

PART A

SEWER USE REGULATIONS

ARTICLE I

TITLE

SECTION 1 - TITLE AND GENERAL PROVISIONS:

The title of these Regulations shall be the Sewer Use Regulations of the Fountain Sanitation District. This document may be cited as such or may be referred to as "these Regulations."

SECTION 2 - GENERAL PROVISIONS; PURPOSE AND POLICY:

These Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Fountain Sanitation District and enables the District to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, the Clean Water Act of 1977, the Water Quality Act of 1987 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of these Regulations are:

- A. To prevent the introduction of pollutants into the public wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- B. To prevent the introduction of pollutants into the public wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system.
- C. To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system; and
- D. To provide for equitable distribution of the cost of the public wastewater system.

These Regulations provide for the regulation of direct and indirect contributors to the public wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

These Regulations shall apply to the Fountain Sanitation District and persons outside the District who are, by contract or agreement with the District, users of the District's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Manager of the District POTW shall administer, implement, and enforce the provisions of the Regulations.

SECTION 3 - RECOVERY OF COSTS:

- A. It is the purpose of this section to provide for the recovery of costs from users of the District's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth as appropriate in these Regulations.
- B. The District may adopt charges and fees which may include:
 - 1. Fees for reimbursement of costs of setting up and operating the District's Pretreatment Program.
 - 2. Fees for monitoring, inspections and surveillance procedures.
 - 3. Fees for reviewing accidental discharge procedures and construction.
 - 4. Fees for permit applications.
 - 5. Fees for filing appeals.
 - 6. Fees for consistent removal (by the District) of pollutants otherwise subject to Federal Pretreatment Standards.
 - 7. Other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by these Regulations and are separate from all other fees chargeable by the District.

SECTION 4 – LICENSE

Receipt of sanitary sewer service from the District shall in all cases be deemed a grant of a license to enter the subject property to the District to ensure compliance with these Regulations (including but not limited to inspection of any service lateral, installation of a sewer shut-off valve, and disconnection and connection of sanitary sewer service for the subject property); reasonable access over and across each subject property is granted for such purposes. The license so granted is necessary for the District to protect its sanitary sewer system, including all treatment plants, and otherwise to protect the public health and safety.

ARTICLE II

DEFINITIONS

SECTION 1 - DEFINITIONS:

- A. Unless the context specifically indicates otherwise, the following terms, as used in these Regulations, shall have the meanings hereinafter designated:
1. 208 SERVICE AREA shall mean that territory identified as the service area for Fountain Sanitation District in the regional water quality management plan of the Pikes Peak Area Council of Governments Water Quality Planning Association (the 208 agency) or its successor 208 agency, which plan is current.
 2. ACT shall mean the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and subsequent amendments (e.g., Clean Water Act of 1977 and Water Quality Act of 1987).
 3. APPROVAL AUTHORITY shall mean the Region 8 Administrator of the Environmental Protection Agency, until such time as authorization is granted to the state of Colorado Department of Public Health and Environment.
 4. AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER means:
 - a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
 - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
 - c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.
 5. BEST MANAGEMENT PRACTICES (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions of these Regulations. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 6. BOD or BIOCHEMICAL OXYGEN DEMAND shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods of five (5) days at twenty degrees (20°) Centigrade, expressed in terms of weight and concentration (milligrams per liter).
 7. BIOCIDES shall mean those chemical compounds commonly known as herbicides, fungicides, rodenticides, insecticides, or bactericides.
 8. BOARD shall mean the Board of Directors for the Fountain Sanitation District.
 9. COLORADO DISCHARGE PERMIT SYSTEM (CDPS) is defined with NPDES.

10. COLLECTION LINE shall mean that portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant, excluding service lines.
11. COLLECTION SYSTEM EXTENSIONS shall mean District designed and requested installation of wastewater collection system extensions that attach to installed Developer Designed Wastewater Collection System that would allow the District to serve properties not associated with the Subdivision.
12. COMPLIANCE SCHEDULE shall mean a schedule containing increments of progress in the form of dates for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.
13. COMPOSITE SAMPLE shall mean a series of grab samples of equal volume taken over a predetermined time period without regard to flow and which are combined into one sample.
14. CONSUMPTIVE USE ALLOWANCE shall mean the technical determination of the volume of potable water purchased through the local water provider which is not discharged to the sanitary sewer.
15. CONVENTIONAL POLLUTANT shall mean BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this District's CDPS permit for its wastewater treatment works where said works have been designed and used to reduce or remove pollutants.
16. COOLING WATER shall mean the water discharged from uses such as air conditioning or refrigeration or to which the only pollutant added is heat.
17. CROSS CONNECTION shall mean any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or water of questionable safety, through which, or because of which, backflow or back-siphon may occur which would contaminate the potable water system.
18. CUSTOMER shall mean the person or authorized agent of the person designated on the records of the District as the person responsible for payment of charges incurred for the use of the District's POTW at the premises being served.
19. DEVELOPER DESIGNED WASTEWATER COLLECTION SYSTEM shall mean that wastewater collection system designed by the Developer with a hydraulic capacity equal to or greater than that necessary to serve the Subdivision, whether internal or external to the Subdivision, which connects to existing District Wastewater Collection System.
20. DISCONNECT VALVE, also sometimes referred to as a SEWER SHUT-OFF VALVE, shall mean a device installed in the service lateral serving a property and typically located on that property, parcel or unit that enables the District to shut off sanitary sewer service to the property.
21. DISTRICT shall mean the Fountain Sanitation District, the operating organization

responsible for the operation and maintenance of the wastewater treatment system.

22. DOMESTIC WASTES or SANITARY WASTES shall mean liquid wastes:
 - a. From the noncommercial preparation, cooking and handling of food, or
 - b. Containing only human excrement and similar matter discharged into a collection line from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
23. DUPLEX DWELLING shall mean a single structure comprising separate housing for two domestic users with separate entrances and exits and separately used sanitary conveniences in each dwelling unit on the premises.
24. EQUIVALENT RESIDENTIAL UNIT (ERU), also referred to as SINGLE FAMILY EQUIVALENT UNIT (SFEU), is defined as an individual residential or non-residential use serviced by a water meter.
25. EXISTING SOURCE shall mean a source of Indirect Discharge, the construction of which commenced prior to the publication of the proposed Categorical Pretreatment Standard which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act or as otherwise specified in the applicable Categorical Standard.
26. EXTERNAL COLLECTION SYSTEM shall mean the District and/or Developer-constructed wastewater gravity sewer lines, manholes, pump stations, pressure sewer lines, and/or appurtenances, that are located outside the Subdivision, that connect to the existing District wastewater collection system.
27. EXTRA COST CHARGE shall mean additional monitoring time and material costs incurred by the District charged to the responsible user, and which are necessitated by a violation of applicable environmental standards. Such charges may include but not be limited to inspection time, sampling time, administrative review time, overhead charges, equipment or machine time, labor, sampling costs, lab fees, and any other charges deemed necessary by the Manager to determine a user's compliance with these Rules and Regulations.
28. FIXTURE UNIT EQUIVALENT shall mean the unit value prescribed for plumbing fixtures as set out in the International Plumbing Code, latest edition, computed on the basis of the design capability of such fixture to permit the flow of water or wastewater.
29. GARBAGE shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.
30. GRAB SAMPLE shall mean a singular sample of a user's effluent which is taken during the user's normal operating day without regard for variations in daily operational characteristics, flow or concentration of pollutants.
31. GREASE AND OIL PERMIT PROGRAM (GOPP) shall mean Permitting Requirements as set forth in Part D of these Rules and Regulations specific to the control of non-petroleum organic polar compounds derived from animal or plant sources such as fats,

non- hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in the 40 CFR Part 136.

32. HAZARDOUS CONDITION shall mean a condition which, in the judgment of the Manager, poses a threat to the life, health or safety of any person, or which may result in damage to property.
33. HAZARDOUS WASTE shall mean any waste designated as hazardous under the provisions of 40 CFR Part 261.
34. INCOMPATIBLE POLLUTANT shall mean any pollutant which is not a "conventional pollutant" as defined in Item (A) (15) of this Section.
35. INDIRECT DISCHARGE shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
36. INDIVIDUAL WASTEWATER DISPOSAL SYSTEM shall mean a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the wastewater treatment system of the District.
37. INDUSTRIAL USER shall mean a source of indirect discharge under regulations pursuant to the Act or for which pretreatment standards have been published by the Environmental Protection Agency or for which local pretreatment standards have been established or any other nondomestic waste discharge.
38. INDUSTRIAL WASTE shall mean any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process or operational procedures of an industrial user.
39. INDUSTRIAL WASTEWATER DISCHARGE PERMIT is a permit issued to an Industrial User by the District that allows, limits, and/or prohibits the discharge of pollutants or flow to the POTW as set forth in Article X of these Regulations.
40. INTERCEPTOR SYSTEM shall mean a sanitary sewer line, a wastewater pump station and force main, or a combination thereof, which receives wastewater flows from one or more tributary wastewater collection service basins. The District shall identify existing and proposed interceptor lines and the wastewater collection service basins currently served or proposed to be served through said interceptor lines.
41. INTERFERENCE shall mean inhibition or disruption of the publicly owned treatment work's (POTW's) sewer system, treatment processes or operations or which contributes to a violation of any requirement of the District's CDPS permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the POTW.
42. INTERNAL COLLECTION SYSTEM shall mean the Developer constructed wastewater

gravity sewer lines, manholes, pump stations, pressure sewer lines, and/or appurtenances that are located within the Subdivision boundaries.

43. LOCAL LIMIT shall mean any regulation containing pollution discharge limits promulgated by the District in accordance with 40 CFR Section 403.5(c) and (d), which are deemed to be Pretreatment Standards.
44. MANAGER shall mean General Manager of the Fountain Sanitation District or his or her designated representative.
45. MASTER PLUMBER shall mean a master plumber as defined in and licensed pursuant to Article 58 of Title 12 of the Colorado Revised Statutes, as the same may be now or hereafter amended, and registered with the Regional Building Department.
46. MULTIFAMILY DWELLING shall mean a single structure comprising separate housing for more than two domestic users with separate entrances and separately used sanitary conveniences in each dwelling unit on the premises.
47. NPDES or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM shall mean the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act. This shall be analogous with the term CDPS, Colorado Discharge Permit System, wherein the State of Colorado is delegated the authorities and responsibilities outlined above.
48. NEW SOURCE shall mean:
 - a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (2), or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous onsite construction program:
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

49. NONRESIDENTIAL BUILDING shall mean a building that is not residential in nature and whose wastewater discharges and may be subject to the District's Industrial Pretreatment Program.

50. NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater that when analyzed by standard methods contain no more than 200 milligrams per liter of total suspended solids (TSS) and 200 milligrams per liter of BOD5, and three hundred (300) milligrams per liter of COD.

51. OPERATING DAY shall mean that portion of a twenty-four (24) hour day during which industrial waste is discharged or generated.

52. OVERSIZE shall mean the difference between a District-requested increase in the hydraulic capacity of Wastewater Facilities needed to serve either a portion of or the entire anticipated sewage flow generated within its associated sewer basin and the flow generated from the request for service, subject to District minimum pipe size allowed, that requires the installation of the Wastewater Facilities.

53. PASS THROUGH shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

54. PERMIT TO DISCHARGE POLLUTANT WASTES shall mean a document required to be completed by any users of the District's sanitary sewer system in which the user(s) acknowledge their agreement to the terms and conditions stated therein.

55. PERSON shall mean any individual, firm, company, partnership, co- partnership, joint stock company, corporation, association, trust, estate, group or society and includes all federal, state or local agencies, districts, commissions, entities and political subdivisions created by or pursuant to State or Federal law.

56. pH shall mean the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).
57. PLANT INVESTMENT FEE shall mean a one-time capital charge assessed against new users of the wastewater treatment system to finance capital improvement of the wastewater treatment system. Such a charge shall mean the dollar value of the Plant Investment Fee, as established by the District Board of Directors and is subject to change by Board action.
58. POLLUTANT shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) discharged into or with water.
59. PREMISES shall mean a lot, parcel of land, building or establishment.
60. PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW from a source of Indirect Discharge. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).
61. PRETREATMENT REQUIREMENT shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
62. PRETREATMENT STANDARDS, National Pretreatment Standards, or Standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 and includes the General and Specific Prohibitions, local limits, and Best Management Practices that are or may be established by the District. In cases of differing standards or regulations, the more stringent shall apply.
63. PUBLICLY OWNED TREATMENT WORKS (POTW) shall mean the publicly owned treatment works of the Fountain Sanitation District as generally defined by Section 212 of the Act. The Fountain Sanitation District's POTW includes the following:
 - a. Any device and/or system used in the storage, treatment, recycling and reclamation of domestic wastewater or industrial wastes of a liquid nature.

- b. Any sewer, pipe and other conveyance apparatus which conveys wastewater to or from the Fountain Sanitation District's POTW treatment plant.
 - c. The District as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges to and the discharge from such treatment works.
64. RECEIVING WATER shall mean lakes, rivers, streams or other watercourses which receive treated or untreated wastewater.
65. RECOVERY AGREEMENT CHARGE shall mean a charge that may be assessed for each connection to a collection line and/or use of a pumping facility, where such line or facility was constructed by the District or is the subject of a recovery agreement between the District and the person/entity who constructed such line or facility. Such charge shall be in an amount which represents a pro-rata share of the cost of construction of the line or facility and shall be collected prior to approval of the Development Plat or, prior to issuance of a building permit for new construction for pre-existing platted developments, prior to being served by Fountain Sanitation District.
66. REGIONAL BUILDING OFFICIAL shall mean the Director of the Regional Building Department of El Paso County, Colorado, or his or her designated representative.
67. RESIDENTIAL UNIT shall mean a single-family dwelling, duplex dwelling or multifamily dwelling as defined in these Regulations.
68. SERVICE LINE or SERVICE LATERAL shall mean the wastewater collector line extending from the wastewater discharge point of the premises up to and including the connection onto the District main wastewater collection line.
69. SEWER SHUT-OFF VALVE, also sometimes referred to as a DISCONNECT VALVE, shall mean a device installed in the service lateral serving a property and typically located on that property, parcel or unit that enables the District to shut off sanitary sewer service.
70. SHALL, WILL, MAY: "Shall" and "will" are mandatory; "may" is permissive.
71. SIGNIFICANT INDUSTRIAL USER means:
- a. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N
 - b. Any other industrial user that:
 - (1) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the District's wastewater treatment system (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the District's wastewater treatment system.
 - (3) Is designated as such by the Manager on the basis that the industrial user has

a reasonable potential for adversely affecting the District's wastewater treatment system or for violating any pretreatment standard or requirement.

