

**SOUTH FORT COLLINS SANITATION DISTRICT**

**RULES AND REGULATIONS**

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## **ARTICLE 1**

### **GENERAL**

**Section 1.1 Enactment.** These Rules and Regulations are adopted by the Board of Directors of South Fort Collins Sanitation District (“District”) in accordance with the authority contained in Title 32, Article I, Part 10, C.R.S.

**Section 1.2 Availability of Service.** Sanitary sewer service shall be available in accordance with these Rules and Regulations and on the basis of the charges established therefor and subject to all penalties and charges for violation thereof, or any applicable statutes and subject to the availability of facilities and capacity.

**Section 1.3 Intergovernmental Agreements.** The District is the owner of a sewage treatment plant and related appurtenances located in Larimer County, Colorado. Sanitary sewer service provided by the District to its customers is subject to the terms and conditions of various Intergovernmental Agreements entered into by and between the District and Spring Canyon Water and Sanitation District, the Town of Timnath, the City of Fort Collins and the City of Loveland.

**Section 1.4 Amendment to Rules and Regulations.** These Rules and Regulations may be modified, amended, altered, revised and restated from time to time, except as otherwise provided in the Intergovernmental Agreements described in Section 1.3 above. These Rules and Regulations shall at all times comply with the “Rules and Regulations” promulgated pursuant to said Amended Intergovernmental Agreement.

**Section 1.5 Compliance with Plumbing or Building Requirements.** Nothing herein provided shall be deemed to relieve any Person from compliance with the plumbing codes or building codes of the City of Loveland, City of Fort Collins, Town of Windsor, Town of Timnath and/or County of Larimer, Colorado, or any other state or local plumbing or building requirements.

**Section 1.6 Severability.** If any section, subsection, sentence, clause or phrase of these Rules and Regulations is held to be invalid or unconstitutional for any reason, such decision shall not affect the remaining portions of these Rules and Regulations.

**Section 1.7 Control and Operation of Facilities.** All sanitary sewer facilities shall be under the management of the District Manager and the control of the Board. No other Person shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the District’s Facilities.

**Section 1.8 Control of Works.** If, for any reason, the District deems it necessary to delay or stop work on any sanitary sewer facilities to be connected to the District’s Facilities, a stop order by the District Manager shall be issued and delivered to the Customer or Person doing the job. Work

shall cease in an orderly manner with proper safety measures and adequate protection for materials, equipment, property and other phases of the job. Work shall not be resumed until issuance of a proceed order. Such decision shall not be the basis of any claim by the Customer or Person or concern for direct, indirect, consequential or other damage by reason of such action, but may be appealed to the Board for review.

**Section 1.9 Other Charges.** Whenever any Person, Owner or Customer fails to perform any act required by these Rules and Regulations, performs any such act in a negligent manner or performs any act prohibited by these Rules and Regulations, the District may, at its discretion, correct any problem created thereby. In such event, all costs incurred by the District shall be charged to and paid pursuant to Article 7 thereof. Such charge shall be a lien against the property served until paid.

**Section 1.10 Special Conditions.** Any presently installed sanitary sewer collection facility which does not meet the requirements of this Article but which was in compliance with the Rules and Regulations at the time of installation and which has been properly maintained, except for the inspection and maintenance requirements, need not be upgraded, so long as the District Manager is assured that said facilities will satisfactorily protect the District's Facilities and the public. Whenever the existing facilities are moved from their present location or require replacement as determined by the District Manager or when the District Manager finds that the device constitutes a hazard to health, the facilities shall be replaced by meeting the current requirements of these Rules and Regulations.

## **ARTICLE 2**

### **DEFINITIONS**

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

Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval Authority. The appropriate Regional Administrator of the EPA.

Authorized or Duly Authorized Representative.

(1) If the industrial user is a corporation:

- a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of

making major capital investment recommendations, and initiate and direct other comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3 above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

(5) If an authorization under paragraph (1)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

Batch discharge. The controlled discharge of a discrete, contained volume of wastewater.

Best Management Practices or BMPs. The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 6.2.1 A and B [40 C.F.R. 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Pretreatment Regulations and Section 307(d) of the Act and as specified at 40 CFR 403.5(c)(4).

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/L).

Board. The duly elected and appointed Board of Directors of the South Fort Collins Sanitation District.

Categorical Industrial User. An Industrial User subject to a categorical pretreatment standard or

categorical standard.

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

Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Colorado Discharge Permit System Permit or CDPS. The Permit issued by the State of Colorado pursuant to the Act and the Water Quality Control Act.

