 **Exemptions.** Water service taps installed solely for fire protection purposes (such as fire hydrant branches, fire sprinkler systems, standpipes, etc.), irrigation purposes, redundant systems for public safety, or other purposes which do not discharge to the sewer system are excluded from the assignment of SFREs and payment of a sewer connection charge. Plans and specifications for all redundant systems must be approved by the Metro District prior to installation and any change whereby both systems can operate simultaneously will void the exemption. This exemption shall only apply to these excluded functions. Any use of any water through an exempted tap which will result in discharges to the sewer will void the exemption and shall require payment of a sewer connection charge for the tap at the then current charge. The District Manager reserves the right to judge whether a water tap qualifies for this exemption, based upon such documentation as may be provided in requesting such exemption. The form requesting exemption or reduction shall be filled out by each applicant. Copies of the required form may be obtained from the Metro District.

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

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

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

7.6 ALTERED CONNECTION

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

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

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

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

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

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

7.7 REPORTING AND PAYMENT

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

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

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

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

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

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

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

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

7.8 RIGHT TO AUDIT

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

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

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

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

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

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

7.10 CAPITAL RECOVERY CHARGE IN LIEU OF SEWER CONNECTION CHARGE

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

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

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

9/86
3/94
4/96
10/98
4/99
10/99
1/01
4/03
3/06
6/14

APPENDIX B

FEE SCHEDULE