72. SIGNIFICANT NONCOMPLIANCE shall mean a violation of these Regulations which meets one or more of the following criteria:

- a. Violations of wastewater discharge limits
 - (1) Chronic violations of wastewater discharge limits are those in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.
 - (2) Technical Review Criteria (TRC) violations of wastewater discharge limits are those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit and the applicable TRC.
 - (a) Conventional pollutants BOD, TSS, Fecal coliform, Oil and Grease TRC equals one and four tenths (1.4) (forty percent (40%) over the limit).
 - (b) All other pollutants TRC equals one and two tenths (1.2) (twenty percent (20%) over the limit) except pH.
 - (3) Any other violation of an effluent limit (daily maximum or longer-term average) that the District determines has caused, alone or in combination with other discharges, interference or pass through or endangered the health of the District's personnel or the public.
- b. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
- c. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- d. Failure to provide within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
- e. Failure to accurately report noncompliance.
- f. Any other violation or group of violations which the District determines will adversely affect the operation and or implementation of the local pretreatment program.

73. SINGLE FAMILY DWELLING shall mean a detached residence, and attached townhome/townhouse, a modular home, a trailer, home, or a recreational vehicle including the premises and the service connection to each structure.

74. SINGLE FAMILY EQUIVALENT UNIT (SFEU), also referred to as Equivalent Residential

Unit (ERU), is defined as an individual residential or non-residential use serviced by a water meter.

75. SLUG DISCHARGE shall mean any discharge of water, sewage or industrial waste which:
- a. Contains any substances regulated by Article VIII in concentrations which exceed for any period longer than ten (10) minutes more than five (5) times the average daily concentration of that substance during normal operations and exceeds the limitations contained in Article VIII; or,
 - b. Causes a twofold or more increase in discharge rate for a period longer than twenty (20) minutes; or,
 - c. Causes the user's effluent to violate the pH limitations provided in Article VIII for a period longer than twenty (20) minutes.
76. STANDARD INDUSTRIAL CODE (SIC) shall mean a numerical code indicating the classification of users pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987 and amendments thereof or supplemented by the District.
77. STORMWATER shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
78. TOTAL DISSOLVED SOLIDS (TDS) is a measure of the combined content of all inorganic and organic substances contained in the wastewater in molecular, ionized or micro-granular suspended form and which passes through a 0.2 µm filter and expressed in terms of milligrams per liter (mg/L).
79. TOTAL SUSPENDED SOLIDS (TSS) shall mean the total suspended matter, expressed in mg/L, that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.
80. TOXIC POLLUTANT is any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307 (a) of the Act or as otherwise listed at 40 CFR Part 122, Appendix D.
81. UNPOLLUTED WATER is water not containing any substances limited or prohibited by the effluent standards in effect or water whose discharge will not cause any violation of receiving water quality standards.
82. USER shall mean any person who discharges or causes or permits the discharge of wastewater into the District's wastewater treatment system.
83. USER CLASSIFICATION shall mean a classification of users based on the 1987 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Federal Office of Management and Budget.
84. WASTEWATER shall mean the liquid and water-carried industrial or domestic wastes

from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the District's wastewater treatment system.

85. WASTEWATER COLLECTION SERVICE BASIN (Service Basin) shall mean an area whose wastewater flows are or are intended to be tributary to a common sewer interceptor line. Each service basin can be further subdivided into sub-basins that are tributary to a larger service basin. Sub-basins may exist in a nested, hierarchical structure and shall be designated as such by the District.

86. WASTEWATER TREATMENT SYSTEM or WASTEWATER SYSTEM shall mean:

- a. Any devices, facilities, structures, equipment or works owned or used by the District for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, collection lines, pumping, power and other equipment, and their appurtenances and excluding service lines.
- b. Extensions, improvements, additions, alterations or any remodeling thereof.
- c. Elements essential to provide a reliable recycled supply such as standby treatment units; and
- d. Any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

B. Terms not otherwise defined herein shall have the meanings adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SECTION 2 - COUNTY HEALTH DEPARTMENT, HEALTH OFFICER:

Any reference in these Regulations to the "Department of Health" or "the Health Department" shall mean the Department of Health of El Paso County. Any reference in these Regulations to the "Health Officer" shall mean the Health Officer of the Department of Health of El Paso County, or his designated representative.

ARTICLE III

DISTRICT RESPONSIBILITIES

SECTION 1 - RESPONSIBILITY OF THE DISTRICT:

The District shall be responsible for the wastewater systems and wastewater treatment facilities serving the District and such other areas as authorized by the Board of Directors.

SECTION 2 - RESPONSIBILITY OF MANAGER:

The Manager of the District shall be responsible for the management of the wastewater system of the District and all the property appertaining thereto. They shall see that such a system is kept properly cleaned and in good working order and repair. They shall insure proper compliance with all local, State and Federal regulations for collection, treatment and discharge of wastewater and shall perform all other duties in connection with such system as may be required by the Board of Directors.

SECTION 3 - RULES AND REGULATIONS; POLICIES AND PROCEDURES

The Manager may develop such revisions or modifications to these Regulations as necessary to address changes in regulatory conditions pursuant to the Act, modifications to protect the wastewater system as such needed modifications are identified from time to time, and to accommodate changes in available construction, operation and maintenance materials, methods and procedures which may benefit the integrity of the District's wastewater system. The Manager shall present such modifications to the Board at a regular public meeting open to the public. Such revisions and modifications to the Regulations shall become effective upon adoption by the Board of Directors of the District.

The Manager may adopt policies and procedures consistent with the provisions of these Regulations for the administration of the wastewater system. Policies and procedures adopted by the Manager pursuant to these Regulations shall pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards for installation of wastewater lines and services and implementation of standards promulgated pursuant to the Act. In establishing such policies and procedures, the Manager shall seek to establish standards that will assure safe, efficient operation of the wastewater system, that will limit wastewater discharges to the system to concentrations and quantities which will not harm either the wastewater system, wastewater treatment process or equipment, that will not have an adverse effect on the receiving water or will not otherwise endanger persons or property or constitute a nuisance. Such policies and procedures shall become effective after ratification by the Board of Directors of the District.

SECTION 4 – DELEGATION OF AUTHORITY:

The Manager is empowered to delegate to other District employees such of the Manager's administrative and ministerial duties or tasks as the Manager in their discretion deems appropriate in the interest of the District.

ARTICLE IV

WASTEWATER SERVICE

SECTION 1 - SERVICE; APPLICATION FOR:

Any person within the boundaries of the District desiring to connect a service line to the wastewater treatment system of the District, or to add fixtures to an existing connection, shall make an application to the District for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Manager to determine compliance with all ordinances, regulations or rules concerning the wastewater system. Any such application shall be disapproved if it fails to comply with all laws, ordinances, regulations or rules concerning the wastewater system of the District. Upon approval of such application and connection to the District's system, such user receiving wastewater service shall pay therefore in accordance with the applicable rates, rules and regulations.

SECTION 2 - SERVICE OUTSIDE THE DISTRICT; POLICY:

Except for service provided by special contract, the policy of the District relating to the furnishing of wastewater treatment service to users located outside the boundaries of the District requires petition for inclusion in the District prior to discharge of water to the District's wastewater system. The District expressly reserves the right, as may be limited by State or Federal law, to impose such conditions as it may see fit relative to furnishing such service and may refuse such service in its discretion.

SECTION 3 - SERVICE OUTSIDE THE DISTRICT; APPLICATION FOR:

Any person outside the District desiring to connect a service line and/or add fixtures to an existing connection which is located outside the District limits shall make a petition for inclusion in the District and shall comply fully with these Regulations. Such a person shall then make an application to the District for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Manager to determine compliance with all regulations or rules concerning the wastewater system. Any such application shall be disapproved if it fails to comply with all laws, regulations or rules concerning the wastewater system of the District.

SECTION 4 - SERVICE; SPECIAL CONTRACT:

- A. Notwithstanding Sections 2 and 3 above, the District may provide by special contract for the use of and connection to the District's wastewater treatment system by institutions, plants, organized sewer districts, municipal corporations or other similar users which are located outside the boundaries of the District. Such use of or connection to the District's wastewater treatment system shall be subject to such terms and conditions as the District may see fit to impose.
- B. Contracts entered into pursuant to this Section shall provide for compliance by the user with the discharge prohibitions and limitations contained in these Regulations. Such contracts shall require the user to:
 - 1. Submit to the jurisdiction of the District for the purposes of the enforcement procedures

and penalties set out in these Regulations; and

2. Stipulate liquidated damages for violation of the provisions of these Regulations in an amount equal to the penalties imposed herein.
- C. The requirements of subsection B2 of this Section shall not apply to contracts entered into pursuant to this Section that provide for acceptance by the District of only normal domestic strength wastewater. However, such contracts shall provide that any discharge of industrial wastewater by the user shall subject such user to consequential damages for breach of contract, including but not limited to any amounts the District may be required to pay for violation of the conditions of its CDPS permit where the discharge of the user caused or contributed to such violation. Discharges of industrial wastewater by a user bound by such contract shall not be accepted by the District except with prior notice to the District and execution of an amended or additional contract to which the requirements of subsection B2 of this Section shall apply.
- D. Contracts for use of or connection to the wastewater treatment system of the District in force and effect on the effective date of these Regulations shall remain in full force and effect in accordance with the terms and conditions thereof.

ARTICLE V

CONNECTION AND INSTALLATION OF SYSTEM

SECTION 1 - CONNECTION REQUIRED:

In accordance with C.R.S. section 32-1-1006, the owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right of way in which there is now located or may in the future be located a collection line of the District, is hereby required at such owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper collection line in accordance with the provisions of these Regulations within ninety (90) days after official notice to do so, provided that said collection line is within four hundred feet (400') of the property line. Under unusual circumstances, including but not limited to unique topographical characteristics, the Board of Directors, with the recommendation of the Manager, may waive the connection requirement herein stipulated. Request for a waiver must be received in writing. Granted waivers must also have the consent and approval of the Health Department.

SECTION 2 - CONNECTION OR DISCONNECTION; PERMITS:

A permit issued by the District is required for each connection or disconnection made to or from the wastewater treatment system of the District. Such a permit will be required for all new connections, existing connections where additional fixtures are to be installed, and for disconnections. Permits for connection or disconnection shall be issued only to licensed plumbers. Discharge permits for significant industrial users shall be required as provided in Articles XI and XII of these Regulations in addition to the connection permit.

SECTION 3 - UNAUTHORIZED CONNECTIONS PROHIBITED:

It shall be unlawful to uncover, make any connections with or openings into, use, alter or disturb any collection line or appurtenance thereof, without first obtaining written permission from the District. Such connections shall be made in compliance with Building and Plumbing Codes currently applicable in the District's service area, District technical specifications and other applicable Regulations, policies, and procedures of the District.

SECTION 4 - CONNECTION TO SYSTEM; INSPECTION BY DISTRICT:

All new service lines must be inspected by the District prior to being connected to a District collection line. The applicant for the wastewater service permit shall notify the District at least twenty-four (24) hours in advance of when the service line is ready for inspection and connection to the collection line. The connection and testing required by the District shall be made under the supervision of the authorized designee of the District. Inspection by the District shall not subject the District to any liability for any deficiency or defect which is not discovered by inspection, nor shall such inspection absolve the owner or developer of such premises from liability for any deficiency or defect and any resulting damage or from responsibility to correct any deficiency or defect.

SECTION 5 - COLLECTION LINES; MANNER OF EXTENSION:

Collection lines to collect and intercept wastewater from and throughout areas or additions shall be

extended by the owner and/or developer of a premises to be served by such lines from the existing collection line to the farthest point or points upgrade of such premises. If the Manager determines that extension of collection lines to the farthest point or points upgrade is not necessary for efficient expansion of the wastewater treatment system, the Manager may waive the requirement of such extension. In any event, collection lines shall be extended by the owner and/or developer of premises to be served by such lines from the existing collection line to a point which permits the shortest possible service line between the collection line and the property line of the premises served thereby. Thereafter said collection lines shall be extended to adjoining premises in compliance with the latest edition of the District's Regulations and Specifications. Extensions shall not be made for remote or isolated services unless the applicant requesting such service shall provide for the cost of such extension to the point of service and such extension is approved by the Manager. The District may request the owner(s) and/or the developer to oversize any collection line as part of an extension to provide capacity. In the event of such request, the District may pay the incremental increased material costs for the oversize line, but will not pay any additional costs, including but not limited to labor, delivery or installation, or enter into a cost-recovery agreement with the owner as provided in Article VI, Section 18.

SECTION 6 - WASTEWATER LINES; COMPLIANCE WITH SUBDIVISION REQUIREMENTS:

No wastewater lines shall be laid or placed in any proposed addition or subdivision in the District until said proposed addition is platted and approved by the local governing land use authority. The Manager may approve the installation of facilities after final approval of the final plat but prior to the recording of such plat, upon the request of the owner subject to an agreement as prescribed by the Manager, which agreement shall be recorded in the records of the El Paso County Clerk and Recorder's Office prior to the installation of the facilities.