Composite Sample. A sample formed either by continuous sampling or by mixing discrete samples. The composite sample may be a Time Proportional Composite Sample or a Flow Proportional Composite Sample.

Contractor. Any person, firm, association, corporation or agency performing work or furnishing materials to or for the District, directly or indirectly.

Control Authority. The District, as the entity directly administering and enforcing the pretreatment standards and requirements of these regulations.

Control Mechanism. Those mechanisms used to control the discharges of significant industrial users and industrial users of the Publicly Owned Treatment Works (POTW). Control mechanisms may include wastewater discharge permits, BMPs, written authorizations to discharge, liquid waste hauler permits, administrative orders and other requirements enforceable under this regulation.

Customer. Any person who is authorized, or who desires, to obtain services from the District.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where the Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where the Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Day or Days. The calendar days except where otherwise noted.

District. The South Fort Collins Sanitation District, a q u a s i - municipal corporation and political subdivision of the State of Colorado organized and acting pursuant to the Colorado Special



District Act (Article I, Title 32 of the Colorado Revised Statutes, as amended).

Domestic Wastewater or Domestic Sewage. The liquid waste from noncommercial preparation, cooking, and handling of food, or liquid waste containing only human excrement and similar matter from sanitary fixtures (e.g., toilets, showers, bathtubs) of dwellings or commercial, industrial, or institutional buildings.

Enforcement Response Plan. The written plan that sets forth the specific actions the District will take to investigate and respond to violations of the industrial pretreatment program and all applicable state and federal laws and regulations.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source. Any source of discharge that is not a “New Source”.

Facility. Any building, equipment, pipe, valve, manhole or other appurtenance owned, operated or maintained by the District to provide sewer service.

Fats, Oils and Grease or FOG. Nonpetroleum organic polar compounds derived from animal or plant sources such as fats, nonhydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 C.F.R. Part 136.

Flow Proportional Composite Sample. A composite sample where each discrete sample is collected based upon the flow (volume) of wastewater.

Food Service Establishment. Any nondomestic discharger where preparation, manufacturing, or processing of food occurs including, but not limited to, restaurants, cafes, fast-food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing facilities, assisted living facilities, and other facilities that prepare, service, or otherwise make foodstuff available for consumption.

Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Grease Interceptor. A large in-ground tank intended to remove, hold, or otherwise prevent the passage of fats, oils and grease in the wastewater discharged to the POTW by gravity separation considering calculated retention times and volumes for each facility. Such interceptors include baffle(s) and a minimum of two compartments and generally are located outside a building.

Grease Removal Device. A grease trap, grease interceptor, or other device (i.e., hydromechanical)

that is designed, constructed, and intended to remove, hold, or otherwise prevent the passage of fats, oil, and grease to the sanitary sewer.

**Grease Trap.** A device designed to reduce the amount of fats, oil, and grease in wastewater discharged into the POTW. Grease traps usually serve no more than four fixtures and generally are located inside a building.

**Hauled Waste.** Any waste from holding tanks, including, without limitation, chemical toilets, vacuum pump tank trucks, and septic tanks. Hauled waste does not include domestic waste from an individual's recreational vehicle (e.g., camper or trailer).

**Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

**Industrial User.** A source of indirect discharge.

**Individual Wastewater Discharge Permit or IWDP.** A permit issued by the District allowing the conditional release of Indirect Discharge into the POTW owned by the District, pursuant to 40 CFR 403, issued to a specific generator of Non-Domestic sewage.

**Instantaneous Limits.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, both: inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and therefore is a cause of a violation of the District's CDPS permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or Local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**Intergovernmental Agreement.** The most recent version of any executed document defining terms of service and / or legal authority with tributary wastewater systems or local governments, including Spring Canyon Water and Sanitation District, Lakeview Metropolitan District, the Town of Timnath, the City of Fort Collins, the City of Loveland and the Boxelder Sanitation District.

**Local Limits.** Specific discharge limits and BMPs developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed

in 40 C.F.R. 403.5(a)(1) and (b).

**Manager.** The person in the role of District Manager, designated by the Board, who administers and supervises the business, affairs, operations and maintenance of the District and its facilities, or his or her authorized designee.

**May.** Permissive, not mandatory.

**Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**Monthly Average.** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**Monthly Average Limit.** The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**Nanomaterials.** Without limitation, an engineered product developed using a microscopic particle(s) whose size is measured in nanometers.

**NPDES.** The National Pollution Discharge Elimination System is an EPA permit program that authorizes State governments to perform permitting, administrative, and enforcement acts of the program.

**New Source.**

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the

extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria in paragraphs 1(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment;  
or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**Noncontact Cooling Water.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**Nondomestic Sewage.** Sewage which is not Domestic Sewage.