SECTION 7 - SERVICE LINES; SEPARATE FOR EACH BUILDING; EXCEPTIONS:

The owner and/or developer of a parcel shall be responsible for installing and maintaining the service line connecting its property to the collection line. A separate and independent service line shall be provided for each building. However, where one building stands at the rear of another on an interior lot which cannot be subdivided, and no service line is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the service line of the front building may be extended to the rear building and the whole considered as one service. Multi-family or commercial or industrial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common service line, unless and until such lot is re-subdivided or the buildings otherwise become separately owned in which case independent connections shall be made. Waiver of this requirement for a separate and independent service line may be granted by the Manager upon re-subdivision or creation of separate ownership of individual buildings on a single lot with existing multi-family or commercial complexes, but not industrial complexes. Such a waiver shall be granted upon showing that the service lines owned in common will be maintained by an entity of the owners of the separate buildings. By policy and/or procedure, the Manager may provide for additional requirements to assure proper maintenance and repair of the common service lines, and, if necessary, monitoring of effluent quality or quantity. The District does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the wastewater system as aforementioned.

SECTION 8 - SERVICE LINE; CONSTRUCTION TO CONFORM TO RULES AND REGULATIONS:

The size, slope, alignment and materials of construction of a service line, and the methods to be

used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes and the District's specifications and other applicable Regulations, policies and procedures of the District.

SECTION 9 - SERVICE LINE; USE OF GRAVITY FLOW:

Whenever possible, the service line shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the collection line, wastewater carried by such building drain shall be lifted by means approved by the Pikes Peak Regional Building Department Official and discharged to the District's wastewater system.

SECTION 10 - SERVICE LINE; MAINTENANCE OF:

- A. The owner ("owner") of any premises connected to the District's wastewater treatment system shall be responsible for the maintenance and repair of the service line and appurtenances thereto, from and including the connection to the District's main collection line to the premises served. The owner shall keep such line in good condition and shall replace, at the owner's sole expense, any portions thereof which, in the opinion of the Manager, have become so damaged or disintegrated as to be unfit for further use. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right of way and the street to acceptable City/County standards.
- B. In the event that more than one premise is connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for the maintenance, repair and replacement requirements imposed by this Section.
- C. Prior to repair or alteration of the service line, a permit must be obtained from the District. A permit fee shall be imposed to cover the costs of the inspection. All repair or alteration work must be inspected by the District. This inspection shall ensure that these Regulations and rules applying to the wastewater system are met. Inspection by the District shall not subject the District to any liability for any deficiency in the repair or alteration of such premises, nor shall such inspection absolve the owner or developer of such premises from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.
- D. In the event an owner fails to maintain, repair and/or replace a service line as provided in this Section, and the Manager reasonably determines that the condition of the service line jeopardizes the function of the District's facilities, and believes such service line poses a hazard to the public health and welfare, then the District may, but is not required to, perform such maintenance or repair of the service line or replace the service line, at the owner's expense. Before performing any such maintenance or repair, the Manager shall provide the owner of record with written notice of such violation and shall allow the owner at least five (5) days to maintain, repair or replace the service line. All charges shall be subject to collection in accordance with Section 8 of Article VI.

SECTION 11 - EXISTING LINES; CONDITIONS FOR USE:

Existing wastewater lines may be used in connection with new buildings only when they are found, on examination by the District, to meet all requirements of these Regulations and to be compatible with the proposed use.

SECTION 12 - CONSTRUCTION; REQUIREMENTS FOR COMMENCEMENT AND COMPLETION:

Construction of a building or facility to be served by a wastewater connection shall be commenced within one hundred eighty (180) days from the date of payment of connection charges or issuance of a permit, whichever occurs later, and such construction shall be pursued to completion without suspension or abandonment, as set out in the International Building Code under Building Permits, Section 302(d), as amended. Failure to comply with the above regulations will result in cancellation of the permit and forfeiture of any paid Plant Investment Fees.

SECTION 13 - FIXTURE UNIT EQUIVALENTS:

Fixture unit equivalents shall be calculated using the then-current International Plumbing Code (IPC) and the following schedule and shall apply to "stubbed in" or "roughed in" fixture units as well as those fixtures being installed.

**TABLE 709.1
DRAINAGE FIXTURE UNITS FOR FIXTURES AND GROUPS**

FIXTURE TYPE	DRAINAGE FIXTURE UNIT VALUE AS LOAD FACTORS	MINIMUM SIZE OF TRAP (inches)
Automatic clothes washers, commercial ^{a,g}	3	2
Automatic clothes washers, residential ^g	2	2
Bathroom group as defined in Section 202 (1.6 gpf water closet) ^f	5	-
Bathroom group as defined in Section 202 (water closet flushing greater than 1.6 gpf) ^f	6	-
Bathtub ^b (with or without overhead shower or whirlpool attachments)	2	1½
Bidet	1	1¼
Combination sinks and tray	2	1½
Dental lavatory	1	1¼
Dental unit or cuspidor	1	1¼
Dishwashing machine, ^c domestic	2	1½
Drinking fountain	½	1¼
Emergency floor drain	0	2
Floor drains ^h	2 ^h	2
Floor sinks	Note h	2
Kitchen sink, domestic	2	1½
Kitchen sink, domestic with food waste grinder and/or dishwasher	2	1½
Laundry tray (1 or 2 compartments)	2	1½
Lavatory	1	1¼
Shower (based on the total flow rate through showerheads and body sprays) Flow Rate:		
5.7 gpm or less	2	1½
Greater than 5.7 gpm to 12.3 gpm	3	2
Greater than 12.3 gpm to 25.8 gpm	5	3
Greater than 25.8 gpm to 55.6 gpm	6	4
Service sink	2	1½
Sink	2	1½
Urinal	4	Note d
Urinal, 1 gallon per flush or less	2 ^e	Note d
Urinal, non water supplied	1/2	Note d

Wash sink (circular or multiple) each set of faucets	2	1½
Water closet, flushometer tank, public or private	4 ^e	Note d
Water closet, private (1.6 gpf)	3 ^e	Note d
Water closet, private (flushing greater than 1.6 gpf)	4 ^e	Note d
Water closet, public (1.6 gpf)	4 ^e	Note d
Water closet, public (flushing greater than 1.6 gpf)	6 ^e	Note d

For SI: 1 inch = 25.4 mm, 1 gallon = 3.785 L.

- a. For traps larger than 3 inches, use Table 709.2
- b. A showerhead over a bathtub or whirlpool bathtub attachment does not increase the drainage fixture unit value.
- c. See Sections 709.2 through 709.4 for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows.
- d. Trap size shall be consistent with the fixture outlet size.
- e. For the purpose of computing loads on building drains and sewers, water closets and urinals shall not be rated at a lower drainage fixture unit unless the lower values are confirmed by testing.
- f. For fixtures added to a dwelling unit bathroom group, add the DFU value of those additional fixtures to the bathroom group fixture count.
- g. See Section 406.3 for sizing requirements for fixture drain, branch drain, and drainage stack for an automatic clothes washer standpipe.
- h. See Sections 709.4 and 709.4.1 of the 2009 International Plumbing Code.

The unit equivalents of plumbing fixtures not listed above shall be based on the following schedule:

<u>Trap or Trap Arm Size</u>	<u>Fixture Unit Equivalent</u>
1 1/4"	1
1 1/2"	3
2"	4
3"	6
4"	8
5"	10
6"	12

SECTION 14 - DISCONNECTION:

In the event that a user desires to disconnect his premises from the wastewater system of the District, he shall not be permitted to take up that portion of the service line between the public collection line and the property line of the premises, but at his expense the service line shall be capped and blocked at said property line and the service line shall be removed from the property line to the structure. New service lines to replace existing service lines shall not be approved by the District until old service lines are excavated, exposed and properly capped and blocked. Such cap and block shall be sufficiently tight to prevent the escape of wastewater gas or the infiltration of water.

SECTION 15 – FINANCIAL ASSURANCES; FORM OF AND WHEN REQUIRED:

The District is authorized to require financial assurances from all applicants seeking District approval for the construction of public sanitary sewer improvements. The form for estimating public sewer construction costs can be found on Fountain Sanitation District website. . Financial assurances shall only be accepted in the form of an irrevocable Letter of Credit (LOC) or check.

The District requires financial collateral equal to one hundred ten percent (110%) of the total sanitary sewer construction costs.

Upon completion of sanitary public improvements, inspection approvals, and required testing meeting or exceeding District regulations, the District will issue a preliminary acceptance of the sanitary improvements; the two-year warranty period will commence and 85% of the financial collateral will be released back to the applicant. After one year from the commencement of the warranty period, the District could release another 10% of the financial collateral, if no modifications or corrections of the secured sanitary sewer improvements are required. After two years from the commencement of the warranty period, the District could release the final 5% of the financial collateral, if no modifications or corrections of the secured sanitary sewer improvements are required. Closeout requirements in Section 16 must also be completed before the release of the final financial collateral.

If the project contains less than 25 developable lots and any work within a public right-of-way is limited, then the District at its sole discretion may only require 50% of the overall estimate for public construction costs to be posted as financial assurance shall only be accepted in the form of a letter of credit. All warranty items and procedures will follow the previously mentioned requirements.

The amounts and duration of financial assurances can change at the sole discretion of the District to make reasonable provision for the timely construction of the proposed sanitary public improvements pursuant to approved plans and specifications and warranties thereon. In the event the applicant fails to complete the public improvement within the time period allowed or fails to correct any deficiency identified in the District's inspection of the premises within a reasonable period of time, the District may call the financial assurance and use the proceeds to complete the public improvement.

If a variance to this section is requested, the applicant must present his/her request to the District prior to the review of any proposed project.

SECTION 16 – PROJECT CLOSEOUT REQUIREMENTS:

Before sanitary sewer improvements can be accepted by Fountain Sanitation District (FSD), all improvements must be field inspected and tested per District Regulations and Standard Specifications Part B, Article V. Any request for variations to these standards must be approved by the District.

As-built construction drawings showing sanitary sewer improvements are required as part of the District acceptance. A checklist of the as-built requirements can be found on the District website under the pull-down menu "Developer", then see the links under "Documents and Forms". Said checklist must be filled out and signed by the engineer of record. The checklist must be submitted to the District along with the as-built plans.

Once the sanitary sewer improvements are completed, and the testing of pipelines and appurtenances reveals no deficiencies, and the as-built drawings are received by the District, the 2-year warranty period will begin. The Financial Assurance reimbursement will follow the schedule as outlined in the District Regulations and Standard Specifications Part A, Section 15.

Bill of Sale and Agreement along with Exhibit A must be submitted to District staff for review, and approved by the District Board of Directors before any remaining financial assurances can be released.

SECTION 17 - SERVICE; EXCAVATIONS FOR:

All excavations for installation or repair of wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the District and other local governing authority.

ARTICLE VI

COSTS AND CHARGES

SECTION 1 - WASTEWATER FACILITIES; ALLOCATION OF COST:

- A. Except as otherwise provided herein, a property owner or developer shall be responsible for the costs and construction of all wastewater facilities and the appurtenances thereto. The plans and specifications of all wastewater facilities and the appurtenances thereto must be approved by the District prior to construction. The District shall inspect and approve the actual construction prior to connection of the structures to the District's wastewater treatment system.
- B. The District may require the property owner or developer to construct a collection line in excess of the size necessary to serve the subject property. In such circumstances, the District may, but is not be required to:
 - 1. Pay the incremental increased material cost for the oversize as described in Section 5, Article V above without entering into a recovery agreement; or
 - 2. Enter into a recovery agreement with the owner or developer in which the District may agree to collect a pro rata share of the costs of such construction from the owner(s) of adjacent lands at the time of their connection(s) and refund such amount collected to the owner or developer. In the event the District administers such recovery agreement, the property owner or developer shall pay all reasonable costs and fees incurred by the District for such administration. When an owner or developer constructs wastewater facilities through or adjacent to undeveloped lands or lands outside the District's service area, the owner or developer shall pay the entire cost of such facilities.
- C. In the event that pump stations and force mains are required, the cost of constructing said stations and mains shall be the responsibility of the owner of the property served thereby.
- D. In those instances where pump stations and force mains are required, the wastewater system shall be designed where possible so as to permit an eventual connection into a gravity system with a minimum of expense. Easements shall be provided to the District by the property owner and lines constructed to tie into the gravity system.
- E. All costs incident to or resulting from the procurement by the District of any required easement or right-of-way, whether obtained by dedication, contract, condemnation or otherwise, shall be borne by the owner or developer.
- F. The owner or developer of a system requiring additional power or maintenance costs shall be assessed a surcharge to cover such costs.

SECTION 2 - INSTALLATION COST:

All costs and expenses incident to the installation and connection of service lines from the collection line to the premises shall be borne by the owner of such premises. The owner shall indemnify the District for any loss or damage to the District that may directly or indirectly be occasioned by the installation of such service line.

SECTION 3 - CONNECTION CHARGE:

For each new wastewater connection or addition to the District's wastewater treatment system, there is and shall be a connection charge, regardless of whether the property served or to be served is within or outside of the District. The connection charge shall consist of a permit charge and a plant investment fee. Additionally, the District may also collect a recovery agreement charge prior to connection.

SECTION 4 - PERMIT CHARGE:

A permit charge shall be assessed for each connection to the District's wastewater treatment system to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to issuance of a permit to connect. Permit charges shall be established annually by resolution of the Board of Directors of the District.

SECTION 5 - PLANT INVESTMENT FEE:

A plant investment fee shall be assessed by the District for each new connection to the wastewater system of the District to partially defray the costs of capital improvement of such system. Such a charge shall be collected by the District prior to issuance of a building permit by the Pikes Peak Regional Building Department, in amounts established annually by resolution of the Board of Directors of the District.

SECTION 6 - RECOVERY AGREEMENT CHARGE:

A recovery agreement charge may be collected by the District for each connection to a collection line or use of a pumping facility, where such line or facility is the subject of a recovery agreement between the District and the person who constructed such line or facility. Consistent with such recovery agreement(s), such charge shall be in an amount which represents a prorata share of the cost of construction of the line or facility as described in the recovery agreement and shall be collected by the District prior to issuance of a building permit by the Pikes Peak Regional Building Department. Recovery agreements existing on the effective date of these Regulations shall remain in full force and effect.

SECTION 7 - RATES AND CHARGES; SPECIAL:

- A. The District shall periodically, but not less often than annually, adopt a resolution setting forth the schedule of recurring fees and charges applicable to the wastewater collection and treatment services provided by the District, including fees, charges and expenses applicable in the event of a failure to pay the same. Such fees and charges shall remain in effect until modified by resolution of the Board of Directors of the District in accordance with these Regulations and applicable laws. Nothing contained herein shall limit the Board from modifying fees and charges from time to time. The adoption of such a fees and charges schedule shall apply only to properties located within the boundaries of the District and shall not obligate or limit the District with respect to services provided outside the District boundaries pursuant to any agreement or arrangement.
- B. Surcharges: For premises located within the District that discharge wastewater that is difficult to treat or exceeds normal domestic strength wastewater, a surcharge may be imposed by the District in an amount not to exceed fifty percent (50%) of the monthly charge.

- C. Contract Rates: In the case of organized sewer districts, municipal corporations or other similar users of the wastewater treatment system which are furnished wastewater treatment service pursuant to contract, the rates and charges for the use of the wastewater treatment system shall be as specified in said contracts so long as said contracts or renewals thereof remain in force and effect.

SECTION 8 – COLLECTION OF CHARGES AND REMEDIES:

- A. Unpaid Charges; Liens; Collection: In accordance with C.R.S. section 32-1-1001(1)(j), until paid, all charges which shall include costs, fees, or other financial obligations imposed or authorized by these Regulations for wastewater services provided by the District shall constitute a perpetual lien on and against the property connected to or served by the District which may be recorded against the property at any time thereafter, and shall be chargeable against the owner of the property at the time of use of the service or the owner's successors in interest to the property. In the event that any charge imposed or authorized by these Regulations shall not be paid when due, the Manager or his or her designee may issue a notice of lien to the owner of the property or the user or both, setting forth the amount of the charge due and payable, identifying the property connected to the District's wastewater treatment system for which the charge is delinquent, and stating that the District claims a perpetual lien on and against the property for the unpaid charge. Until paid, the charge shall constitute a perpetual lien on and against the property served. After the issuance of notice of lien, the Manager or his or her designee may file a verified notice of lien with the Clerk and Recorder of the County in which the property is located.
- B. Collection by County Treasurer: In addition to any other means provided by Law, in accord with C.R.S. 32-1-1101(1)(e), the District may elect, by resolution, at a public meeting held after receipt of notice by the affected parties, including the property owner, to have delinquent fees, charges, assessments, rates, tolls or penalties made or levied by the District, certified to the Treasurer of the County to be collected and paid over pursuant to C.R.S. 39-10-107, provided that such fee, rate, toll, penalty, charge or assessment shall total at least one hundred fifty dollars (\$150), and shall be at least six months delinquent.
- C. Dispute Procedures: The owner of property subject to the lien may dispute the amount or validity of the lien by requesting a Show Cause hearing which shall be conducted in accordance with the procedures set forth in Part A, Article XII, Section 4(B) of these Regulations.
- D. Remedies: As provided in C.R.S. section 32-1-1001(1)(j), the lien created hereunder may be foreclosed in the same manner as provided by the laws of the state for the foreclosure of mechanics' lien. The remedies of the District as set forth in this section shall be cumulative and not alternative, and the District may pursue any remedy either singly or in combination as it may deem necessary and appropriate, or any other remedy provided in law or equity.

ARTICLE VII

ON-SITE WASTEWATER TREATMENT SYSTEMS

SECTION 1 - OWTS PERMITS:

- A. The connection requirement of Article V, Section I of these Regulations may be waived only upon issuance of an On-Site Wastewater Treatment System (“OWTS”) permit issued by the District (“OWTS Permit”) along with issuance of any other permit(s) that may be required by other state or local agencies. No construction of an OWTS on public or private property within the District service area boundaries shall commence until and unless an OWTS Permit has been issued by the District.
- B. OWTS Permits may, but are not required to, be granted by the District only where the Colorado Department of Public Health and Environment (CDPHE) or the Health Department has approved such OWTS in the presence of extenuating circumstances prohibiting or materially inhibiting the ability to connect to the District’s collection and treatment facilities. In determining whether to grant an OWTS Permit, the District may consider, but is not limited to considering, factors such as the distance from the property line to an existing or future District collection line and the existence of any difficult topographical, hydrologic or geologic conditions. Any applicant must also demonstrate that issuance of an OWTS Permit will not violate any minimum standards established in any other applicable federal, state or local code, rule or regulation.
- C. Property owners seeking an OWTS Permit shall make a written application to the District and provide such information or detail as required by the District. Once sufficient information, in the discretion of the Manager, has been presented to the Manager, the Manager shall present the application to the Board of Directors at a regular meeting of the Board of Directors, not less than fifteen (15) calendar days nor more than forty-five (45) calendar days later, for review and determination by the Board of Directors on whether to grant an OWTS Permit. The Board of Directors may, in its discretion, place reasonable special conditions on the granting of an OWTS Permit.
- D. Any residence which is granted an OWTS Permit must comply with the provisions of these Regulations, the El Paso County – On-Site Wastewater Treatment System Regulations and the CDPHE On-Site Wastewater Treatment System Regulations. The type, capacity, location and layout of an OWTS shall comply with all standards or other requirements of the El Paso County Health Department and/or the CDPHE. No OWTS Permit shall be issued for any OWTS employing subsurface soil absorption facilities where the area of the lot does not meet the regulations imposed by the El Paso County Health Department. No existing septic tank or seepage pit shall be permitted to discharge into any natural waterway or surface drainage.
- E. If any other applicable District Regulation, federal, state or local law, rule or regulation differs from this regulation, the stricter law, rule or regulation shall apply.

SECTION 2 - PRIVY VAULTS PROHIBITED:

It shall be unlawful for any person to construct or maintain a privy vault or receptacle for wastewater disposal or similar device within the limits of the District and in all instances where such devices are now in use the owner or occupant of such premises shall discontinue the use thereof

and install a proper service line or OWTS in accordance with the provisions of these Regulations.

SECTION 3 – CESSATION OF USE, WHEN REQUIRED:

When a collection line becomes available to a property served by an OWTS, and upon receipt of official notice from the Manager to connect to the wastewater system of the District, a direct connection shall be made by a master plumber to the collection line in compliance with these Regulations and the official notice, and any septic tanks, cesspools, and similar individual wastewater disposal systems shall be cleaned and filled with suitable material as approved by the District.

SECTION 4 - CONTENTS; REMOVAL OF:

The contents of privy vaults, septic tanks or cesspools within the limits of the District shall not be removed therefrom, nor shall the same be transported through any street, alley or public place within the District, except in a sanitary manner, through or by means of airtight tanks, if soft and mixed with matter, and if solid or dry, in tight covered tanks in such manner as shall prevent the escape of any noxious gases or offensive odors, and preserve such contents from sight or exposure during transportation. All tools, appliances and vehicles used in such cleaning and removal shall be kept and maintained in sanitary condition and shall be subject to inspection and licensing by the Department of Health.

ARTICLE VIII

PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE

SECTION 1 - WASTEWATER DISCHARGE; TREATMENT REQUIRED:

It shall be unlawful for any person to discharge into any natural waterway or any surface drainage within the District, or in any area under the jurisdiction of the District, any wastewater unless suitable treatment of such wastewater has been provided in accordance with the provisions of these Regulations and applicable County, State or Federal regulations.

SECTION 2 - WASTEWATER DISCHARGE; PROHIBITIONS:

It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the District any wastewater which contains the following:

- A. STORM WATER DRAINAGE from ground, surface, roof drains, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading, or any other water associated with construction activities.
- B. INERT SUSPENDED SOLIDS or other inert particulate matter such as but not limited to, fuller's earth, lime slurries and paint residues, resulting in wastewater with a settleable solids concentration greater than twenty-five (25) milliliters per liter.
- C. UNUSUAL CONCENTRATIONS OF DISSOLVED SOLIDS, such as but not limited to, chloride greater than ten thousand (10,000) mg/l. The Manager may reject other unusually high concentrations of dissolved solids upon determination that they are incompatible pollutants.
- D. OIL AND GREASE of the following concentrations, sources or nature:
 - 1. Wastewater containing total grease and oil in excess of one hundred (100) mg/l concentration as measured by EPA Method 1664A or other method set forth in 40 CFR Part 136.
 - 2. Wastewater containing more than twenty-five (25) mg/l petroleum, as measured as hydrocarbons by EPA Method 602 or other method set forth in 40 CFR Part 136.
- E. EXPLOSIVE MIXTURES consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. At no time shall two (2) successive readings on an explosion hazard meter (explosimeter) at the point of discharge into the wastewater system be more than five percent (5%), nor may any single reading be over (10%) of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to

gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides. Specifically prohibited are pollutants which create a fire or explosion hazard in the District's wastewater treatment works, including but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or 60 degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21.

- F. NOXIOUS MATERIAL consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.
- G. IMPROPERLY SHREDDED GARBAGE that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the wastewater system to which the user is connected. At all times, no particle shall be greater than one-half inch (1/2") in any dimension.
- H. RADIOACTIVE WASTES OR ISOTOPES of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control.
- I. SOLID, VISCOUS OR LIQUID WASTES which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances.
- J. TOXIC SUBSTANCES in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements of compounds, phenols or other taste-or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or which will be transmitted through the system to receiving water.
- K. SUBSTANCES WHICH ARE NOT AMENABLE TO TREATMENT or prescribed reduction by the treatment process employed by the District or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in effluent discharge from the treatment works that does not meet requirements of State, Federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.
- L. WASTES WITH COLOR not removable by the treatment process.
- M. CORROSIVE WASTES which will cause corrosion, deterioration or interference of the District POTW.

- N. WASTEWATER which has an instantaneous pH value less than five and one-half (5.5) and more than ten (10) standard units.
 - 1. A more stringent range of acceptable wastewater effluent pH identified in applicable National Categorical Pretreatment Standards shall supersede the range noted herein.
 - 2. Where a continuous pH recording monitor has been installed by the user and approved by the Manager, pH compliance with these applicable sections may also be determined by records inspection indicating effluent pH within the applicable range for a period not to exceed ninety percent (90%) of the user's operating day but never less than five (5.0) standard units.
- O. SPENT PROCESS CHEMICALS, solutions or materials, hazardous waste as defined by the Federal Resource Conservation and Recovery Act; and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the Manager and after suitable treatment as approved by the Manager has been affected.
- P. WASTES from hospitals, clinics, offices of medical doctors, and convalescent homes consisting of but not limited to laboratory pathological wastes, surgical operating room wastes, or delivery room wastes.
- Q. BIOCIDES as determined by the Manager in concentrations exceeding 0.02 mg/l unless approved in writing by the Manager.
- R. WASTEWATER which has a temperature exceeding 150°F. Specifically prohibited is heat in amounts which will inhibit biological activity in the District's wastewater treatment works resulting in interference, but in no event shall heat be permitted to be received in such quantities that the temperature at the District's wastewater treatment plant exceeds forty degrees Centigrade (40°C) or one hundred four degrees Fahrenheit (104°F).
- S. ANY POLLUTANT including oxygen-demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the District's wastewater treatment works.
- T. PETROLEUM OIL, NONBIODEGRADABLE CUTTING OIL OR PRODUCTS OF MINERAL OIL ORIGIN in amounts that will cause interference or pass through.
- U. POLLUTANTS WHICH RESULT IN THE PRESENCE OF TOXIC GASES, VAPORS OR FUMES within the District's wastewater treatment works in a quantity that may cause any worker health or safety problems.
- V. ANY TRUCKED OR HAULED POLLUTANTS, except at discharge points designated by the District.

SECTION 3 - WASTEWATER DISCHARGE; LIMITATIONS:

- A. It shall be unlawful for any person to discharge, deposit, or cause or allow to be discharged or deposited, any waste or wastewater which fails to comply with the limitations imposed by this Section.
- B. Consistent with the provisions of the Act, no discharger into the wastewater treatment system

shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with these standards.

C. Limitations on wastewater pollutant strength (milligrams/liter or micrograms/liter) and/or mass (milligrams/day or pounds/day) for all users unless elsewhere specified are as follows:

<u>Pollutant</u>	<u>Strength Max. Daily</u>	<u>Mass Max. Daily</u> ¹⁾	<u>Further Limitations</u> ¹⁾
Arsenic	0.284 mg/l ²⁾	0.143 lb/d ³⁾	
Barium	5.0 mg/l		
Cadmium	0.034 mg/l	0.017 lb/d	
Chromium (Total)	8.36 mg/l	4.20 lb/d	
Chromium (Hexavalent)	8.36 mg/l	4.20 lb/d	
Chromium (Trivalent)	8.36 mg/l	4.20 lb/d	-
Cobalt	-	1,06 mg/d ⁵⁾	455 mg/d monthly max.
Copper	2.49 mg/l	1.25 lb/d	
Cyanide (Total)	0.421 mg/l	0.212 lb/d	
Iron (Dissolved)	113 mg/l	57.2 lb/d	-
Iron (Total)	4,200 mg/l	2,120 lb/d	-
Lead	0.824 mg/l	0.414 lb/d	
Fluoride	4.0 mg/l	-	
Manganese	366 mg/l	184 lb/d	
Mercury	0.26 ug/l ⁴⁾		
Nickel	1.55 mg/l	0.732 lb/d	
Nitrate-Nitrogen	-	124 lb/d	-
Oil & Grease	903 mg/l	454 lb/d	0
Selenium	2.0 ug/l		
Silver	1.38 mg/l	0.694 lb/d	
Sulfate	14,800 mg/l	7,450 lb/d	-
Tetrachloroethylene	2.11 mg/l	1.06 lb/d	-
Total Toxic Organics	2.13 mg/l	-	0.43 mg/l Monthly Max.
Zinc	17.7 mg/l	8.92 lb/d	

1) Mass pollutant loading limitation based on an average daily flow of 60,000 gallons per day from any single discharge. Mass loading limits shall be adjusted proportionally to actual flow contribution.

2) mg/l = milligrams per liter

3) lb/d = pounds per day

4) ug/l = micrograms per liter

5) mg/d = milligrams per day

D. All users subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard and shall also comply with any limitations contained in these Regulations. Where the same pollutant is subject to both sets of standards, the limitations which are more stringent shall apply. Compliance with National Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the Manager. Compliance with National Categorical Pretreatment Standards for new sources shall be required upon commencement of discharge.

- E. For pollutants listed herein or regulated in National Categorical Pretreatment Standards, the Manager may designate in the user's discharge permit more stringent limitations for such pollutants. For pollutants not listed herein and not regulated by National Categorical Pretreatment Standards, the Manager may designate in the user's discharge permit prohibitions, limitations or other standards as appropriate governing such pollutants.

SECTION 4 - POINT OF DISCHARGE; LIMITATIONS:

- A. It shall be unlawful for any person to discharge any substance directly into a manhole or other opening in the wastewater treatment system other than through an approved service line.
- B. Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the District's wastewater system except at locations authorized by the Manager to collect such wastes.
- C. It shall be unlawful for any person to discharge cooling waters or process waters to a storm sewer or natural outlet unless such person has a valid CDPS permit.

SECTION 5 - DISPOSAL; LIMITATIONS:

- A. It shall be unlawful for any person to dispose of wastes where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in this Article VIII.
- B. The District shall endeavor to identify and compile a record of those sources which produce or may produce wastes which are or may be in violation of the limitations imposed by this Article VIII and any such record shall be available to any person during normal business hours. However, the limitations imposed by this Article VIII shall apply without regard to the existence, substance or availability of any such record.

ARTICLE IX

CONTROL OF PROHIBITED WASTES

SECTION 1 - REGULATORY ACTIONS; SPECIFIC POWERS OF MANAGER:

If wastewaters containing any substance described in Article VIII of these Regulations are discharged or proposed to be discharged into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, into the wastewater collection system of the District and/or to any wastewater system tributary thereto, the Manager may take any action necessary to:

- A. Prohibit the discharge of such wastewater.
- B. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substance(s) in conformity with these Regulations.
- C. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these Regulations.
- D. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the District for handling, treating or disposing of excess loads imposed on the wastewater treatment system including but not limited to any fines or legal expenses associated with alleged or actual violations of the District's CDPS Permit attributed to an unpermitted user discharge.
- E. Obtain timely and factual reports from the facility responsible for such discharge; or
- F. Take such other or further remedial action as may be deemed necessary or desirable to achieve the purposes of these Regulations.

SECTION 2 - REGULATORY ACTIONS; GENERAL POWERS OF MANAGER:

In addition to the Manager's authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the Manager shall have the following powers:

- A. **Endangerment to Health or Welfare of the Community:** The Manager, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, wastewater collection system of the District, or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the safety, health or welfare of the community.
- B. **Endangerment to Environment or Treatment Works:** The Manager, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, wastewater collection system of the District, or any wastewater system tributary thereto, by any means available, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.
- C. The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these Regulations.

SECTION 3 - PRETREATMENT FACILITIES; SUBMISSION OF PLANS:

Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the District for review and approval. Approval by the District shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Such approval shall not be construed as or act as a guaranty or assurance that any discharge is or will be in compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority or these Regulations. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the District.

SECTION 4 - PRETREATMENT FACILITIES; OPERATIONS:

If pretreatment or control of wastewater waste flow is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these Regulations and all other applicable codes, ordinances, laws, rules and regulations.

SECTION 5 - ADMISSION TO PROPERTY; ACCESS TO INFORMATION

Whenever it shall be necessary for the purposes of these Regulations, the District, and its authorized employees, contractors, subcontractors, representatives and agents, upon the presentation of credentials, may enter upon any property or premises at reasonable times, including at any time during the operating day of the user, where a facility or activity which is subject to these Regulations is located or conducted or where records are required to be kept for the purposes of:

- A. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial or other users, compliance or noncompliance with applicable pretreatment standards and requirements,
- B. Examining and copying any records required to be kept under the provisions of these Regulations or of any other local, state or federal regulation,
- C. Inspecting any service line, grease trap, facility, monitoring equipment or method, pretreatment system equipment and/or operation which discharges into or is connected to the District's POTW,
- D. Sampling any discharge of wastewater into the POTW or a service line connected thereto, and/or
- E. Inspecting any production, manufacturing, fabricating or storage area where pollutants, or other wastes regulated under these Regulations, could originate, be stored, or be discharged to the wastewater system. The occupant of such property or premises shall render all proper assistance in such activities.

SECTION 6 - ACCIDENTAL DISCHARGE; PROTECTION FROM:

Each industrial user shall provide adequate protection, as approved by the District, from unpermitted discharge of prohibited materials or other wastes regulated by these Regulations. Facilities and procedures to prevent such discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District before installation of the accidental discharge protection. Review and approval of such plans and operating procedures shall not relieve the user from the ongoing responsibility to modify the facilities as necessary to

meet the requirements of these Regulations.

SECTION 7 - SLUG DISCHARGE; REPORT REQUIRED:

If a facility has a slug discharge, the owner or user of the facility responsible for such discharge shall immediately notify the Manager so that corrective action may be taken to protect the wastewater treatment system. In addition, a written report addressed to the Manager detailing the date, time and cause of the slug discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be submitted to the Manager by the responsible person within five (5) days of the occurrence of the noncomplying discharge.

SECTION 8 - DISCHARGE VIOLATION; FAILURE TO REPORT:

It shall be unlawful for any person to fail to report to the Manager any discharge which violates the prohibitions and limitations of these Regulations.

SECTION 9 - WORKPLACE NOTICES:

Within the working areas of significant industrial users, significant commercial users and significant waste generators, a notice or notices, which advise employees of whom to call in the event of a dangerous chemical discharge or potential discharge, shall be permanently posted in an unobstructed prominent place or places. These users shall insure that all employees who may cause or suffer to cause such a discharge to occur are advised of the emergency notification procedures.

SECTION 10 - pH RECORDING METERS:

- A. Significant industrial users that discharge process wastewaters determined by the Manager to contain pollutants necessitating continuous pH adjustment shall, subsequent to notification by the Manager, install a continuous recording pH meter approved by the Manager. Such a meter shall be installed, operated and maintained at the user's own cost and expense. Records generated by the meter shall be retained for three (3) years and shall be made available to the Manager upon request.
- B. The Manager may order other significant users of the District's wastewater treatment system to install and maintain similar equipment as necessary to ensure compliance with these Regulations.

ARTICLE X

INDUSTRIAL WASTEWATER MONITORING AND REPORTING

SECTION 1 - REPORTING REQUIREMENTS:

- A. Every significant industrial user shall submit to the District a description of the nature, concentration and flow of the pollutants required to be reported by the District.
1. The reporting requirement applies to all significant industrial users including both those users which are subject to federal categorical pretreatment standards and significant noncategorical users.
 2. The reports for the period of January 1 through June 30 shall be submitted to the District by July 31 and by January 31 for the period of July 1 through December 31. The minimum reporting requirements set forth above, two (2) times per year, may be increased by the District under the terms and conditions of any industrial waste discharge permit issued by the District to the user. In no case should the reporting frequency be less than two times per year.
 3. Sampling and analyses reported shall be performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the United States Environmental Protection Agency determines that the sampling and analytical techniques set forth in 40 CFR Part 136 are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other persons approved by the U.S. EPA.
 4. At the option of the District, the sampling and analyses required for the reporting outlined above may be performed by the District in lieu of the significant industrial user, categorical and noncategorical. Where the District collects all the information required for the report, the user will not be required to submit the report.
 5. As a minimum, the report submitted by the user shall include the following.
 - a. Concentration and mass of those pollutants in the user's discharge which are regulated by categorical pretreatment standards, these Regulations, or an industrial waste discharge permit.
 - b. Measured or estimated average and maximum daily flows for the reporting period for the pollutant discharges reported.
 - c. For users subject to equivalent mass or concentration limits established by the District, the self-monitoring report shall contain a reasonable measure of the users' long-term production rate. For those users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the users' actual production during the appropriate sampling period.

- d. Typical periods of operation and discharge during the reporting period.
 - e. Summary of the nature, primary constituents, and quantities of solids or liquid wastes generated in the user's process but discharged off-site, not into the District's wastewater system. This shall include tabulation of all liquid and solid wastes shipped off-site for disposal, storage or reclamation; and
 - f. Tabulation of the chemical constituents and quantity of liquid and solid materials stored on-site even though they are not normally discharged.
- B. All categorical and noncategorical users shall notify the District immediately of all discharges which could cause problems to the District's wastewater system including any slug loadings as defined by these Regulations. This includes accidental discharges.
- C. Every user shall file a notification to the District a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall mean a change that will be in effect for a period of fourteen (14) days or more and shall include but is not limited to the following:
- 1. Change in number of shifts, and/or hours of operation.
 - 2. Additional processing, manufacturing, or other production operations.
 - 3. Any new regulated substances used which may be discharged.
 - 4. A twenty-five percent (25%) or greater increase or decrease in the wastewater flow or production volume.
 - 5. Any other change which may alter the average normal wastewater characteristics from the user's facility by a factor of one and one-half (1½) or more.
 - 6. Any changes in the listed or characteristic hazardous waste for which the user has submitted information to the District under these regulations and 40 CFR Part 403.12(p) as amended.
- D. All users subject to National Categorical Pretreatment Standards shall submit to the District a baseline monitoring report on forms provided by the District. Such reports shall be submitted within one hundred eighty (180) days of promulgation of the standard or earlier as the District deems necessary and at a minimum shall contain:
- 1. The name and address of the user.
 - 2. The location of such user.
 - 3. The nature, average rate of production, and standard industrial classification of the operations carried out by such user. This information shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. The average and maximum flow of the discharge from such user to the POTW, in gallons per day including regulated process streams and all other streams as necessary to allow use of the combined waste stream formula per 40 CFR Part 403.6(e).
5. The nature and concentration of pollutants in the discharge from each regulated process from such user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for the applicable pretreatment standard. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the District for approval.
6. A statement, approved by an authorized representative of the user and certified by a professional engineer, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the user to meet the pretreatment standards and requirements.
7. If additional pretreatment or operation and maintenance procedures are required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For new users, this report shall be submitted within thirty (30) days after receipt of the appropriate forms from the District.
8. A list of any environmental control permits held by or for the facility; and
9. Other pertinent components of the baseline monitoring report as set forth on the form provided by the District and in 40 CFR part 403.

E. 90-Day Compliance Reports:

1. **New Sources:** All users that create new sources subject to existing Categorical Pretreatment Standards shall submit a report to the District within ninety (90) days from the date of first discharge demonstrating actual and continuing compliance with those standards.
2. **Existing Sources:** All users with existing sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the District within ninety (90) days of the date on which compliance with those new standards is required demonstrating that actual and continuing compliance with such new standards has been achieved.
3. All ninety (90)-day Compliance Reports shall contain at a minimum:
 - a. The nature and concentration of all pollutants in the discharge from regulated processes,
 - b. The average and maximum daily flow from the regulated processes, and

- c. A statement of compliance signed by an authorized representative of the user and certified by a qualified professional engineer which indicates:
 - i. Whether the applicable pretreatment requirements are being met on a consistent basis, or
 - ii. If the applicable pretreatment standards are not being met, what pretreatment procedures and equipment are necessary to attain compliance.

- F. If sampling performed by a user indicates a violation of these Regulations, the user shall notify the District within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violations. The user is not required to resample if the following occurs.
 - 1. The District performs sampling at the user at a frequency of at least once per month.
 - 2. The District performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of its sampling.

- G. The Manager, at his or her discretion, may require any non-residential user of the District's wastewater treatment system to submit a Wastewater Discharge Questionnaire on forms provided by the Manager. Users subject to this reporting requirement shall submit a completed report no later than thirty (30) days after receipt of the notification and appropriate forms.

- H. Any holder of an Industrial Wastewater Discharge Permit, or any other permit or authorization to discharge to the District's wastewater treatment system, shall submit to the District such additional reports as specified as conditions of the user's permit or otherwise deemed necessary by the Manager.

- I. All reports, and other submittals submitted to the District shall be certified with the following statement and signatory requirements.
 - 1. Any person signing any application, questionnaire, report, or other information submitted to the District must sign and attach the following certification statement with each such submittal to the District.

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

2. The certification statement set forth in these regulations shall be signed as follows:

- a. By a responsible corporate officer if the user submitting the reports required by these regulations is a corporation. For the purpose of this requirement, a responsible corporate officer means:
 - (1) A president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures.
- b. By a member or if management authority of the user has been delegated to a manager, then to such manager if the user submitting the reports required by these regulations is a limited liability company.
- c. By a general partner or proprietor if the user submitting the reports required by these regulations is a partnership or sole proprietorship respectively.
- d. By a duly authorized representative of the individual designated in a., b., or c. of this section if:
 - (1) The authorization is made in writing by the individual described in paragraph a., b., or c. of this subsection.
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the user; and
 - (3) The written authorization is submitted to the District.
- e. If the authorization under paragraph d. of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the user, a new authorization satisfying the requirements of paragraph d. of this subsection must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

J. The following conditions shall apply to any schedule of compliance required to be established in accordance with the requirements of Section 1.D.7 of this Article:

- 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment operations required for the user to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components,

commencing construction, completing construction, etc.).

2. No increment referred to above shall exceed nine (9) months.
3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to complete the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the established schedule. In no event shall more than nine (9) months elapse between progress reports to the District.

K. All costs incurred by the user in complying with these Regulations shall be borne by the user.

SECTION 2 - RECORDS AND MONITORING:

- A. All industrial users who discharge or propose to discharge wastewater to the District's wastewater treatment system shall maintain such records of production and related factors, effluent flows, and amounts or concentrations of controlled substances as are necessary to demonstrate compliance with the requirements of these Regulations and any applicable State or Federal pretreatment standards or requirements.
- B. All such records shall be retained by the user for a minimum period of three (3) years and shall be made immediately available upon request of the Manager at any time during said three (3) year period or so long as actually retained, if longer.
- C. Should the Manager deem it necessary to fulfill the purposes of these Regulations, the Manager may require any industrial user to install, at the user's expense, suitable monitoring facilities or equipment which isolates the user's wastewater discharges into the District's wastewater treatment system and accurately observes, samples, and measures such discharges. Such equipment shall be maintained in proper working order and kept safe and accessible by the District at all times.
- D. Where practical, the monitoring equipment shall be located and maintained on the industrial user's premises outside of any building. When such a location would be impractical or cause undue hardship to the user, the District may allow such facility to be constructed in a public street or public easement area, with the approval of the entity having jurisdiction over such street or easement and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.
- E. When more than one user is able to discharge into a common service line, the District may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Manager may require that separate service lines and connections and monitoring facilities be installed for each separate discharge source.
- F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable construction standards and specifications.
- G. To fulfill the purposes of these Regulations, the Manager may order other significant, non-

residential users of the District's wastewater treatment system to maintain similar records and/or install and maintain similar facilities or equipment as noted above.

SECTION 3 - INSPECTION, SAMPLING AND ANALYSIS:

- A. Compliance determinations with respect to Article VIII prohibitions and limitations may be made on the basis of either instantaneous compliance samples or composite samples of wastewater. Such samples shall be taken at a point or points which the Manager determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by the Manager, to address specific circumstances.
- B. All sampling and analysis shall be performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the U.S. Environmental Protection Agency determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District or other persons, which are approved by the U.S. Environmental Protection Agency.
- C. Sampling of industrial wastewater for the purpose of determining compliance with respect to Article VIII prohibitions and limitations will be performed by the District at such intervals as the Manager may designate. The sampling shall be completed no less than one (1) time per calendar year for all permitted users. No less than one (1) sampling event per calendar year shall be unannounced.
- D. The Manager shall promulgate policies and procedures as necessary to ensure that any and all samples obtained by District employees can be accounted for from the time said samples are obtained to the time at which said samples are disposed.

SECTION 4 - FINANCIAL RESPONSIBILITY FOR MONITORING, SAMPLING AND REPORTING:

- A. All costs incurred by the user in complying with these Regulations shall be borne by the user.
- B. All costs incurred by the District due to sampling, monitoring, and reporting of the user's discharge shall be paid by the user. These costs shall be limited to the amount that exceeds what would normally be incurred if the user were discharging domestic wastewater to the District's wastewater treatment system. The direct cost of all labor, equipment, materials, and consulting fees and services incurred shall be billed to the user and shall be due and payable upon presentation.

ARTICLE XI

INDUSTRIAL DISCHARGE PERMIT SYSTEM

SECTION 1 - WASTEWATER DISCHARGE PERMITS REQUIRED:

All significant industrial users proposing to connect to or discharge into any part of the District's wastewater system shall obtain a discharge permit therefore. A separate permit is required for each building or complex of buildings on a separate platted lot with a separate service connection.

SECTION 2 - DISCHARGE PERMIT; APPLICATION FOR:

- A. Applicants and users seeking to discharge industrial waste to the District's wastewater treatment system shall file a Wastewater Discharge Questionnaire on forms provided by the Manager. Unless otherwise required by the Manager, these forms shall be completed and filed with the District not later than thirty (30) days after receipt of the report forms from the Manager. The Manager may require any other industrial user discharging or proposing to discharge into the District's wastewater treatment system to file such information. In support of this application, applicant shall be required to submit the following information:
1. Name, address, and user classification number of the applicant.
 2. Average daily discharge rate of wastewater.
 3. Wastewater constituents and characteristics, including but not limited to those set forth in Article VIII of these Regulations as determined by an analytical laboratory approved by the Manager.
 4. Time and duration of discharge.
 5. Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
 6. Site plans, floor plans, mechanical and plumbing plans, and details to show all service lines and appurtenances by size, location, and elevation.
 7. Description of activities, facilities, and plant processes on the premises, including all materials and types of materials which are, or could be, discharged into the wastewater system.
 8. Each product produced by type, amount, and rate of production.
 9. Number and type of employees, and hours of work; and
 10. Any other information deemed by the Manager to be necessary to evaluate the permit application.
- B. Applicants proposing to discharge hauled waste shall complete and file with the District an application on the form prescribed by the Manager. Such application shall be filed within thirty (30) days of receipt of the application form from the Manager.

- C. There shall be a Wastewater Discharge Permit application charge established by the District by Resolution of the Board of Directors for each Industrial Wastewater Discharge Permit application. The application charge shall be due and payable upon receipt of an invoice from the District. The District shall evaluate the information provided in the Wastewater Discharge Questionnaire and when it has been determined by the District that a permit will be issued by the District, the application charge shall be assessed.

The schedule of charges shall be maintained in the office of the District and amended and modified from time to time by Resolution of the Board of Directors.

- D. The Manager shall evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a wastewater discharge permit subject to the terms and conditions provided herein.

SECTION 3 - DISCHARGE PERMIT; ISSUANCE OF:

- A. The Manager shall issue a wastewater discharge permit to the applicant if the Manager finds that all of the following conditions are met:
1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Article VIII of these Regulations.
 2. The proposed operation and discharge of the applicant would not impair the normal and efficient operation of the District's wastewater treatment system; and
 3. The proposed discharge of the applicant would not result in a violation by the District of the terms and conditions of its CDPS Permit or pass through of any toxic materials to the environment.
- B. If the Manager finds that the conditions set out in subsection A.1. of this Section is not met, the Manager may, in his or her discretion, issue a wastewater discharge permit to the applicant if the conditions set out in subsections A.2. and A.3. of this Section are met and if the applicant submits and the Manager approves, a schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to ensure compliance with the provisions of these Regulations.

SECTION 4 - DISCHARGE PERMIT; DENIAL OF; HEARING:

- A. In the event an application for a wastewater discharge permit is denied, the Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for such denial with the degree of specificity reasonably necessary to inform the applicant of the measures or actions that must be taken by the applicant for a permit to be issued.
- B. Upon receipt of notification of denial of a permit application, the applicant may request and shall be granted a hearing before the Board of Directors. At such a hearing the applicant shall have the burden of establishing that the conditions set out in Section 3 of Article XI of these Regulations have been met and that a permit should be issued.
- C. The Board of Directors may conduct the hearing and take the evidence or may designate a representative to serve as a hearing officer to conduct the hearing, including:

1. Issuing in the name of the Board of Directors notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 2. Taking the evidence.
 3. Transmitting a report of the evidence and hearing, including transcripts and other evidence, to the Board of Directors together with recommendations for action thereon.
- D. Testimony taken at any public hearing shall be under oath and recorded. The transcript as recorded shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.
- E. Upon review of the evidence by the Board of Directors or the report of the hearing officer, as the case may be, the Board of Directors shall make written findings of fact. Thereupon the Board of Directors may issue an order directing the Manager to issue a wastewater discharge permit or directing that such a permit shall not be issued or give such other or further orders and directives as are necessary and appropriate.
- F. Any party to the hearing aggrieved or adversely affected by an order of the Board of Directors may appeal such order to the District Court in and for the County of El Paso, State of Colorado, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

SECTION 5 - APPLICANT TO BE NOTIFIED OF PROPOSED PERMIT CONDITIONS; RIGHT TO OBJECT:

- A. If the Manager proposes to impose any conditions on a permit, the Manager shall notify the applicant of any proposed permit conditions prior to issuing a permit.
- B. The applicant shall have fourteen (14) days from the date of the notification to file written objection(s) with the Manager to any proposed permit condition(s). The Manager may, but shall not be required to, schedule a meeting with the applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning permit conditions. If no agreement is reached between the applicant and the Manager concerning the proposed permit condition(s), no permit shall be issued.
- C. If the applicant files no objection to proposed permit conditions or if a subsequent agreement is reached concerning same, the Manager shall issue a wastewater discharge permit to applicant with such conditions incorporated.

SECTION 6 - DISCHARGE PERMIT; CONDITIONS:

Wastewater discharge permits shall be expressly subject to all provisions of these Regulations and all other regulations, user charges and fees established by the District, and all applicable laws. District-imposed conditions of wastewater discharge permits shall be uniformly enforced in accordance with these Regulations and applicable State and Federal laws and regulations. Permit conditions may include the following:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

- B. Reporting requirements regarding chemical materials purchased, used, and disposed of, and methods of disposal, including a description of and limitations placed upon the discharge point.
- C. Limits on rate, time, and characteristics, including average and maximum wastewater constituents and characteristics of discharge or requirements for flow regulations and equalization.
- D. Requirements for installation of inspection and sampling facilities and specifications for monitoring programs and/or recordkeeping.
- E. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges, quantities, and/or general characteristics of process tank contents; and/or information concerning hazardous or toxic waste materials generation and disposal.
- F. Daily average and daily maximum discharge rates or other appropriate conditions, when substances subject to limitation and prohibition are proposed or present in the user's wastewater discharge.
- G. Compliance schedules.
- H. Requirements for the installation of facilities or implementation of procedures to prevent and control slug discharges of regulated materials at the user's premises; and
- I. Other conditions to ensure compliance with these Regulations.

Upon request by the Manager, all records kept pursuant to this Section shall be submitted to the Manager for review.

SECTION 7 - DISCHARGE PERMIT; DURATION:

- A. Discharge permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period of one (1) year or less or may be stated to expire on a specific date. If the user is not notified by the Manager thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for one (1) year only. The terms and conditions of the permit may be subject to modification and change by the Manager during the term of the permit, and as limitations or requirements in these Regulations are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change unless such change is initiated by a violation of these Regulations. Any such change or new condition in the permit shall include a reasonable time schedule for compliance.
- B. Annual permit renewal charges shall be established by Resolution of the Board of Directors of the District and amended or modified from time to time by Resolution of the Board of Directors.

SECTION 8 - DISCHARGE PERMIT; TRANSFER:

Wastewater discharge permits are issued to a specific user for a specific operation. No permit shall be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

SECTION 9 - DISCHARGE PERMIT; REVOCATION:

Any violation of the conditions of a permit, these Regulations, or applicable State and/or Federal regulations shall be reason for revocation of the permit. Upon revocation of its permit, any wastewater discharge from the affected user shall be considered prohibited and illegal. Grounds for revocation of a permit include, but are not limited to, the following:

- A. Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- D. Falsification of records, reports, or monitoring results relating to chemical materials.
- E. Tampering with monitoring equipment; and/or
- F. Violation of conditions of the permit.

ARTICLE XII
ENFORCEMENT

SECTION 1 - ADMINISTRATIVE VIOLATIONS:

There is hereby established a class of violations to be known as administrative violations that are further subdivided into minor and major violations as follows:

- A. Minor administrative violations include, but are not limited to, the following:
 - 1. Submission of incomplete reports
 - 2. Failure to submit reports in a timely manner
 - 3. Failure to respond to questionnaires
 - 4. Missing a compliance date without proper prior notification to the District.
- B. Major administrative violations include, but are not limited to, the following:
 - 1. Failure to notify the Manager of a slug discharge or violation of permit conditions
 - 2. Failure to respond to letters requiring response or to administrative orders
 - 3. Missing a compliance deadline by more than sixty (60) days
 - 4. Falsification of documents or attempting to mislead District or government officials in any manner whatsoever
 - 5. Failure to cooperate with District officials exercising their authority under these Regulations
 - 6. A pattern of minor administrative violations.
- C. In the event of mitigating circumstances, the Manager has sole discretion to treat a major administrative violation as a minor administrative violation.

SECTION 2 - VIOLATION OF DISCHARGE LIMITATIONS:

- A. There is hereby established a class of violations to be known as discharge violations which are further subdivided into minor and major violations as follows:
 - 1. Minor discharge violations are those that, either alone or in combination with similar user discharge violations, pose no significant threat to the public health, safety, or welfare, the environment, or the District's POTW.
 - 2. Major discharge violations include, but are not limited to, the following:
 - a. Discharge violations which, either alone or in combination with similar user

discharge violations, pose, as determined by the Manager, a significant threat to the public health, safety, or welfare, the environment, or the safe and efficient operation of the District POTW, or cause or contribute to the incurrence of extra costs of treatment by the District or a violation of the District's CDPS permit

- b. Discharge of a regulated pollutant to the District POTW without a current discharge permit
 - c. Discharge of a hazardous or toxic pollutant not within the scope of the permit and without prior written approval of the Manager
 - d. A pattern of minor discharge violations
 - e. Failure to correct a minor discharge violation within a reasonable time period as specified by the Manager
 - f. Tampering with or purposely rendering inaccurate any monitoring device, method, or record required to be maintained pursuant to these Regulations
 - g. Modifying, altering, or tampering with any service line, collection line, or any portion of the District's wastewater disposal facilities.
- B. In the event of mitigating circumstances, the Manager has sole discretion to treat a major discharge violation as a minor discharge violation.
- C. Upsets:
- 1. An "upset" is defined as an exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to the user and which is beyond the reasonable control of the user. Upsets do not include incidents or non-compliance caused by:
 - a. Operational error
 - b. Improperly designed treatment facilities
 - c. Inadequate treatment facilities
 - d. Lack of preventative maintenance
 - e. Careless or improper operation; or
 - f. A reduction, loss, or failure of the user's treatment facility including, but not limited to, a power outage.
 - 2. Claims of an upset shall constitute an affirmative defense to a charge that a user has violated discharge limitations or prohibitions if and only if the requirements of this Article XII, subsection 2.C.3 are satisfied.
 - 3. In order to establish that an upset has occurred, the user must meet the following requirements:

- a. The user must be able to identify the specific cause of the claimed upset.
 - b. The user must establish prudent operation of the facility at the time of the claimed upset
 - c. The user must demonstrate compliance with operation and maintenance procedures at the time of the claimed upset
 - d. The user must establish that notice to the POTW of the incident was given within twenty-four (24) hours, and that said notice described the discharge and its cause, the period of non-compliance, and the steps being taken at the time of notification to prevent a recurrence of the incident.
4. The burden of proving that an upset has occurred shall be on the user.

SECTION 3 - UNCLASSIFIED VIOLATIONS:

For any violation which is not classified herein, or for the violation of any rule or policy promulgated hereunder, the Manager shall have the discretion to treat such violation as a minor or major violation if such violation can be classified by analogy to a violation classified herein, and to exercise his enforcement authority accordingly. If such violation cannot be classified by analogy, such violation shall be treated as a major violation.

SECTION 4 - ENFORCEMENT PROCEDURES:

- A. Minor Violations: Wherever the Manager has reason to believe that a user is guilty of a minor violation, the Manager may serve upon such user a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A meeting with the Manager may be scheduled at the request of the user or Manager to discuss the violation and/or satisfactory correction schedule.
- B. Major Violations; Show Cause Hearing:
1. Whenever the Manager has reason to believe that any user is guilty of a major violation, he may order any person potentially responsible for such a violation to appear before the Board of Directors and show cause why service should not be terminated. A notice shall be served on the offending user, specifying the time and place of the hearing to be held by the Board of Directors regarding the violation, and directing the offending party to show cause before the Board of Directors why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporate user.
 2. The Board of Directors may conduct the hearing and take the evidence, or may designate a representative to serve as a hearing officer to conduct the hearing, including:
 - a. Issuing in the name of the Board of Directors notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings

- b. Taking the evidence
 - c. Transmitting a report of the evidence and hearing to the Board of Directors, including transcripts and other evidence, together with recommendations for action thereon.
3. At any public hearing, testimony taken before the hearing authority shall be under oath and recorded. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
 4. Upon review of the evidence by the Board of Directors, the Board shall make written findings of fact. Thereupon the Board may:
 - a. Issue an order stating that no major violation has occurred and directing that service shall not be terminated, therefore.
 - b. Issue an order stating that a major violation has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:
 - i. Adequate treatment facilities, devices, or other appurtenances shall have been installed, or
 - ii. Existing treatment facilities, devices, or other appurtenances are properly operated or maintained; or
 - c. Issue such other or further orders and directives as are necessary and appropriate.
 5. Any party to the hearing aggrieved or adversely affected by an order of the Board of Directors may appeal such order to the District Court in and for the County of El Paso, State of Colorado, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

C. Appeal of Manager's Decision

1. For a Notice of Violation issued by the Manager under these Regulations, the party charged with a violation may appeal the Manager's decision to the Board of Directors by written notice to the Board of Directors within ten (10) days after receipt of the Manager's Notice of Violation. After receipt of such written Notice of Appeal of the Manager's decision, the Board of Directors shall hold a hearing regarding whether the Notice of Violation was correct or whether it should be altered, amended, or reversed. Said hearing shall be at the next regularly scheduled meeting of the Board of Directors, but no sooner than ten (10) days from the receipt of the Notice of Appeal of the Manager's decision. At the Board of Directors' discretion, a special meeting may be called for the hearing with at least ten (10) days prior notice provided to all involved parties. Such hearing may be continued by the Board of Directors as they determine to be appropriate.
2. Pending the hearing and decision on the appeal, any corrective action required by the Manager in the Notice of Violation shall be stayed, unless the Manager determines that an emergency condition exists and in which event there shall be no suspension or stay of the curative action required pending the appeal. An emergency condition shall be considered to exist if the Manager determines there is a significant threat to the public health, safety, or welfare, or the environment, or to the safe and efficient operation of the

District POTW, or circumstances exist so as to cause or contribute to the incurrence of extra costs of treatment by the District or violation of the District's CDPS permit.

3. The hearing procedures of Section 4.B of this Article shall govern the hearing process. The failure of the party accused of a violation to appeal the Manager's Notice of Violation shall be considered an acceptance of the Manager's decision and such decision shall not be subject to any further review of any type. The Manager's Notice of Violation shall inform the party of its right to appeal under this Section.

SECTION 5 - GENERAL PENALTIES: CIVIL AND CRIMINAL

- A. In addition to the other remedies provided in these Regulations, any user who is found to be in violation of any provision of these Regulations or any rule or regulation promulgated hereunder may be punished as follows:
 1. Civil Penalties:
 - a. Minor Violations: Any user found guilty of a minor violation will be subject to a fine of not more than One thousand dollars (\$1,000.00) per violation.
 - b. Major Violations: Any user found guilty of a major violation will be subject to a fine of not more than ten thousand dollars (\$10,000.00) per violation.
 2. Criminal Penalties: The provisions of Colorado Revised Statutes, 25-8-609, as amended, and 18-1-501, are incorporated herein by reference and adopted by the District. The District shall prosecute or pursue available legal avenues of prosecution against any user who is alleged or believed by the District to have violated the above provisions or any other applicable criminal statutes for the pollution of water. If found guilty, the fines and penalties set forth in those statutes shall be imposed. Any user who is alleged to have violated the provisions thereof shall be prosecuted by the District in a court of competent jurisdiction, and if found guilty, the fines and penalties therein provided shall be imposed.
 3. Continuing Violations: Each separate day of a continuing violation shall be treated as a separate offense.
- B. In addition to other enforcement procedures provided herein, the Manager may petition the State of Colorado and/or the U.S. Environmental Protection Agency, as appropriate, to exercise such methods of enforcement or remedies as are available to those entities, and the Manager is hereby authorized to seek injunctive relief under Colorado and/or Federal law for non-compliance by industrial users subject to these Regulations.

SECTION 6 - FIELD NOTICE OF OBSERVED VIOLATION:

- A. Upon a finding by a duly authorized representative of the District that during inspection or a sampling of a user, a violation of these Regulations or applicable requirements has or is occurring, he may serve upon such user a certified notice of violation on the form prescribed by the Manager.
- B. After receipt of a notice of violation, the user may appeal to the Manager to consider compliance or other items contained in such notice. Appeal shall be made no later than five

(5) business days after receipt of the notice or prior to the date upon which corrective action has been ordered, whichever comes first.

Failure to comply with or correctly sign this notice shall be considered a minor violation under these Regulations, and in addition to penalties provided therefor, shall subject the user to possible revocation of the user's discharge permit, and/or discontinuance of the user's service.

- D. The Manager may, at any time after a finding of a violation, enter into an agreement with the user. Such agreement may be in the form of a compliance schedule or other specific actions to be taken within a time period specified in the order by the user to correct the noncompliance and/or to prevent future noncompliance or payment of damages and/or fines, or other appropriate remedies. Such agreement, when issued as an order, shall have the same force and effect as any other administrative order issued pursuant to these Regulations.

SECTION 7 - EXTRA MONITORING CHARGE:

- A. The Manager may assess an extra monitoring charge to any user who is found to have:
1. Discharged a waste which causes an obstruction, damage, interference, or other impairment to the District POTW,
 2. Committed a significant violation of these Regulations, or
 3. Failed to comply with provisions of the user's discharge permit.
- B. The amount of this charge shall be determined by the Manager and may include any or all of the following:
1. Sampling and analysis costs.
 2. Time, material, and equipment costs incurred as a result of inspection procedures.
 3. Costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the District as a result of discharge such as time, material, and equipment costs including polymer usage, preventing, or correcting interference of POTW, etc.
 4. Other associated costs the Manager may deem necessary.
- C. The affected user shall be notified in writing by the Manager of the extra monitoring situation within five (5) days of determination.
- D. Such fees shall be due and payable to the District by the user within thirty (30) days of being notified of final cost.

SECTION 8 - NOTIFICATION:

The Manager shall attempt to notify in writing any user whom he has cause to believe is subject to a National Categorical Pretreatment Standard; General Pretreatment Standards; or other

applicable requirements promulgated by the U.S. EPA under the provisions of section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. The failure of the Manager to so notify users shall not relieve said users from the responsibility of complying with applicable requirements.

SECTION 9 - DISCLOSURE; AVAILABILITY TO PUBLIC:

Except as otherwise provided in Article XII, Section 11, all records, reports, data, or other information supplied by any person or user as a result of any disclosure required by these Regulations or information and data from inspections shall be available for public inspection.

SECTION 10 - LIABILITY:

- A. The Manager, and any employee of the District responsible for the implementation and enforcement of these Regulations, while acting for the District, shall not be rendered personally liable, and is hereby relieved from all personal liability for any damages accruing to persons or property as a result of any act required or permitted in the discharge of official duties conducted within the scope of employment or otherwise required under these Regulations.
- B. The Manager and all employees of the District shall not be liable for costs arising out of any action, suit, or proceeding that is instituted as a result of or arising out of the provisions of these Regulations, and the Manager and any employee of the District acting in good faith and without malice, shall be free from liability for acts performed under any of provisions of these Regulations or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 11 - TRADE SECRETS; CONFIDENTIALITY OF:

- A. The provisions of Article XII, Section 9 shall not be applicable to any information designated as a confidential trade secret by the person supplying such information. Materials designated as a trade secret may include but shall not be limited to processes, operations, style of work or apparatus, or confidential commercial or statistical data. Any information and data submitted by the user which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The user must demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.
- B. Information designated as a trade secret pursuant to subsection A of this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the District charged with enforcing the provisions of these Regulations, and properly identified representatives of the U.S. Environmental Protection Agency and the Colorado Department of Health.
- C. It shall be unlawful for any officer, employee, or authorized representative of the District to unlawfully divulge in any manner or to any extent not authorized by judicial order or other provision of law information supplied pursuant to any requirement of these Regulations, when such information has been designated as confidential pursuant to subsection A of this Section. In addition to any other penalties that may be imposed, any officer, employee, or authorized representative of the District who violates the provisions of this subsection shall

be subject to discharge from the employ of the District.

- D. Effluent data obtained by sampling any waste stream from any user whether by self-monitoring, monitoring by the District, or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

SECTION 12 - PUBLIC NOTICE OF SIGNIFICANT VIOLATIONS:

On or before the first day of June of each year, the Manager shall cause to be published one (1) time in the largest daily newspaper of general circulation in the District, a notice of all industrial users in significant noncompliance since the preceding annual notice. The annual notice shall include, but not be limited to, the name of the user, date of violation, and the general nature of the violation.

ARTICLE XIII

OIL AND GREASE CONTROL

SECTION 1 - GENERAL:

- A. A grease interceptor or grease trap shall be provided when, in the judgment of the District, necessary for the proper handling of liquid wastes containing grease or solids that may be harmful to, or cause obstruction of the District's wastewater collection system, or interfere with the operation of the District's treatment works. The District will determine, and substantiate its determination of, whether a grease interceptor or grease trap will be acceptable to the District to mitigate the potential harm. The District will generally recommend grease interceptors unless circumstances clearly indicate that a grease trap will be sufficient to mitigate the user's discharge of liquid wastes containing grease or solids.
- B. An adequate grease interceptor or grease trap shall be installed as required by the District on the wastewater drainage system from any non-residential customer conducting the preparation and/or sale of food to the general public, including but not limited to restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, and any and all other kinds and types of food vending establishments in which any food preparation (including heating or defrosting in or by means of any kind of oven or heating device) takes place on the premises, whether or not such facilities are located in a separate building or structure that is occupied by other businesses, as well as schools, churches, boarding houses with communal kitchen facilities, nursing homes, and day care centers which have kitchens and engage in the preparation of food. The adequacy of the grease interceptor or grease trap shall be determined by compliance with the design, sizing, and other requirements of these Regulations and the District.
- C. All drains from the kitchen, food preparation, and dishwashing areas shall be connected to a grease interceptor or grease trap. Fixtures to be connected include, but are not limited to, scullery sinks, pot and pan sinks, dishwashing machines, soup kettles, and floor drains located in areas where grease containing materials may exist.
- D. When deemed necessary by the District, garbage disposals (garbage grinders) may be required to be connected to an approved grease interceptor.
- E. Connection of garbage disposals (garbage grinders) to grease traps will typically not be permitted.
- F. Toilets, urinals, and similar fixtures shall not discharge through a grease interceptor or grease trap. Such fixtures shall be plumbed directly into the building sewer and waste system.
- G. A variance from the requirement for a grease interceptor or grease trap on any non-residential structure may be granted after due consideration by the District for good cause shown including, without limitation, the particular hardship and unique circumstances of the user which are not brought about as a result of the user's acts or omissions. The granting of any variance shall be at the sole discretion of the District based upon the facts and circumstances of each request.

SECTION 2 - DEFINITIONS:

- A. For the purpose of this Regulation, the terms “grease interceptor” and “grease trap” shall be defined as follows:
1. Grease Interceptor: A unit of at least one thousand five hundred (1500) gallons capacity designed to retain grease from one or more fixtures and which shall be located remote from the fixtures being served, typically outside the building being served. This is the preferred unit of choice by the District.
 2. Grease Trap: A unit designed to retain grease from one (1) to a maximum of four (4) fixtures and which may be located inside the building being served. Generally, these types of units will not be permitted by the District.
 3. The smallest grease trap permitted shall have a minimum grease retention capacity of one hundred (100) pounds and shall provide a hydraulic retention time of at least fifteen (15) minutes at the design flow rate.
 4. No grease trap shall be installed which has a rated capacity of less than fifty (50) gallons per minute (gpm).
 5. The use of larger capacity grease traps is encouraged whenever possible in that larger traps work more efficiently. In resolving any question of capacity of the grease trap, any uncertainties shall be resolved in favor of the larger capacity grease trap.
- B. Fixture Unit Equivalent (FUE): A value which permits the comparison of different sized fixtures based on the drainage load produced.
1. One (1) FUE = Discharge flow rate of 7.5 gpm.

SECTION 3 - DESIGN AND SIZING:

- A. The design and sizing of grease interceptors and grease traps shall be in accordance with the International Plumbing Code (IPC) and this Regulation, and shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting the grease and solids from the user’s wastewater and preventing the discharge of such grease and solids to the District’s wastewater treatment system.
- B. The applicable edition of the IPC shall be the edition currently utilized by the local building permitting authority at the time of design approval by the District.
- C. The size, type and location of each grease interceptor and grease trap shall be approved by the District, in accordance with these Regulations. Except where otherwise specifically permitted, no waste other than those requiring separation shall be discharged into any grease interceptors or grease traps. One set of plans, which shall include complete mechanical and plumbing sections shall be submitted to the District for approval prior to construction. Such plans shall include the size, type and location of each interceptor or trap. Such approval shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. The District shall approve or deny the plans based on compliance with these Regulations and any policies or procedures promulgated by the Manager in accordance herewith. District approval shall not

be construed as or act as a guarantee or assurance that any discharge is or will be in compliance with any applicable code, ordinance, rule, regulation, or order or any governmental authority. Any subsequent alterations or additions to such facilities shall not be made without due notice to and prior approval of the District.

D. Design:

1. All waste shall enter the grease interceptor or grease trap through the inlet pipe only.
2. Grease interceptors and grease traps shall be designed and located so as to be readily accessible for cleaning and shall have a water seal of not less than six (6) inches for grease interceptors and two (2) inches or the diameter of the outlet, whichever is greater, for grease traps.
3. Grease interceptors shall be constructed in accordance with the design specifications contained herein, and as approved by the District and shall have a minimum of two (2) compartments with fittings designed for grease retention. There shall be a minimum of two (2) manholes to provide access for cleaning and inspection of all fixtures and compartments of the interceptor, a minimum of one (1) per ten (10) feet of interceptor length. In the case of smaller or circular interceptors, where it is not practical to install two (2) manholes, a single manhole shall be located so as to permit entrance to the first compartment, and inspection of the second. All areas of the second compartment shall be accessible for cleaning. Manhole covers shall be gastight in construction having a minimum opening dimension of twenty (20) inches. In areas where traffic may exist, the interceptor shall be designed to have adequate reinforcement and cover, meeting American Association of State Highway Transportation Officials (AASHTO) HS-20 load specifications.
4. Grease traps shall be equipped with a flow control or restricting device installed in a readily accessible and visible location ahead of the grease trap. Flow control devices shall be designed and rated such that the flow through such a device shall at no time be greater than the rated capacity of the grease trap. No flow control devices having adjustable or removable parts will be permitted.
5. A flow control device will not be required preceding a grease interceptor.
6. Grease interceptors and grease traps shall be designed so that they will not become air bound if closed covers are used. The tank and the discharge line shall each be vented, and the vents shall not tie together less than forty-two (42) inches above the tank lid elevation.
7. An effluent sampling box shall be provided on the discharge of each grease interceptor or grease trap where so required by the District.

E. Sizing Criteria:

1. Grease Interceptors: When determining the minimum size of grease interceptor required, the following shall be considered:
 - a. The minimum acceptable volume shall be not less than one thousand five hundred (1500) gallons.

- b. The size of the interceptor may be based on the maximum number of meals served at maximum periods of the day (either breakfast lunch or dinner). Volume, in gallons, of the interceptor shall be two and one-half 2 ½ gallons times the maximum number of meals served during the busiest period of the day.
- c. An alternate method of determining the size of the grease interceptor is to multiply seating capacity times a turnover constant of one and six-tenths (1.6) times two and one-half (2 ½) gallons. Seating capacity can be approximated, using ten (10) square feet of dining area per person. (VOLUME = Seating Capacity x 1.6 x 2.5 gallons.)
- d. The size of the grease interceptor may be determined by the following formula:

Interceptor size (liquid capacity in gallons) = number of meals served per peak hour X waste flow rate X retention time X storage factor

i. Meals served per peak hour to be estimated as follows: Seating capacity X occupancy factor (0.80) X meals per hour per seat.

ii. Waste flow rate:

With dishwashing machine	6 gallons
Without dishwashing machine	5 gallons
Food waste disposal	1 gallon

iii. Minimum Retention time: 1.0 hours

iv. Storage Factor:

Fully equipped commercial kitchen:

8-hour operation	1
16-hour operation	2
24-hour operation	3

Single service kitchen: 1.5

- e. An appropriate volume may be determined by multiplying the total rate of flow in gallons per minute from each fixture required to be connected to the interceptor times a minimum retention time of not less than fifteen (15) minutes, the resulting volume expressed in gallons.

2. Grease Traps: Grease traps shall be sized based on one of the following methods:

- a. Fixture Capacity Method: Under this method, the physical size of each fixture compartment to be connected to the grease trap shall be measured and the capacity determined. The drainage load in gallons shall then be computed assuming the drainage load to be equal to seventy-five hundredths (0.75) times the total physical capacity. The sum of the drainage loads for each fixture compartment to be connected to a single grease trap will be the total grease trap

drainage load. The total grease trap drainage load is then divided by the drainage period for the fixture compartments connected to determine the flow rate to the grease trap in gallons per minute (gpm). Multiply the grease trap flow rate thus determined, or the rated capacity of the flow control device, by the minimum retention time (fifteen (15) minutes) to determine the required liquid capacity of grease trap to be installed.

- b. Fixture Unit Method: Under this method the fixture compartment outlet or trap arm size shall be utilized to determine the fixture compartment drainage load in gpm, assuming one (1) fixture unit equivalent produces a flow rate of seven and five-tenths gallons per minute (7.5 gpm). The sum of the drainage loads for each fixture compartment to be connected to a single grease trap or the rated capacity of the flow control device will be the total grease trap drainage load in gallons per minute (gpm). Multiply this total drainage load by the minimum retention time (fifteen (15) minutes) to determine the required liquid capacity of the grease trap to be installed.

- (1) The following fixture unit equivalent values shall be utilized when sizing grease traps under the Fixture Unit Method:

Fixture Outlet, Trap or Trap Arm Size	Fixture Unit Equivalent Value
1-1/4"	1
1-1/2"	3
2"	4
2-1/2"	5
3"	6
4"	8

- (2) Selection of the appropriate size for a grease trap is dependent on the drainage period of the fixtures connected to the trap. By adjusting the fixture drainage period through use of a flow control device, (a) a smaller grease trap could be utilized for a given fixture size or capacity; (b) multiple fixtures could be connected to the same grease trap.
- (3) Where the required grease trap size would exceed that which is commercially available, either multiple grease traps shall be installed in parallel, or a grease interceptor shall be utilized.

SECTION 4 - INSTALLATION:

- A. The installation of grease interceptors and grease traps shall be in accordance with the International Plumbing Code (IPC) and these Regulations and shall be accomplished in a workmanlike manner in compliance with the design and sizing requirements hereunder.
- B. The applicable edition of the IPC shall be the edition currently utilized by the local building permitting authority at the time of installation.
- C. The installation of grease interceptors and grease traps shall be accomplished by licensed plumbers with documented experience in the installation of such devices.
- D. Each grease interceptor and grease trap shall be readily accessible for inspection, servicing,

and maintaining in proper working condition. Grease interceptors and grease traps shall be deemed inaccessible if ladders must be used or bulky equipment must be removed in order to inspect or service the interceptors or traps. Where feasible, all interceptors shall be located outside of the facility served. Interceptors may not be installed in any part of a building where food is handled. The location of all interceptors and traps shall be approved by the District and shall be shown on the approved building plan.

- E. No dishwasher shall be connected to or discharge into any grease interceptor or grease trap of less than one thousand five hundred (1,500) gallons capacity which is utilized by other fixtures. Automatic dishwashing units shall be plumbed through their own properly sized grease interceptor, properly sized grease trap or directly into the building sewer and waste system.
- F. No food grinder or disposal unit shall be connected to or discharged into any grease trap. Such units shall be plumbed through a properly sized grease interceptor or directly into the building sewer and waste system.
- G. All fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a grease interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the grease interceptor.
- H. Waste in excess of one hundred forty (140) degrees Fahrenheit shall not be discharged into a grease interceptor or grease trap, and liquid discharge from a grease interceptor or grease trap shall not exceed seventy (70) degrees Fahrenheit.

SECTION 5 - MAINTENANCE:

- A. Maintenance of grease interceptors and grease traps shall be done only by a business/professional normally engaged in the servicing of such plumbing fixtures. An individual property owner will not be permitted to accomplish maintenance specified by this Regulation.
- B. The District shall provide a user and/or a maintenance business with a form for recording grease interceptor/grease trap maintenance. The user shall, or shall cause the maintenance business to, provide one copy of the completed form to the District immediately following accomplishment of maintenance of any grease interceptor or grease trap within the District.
- C. As a minimum, any grease interceptor in service in the District shall be serviced at a maximum interval of one hundred twenty (120) days.
- D. A variance from this requirement may be obtained if the user can confirm that there is no normal use during any given one hundred twenty (120) calendar day period.
- E. The District may inspect the interceptor and outlet, and if it is deemed necessary by the District, more frequent servicing and maintenance will be required.
- F. As a minimum, any grease trap in service in the District shall be serviced at a maximum interval of thirty (30) days.
- G. A variance from this requirement may be obtained if the user can confirm that there is no normal use during any given thirty (30) calendar day period.

- H. The District may inspect the trap and outlet and if it is deemed necessary by the District, more frequent servicing and maintenance will be required.
- I. Biological treatment shall not be a substitute for the plumbing of grease interceptors and grease traps at the frequency determined by the District. Emulsification of oil and grease with enzyme treatments only delays physical separation. Oil and grease may then separate down stream and cause clogging problems in the collection system. A grease interceptor and grease trap using biological treatment requires continuous monitoring, maintenance, and inoculation of the bacterial cultures.
- J. The District may inspect grease interceptors and grease traps monthly to determine the load on the fixture and the effectiveness of maintenance activities. The District will inventory all grease interceptors and grease traps in its service area and document the inspections of these interceptors and traps.
- K. These inspections may determine that more frequent maintenance than previously specified is required.
- L. Existing sources not connected to a grease interceptor or grease trap and contributing oil and grease to the District's waste stream and collection system will be identified through the District's inspection program. Once these sources are identified, they will be required to install a grease interceptor or grease trap and maintain it according to these Regulations. In the time before a grease interceptor or grease trap can be installed the District will require such businesses to implement Best Management Practices (BMPs) to keep oil and grease out of the sanitary sewer system, such as:
 - 1. Scrape food from plates into garbage cans.
 - 2. Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage receptacle as needed.
 - 3. Pour all liquid oil and grease from pots into waste grease bucket stored at the pot washing sink. Heavy solid build-up of oil and grease on pots and pans should be scraped off into a waste grease bucket.
 - 4. Other kitchen practices identified by the District and/or facility which will decrease the point source discharge of oil and grease.

SECTION 6 - RESPONSIBILITY, FINES AND RETRIBUTION:

- A. Property owners and lessees shall be jointly and severally responsible for cleaning grease interceptors and grease traps for maintaining the grease interceptors and grease traps in efficient operating condition at all times, and for otherwise complying with the provisions of these Regulations. Grease interceptors and grease traps shall be maintained by regularly scheduled removal of the accumulated grease and solids so that they will properly operate as intended to intercept the grease and solids from the customer's wastewater and prevent the discharge of grease and solids to the District's wastewater treatment plant. This maintenance shall be performed in a workmanlike manner before the retention capacity of the interceptor or trap is exceeded. Detailed and accurate records of maintenance shall be maintained on-

site and shall be provided to and available to the District upon request. Such maintenance records shall be in the form of Exhibit A attached hereto, or such other form as reasonably required from time to time by the Manager.

- B. The District reserves the right to levy any fines to such facilities that do not conform to the District's Regulations. Restitution shall be paid by the non-compliant user to any surrounding businesses and/or homeowners for damage resulting from any non-compliance of the District's Regulations. Any extraordinary cost incurred by the District due to interference, damage, or special processing necessary in the treatment and/or collection system shall be paid by the user. The direct cost of all labor, equipment and materials incurred in rectifying the interference or damage shall be billed directly to the user by the District.

SECTION 7 - SEWER USE REGULATIONS:

Any violation of these Regulations related to grease interceptors and grease traps shall be considered a discharge violation under the enforcement provisions of Article XII of the Regulations. Compliance with these Regulations shall be the joint and several obligations of the owner of the property served and any party in possession of the property using the wastewater services of the District. Any monies due or penalties to the District under the provisions of these Regulations shall constitute a lien upon the property served.

ARTICLE XIV
EFFECTIVE DATE

SECTION 1 - EFFECTIVE DATE:

These Sewer Use Regulations were approved by resolution of the Board of Directors on February 8, 2024, Resolution No. 2024-03, and shall be in full force and effect on the 9th day of February, 2024 (“Effective Date”).

SECTION 2 - SUPERSEDE PRIOR SEWER USE REGULATIONS

These Regulations supersede and completely replace the former Sewer Use Regulations of Fountain Sanitation District, and any amendments thereto, in effect prior to the Effective Date.

ENACTED this 8th day of February, 2024.

BOARD OF DIRECTORS
FOUNTAIN SANITATION DISTRICT
FOUNTAIN, COLORADO