**Oil and Sand Separator.** A trap, interceptor, or other device designed, constructed, and intended to remove, hold, or otherwise prevent the passage of petroleum products, sand, sediment, sludge, grease, or similar substances in the wastewater discharged to the POTW by gravity separation considering calculated retention times and volumes for each facility. Such separators include baffle(s) and a minimum of two compartments and generally are located outside a building.

**Owner.** Any person who holds title to any real property or building served by the District.

**Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's CDPS permit, including an increase in the

magnitude or duration of a violation.

**Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

**pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.

**Plant Manager.** The person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this regulation. This term also means a Duly Authorized Representative of the Plant Manager.

**Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical waste, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) and other substances or material (e.g., nanomaterial) as determined by the District Manager.

**Pollution.** The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

**Potable Water.** Water which is pure and wholesome and does not endanger the lives or health of human beings and which conforms to the requirements of the Safe Drinking Water Act or any other applicable standards.

**Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except by diluting the concentration of the pollutants, which is prohibited in 40 CFR 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 §403.6(e).

**Pretreatment Coordinator.** The employee of the District designated by the District Manager to administer, implement and enforce the Industrial Pretreatment program.

**Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, imposed on an Industrial User other than a Pretreatment Standard.

Pretreatment Standards or Standards. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to §403.5, Best Management Practices, Local Limits and specific prohibitions established by the District. In cases of differing Standards, the more stringent shall apply.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 6.2.1 of these regulations.

Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C section 1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the municipality, as defined in section 502(4) of the Act, which has jurisdiction over Indirect Discharges to and the discharges from such a treatment works [40 CFR 403.3(q)]

Septic Tank Waste. Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

Sanitary Sewer. A pipe, typically buried, which carries liquid and water-carried wastes from residences or Nondomestic Sources.

Service Lateral. The private pipeline from the connection on the Sewer Main to the improvements of the Customer. Service laterals are owned and maintained by the Owner

Sewer Main. The principal sewer to which service laterals are tributary. Sewer mains are typically owned and maintained by the District.

Shall. Mandatory, not permissive

Significant Industrial User or SIU.

(1) An Industrial User subject to Categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up five (5) percent or more of

the average dry weather hydraulic or organic capacity of the POTW treatment plant;  
or

(c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

**Significant Noncompliance.** An Industrial User that violates one or more of the criteria listed in Article 6, Section 6.9.

**Spring Canyon.** Spring Canyon Water and Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado organized and acting pursuant to the Colorado Special District Act (Article I, Title 32 of the Colorado Revised Statutes, as amended), which is tributary to the South Fort Collins Sanitation District collection system.

**Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards (see section 6.2.1 of these regulations). A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits, Permit conditions or control mechanism.

**Stormwater.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**Surcharge.** Any charge imposed by the District for the provision of a special service not normally provided by the District.

**Suspended Solids or Total Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and that is removable by laboratory filtering.

**Tap Fee.** A charge imposed by the District for obtaining sanitary sewer service from the District for purposes of paying capital costs associated with the District facilities, including the POTW, used to provide sewer service.

**Time Proportional Composite Sample.** A sample of equal-volume aliquots taken at regular intervals throughout the sampling period.

**Town of Timnath.** The political subdivision of the State of Colorado identified as Timnath which contributes wastewater to the South Fort Collins Sanitation District Collection System.

Toxic Pollutant. 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 other acts.

User or Industrial User. A source of Indirect Discharge.

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

Wastewater Treatment Plant. That portion of the POTW or any portion thereof designed to provide treatment of Wastewater.

### **ARTICLE 3**

#### **APPLICATION OF SERVICE OUTSIDE THE DISTRICT**

Sanitary Sewer service outside the District shall only be provided when such service is in the best interest of the District. Such service shall be provided pursuant to a contract approved by the Board only if the District has confirmed that it has the capability to provide such service.

### **ARTICLE 4**

#### **CONSTRUCTION OF SANITARY SEWER COLLECTION FACILITIES**

**Section 4.1 General.** All the Sanitary Sewer collection Facilities shall be designed and installed so as to provide an acceptable level of service to the specific parcel, as well as to all Customers of the District.

All Sanitary Sewer collection Facilities shall conform with the Sanitary Sewer Standard Specifications as adopted and amended by the District from time to time. Prior to the construction of any Facility, the District shall review and approve the plans for the Facility. The plans shall include a description of all necessary sites and rights-of-way.

All sites and rights-of-way reasonably required by the District shall be conveyed free and clear of all liens to the District. Sites and rights-of-way shall include sufficient property to protect the District against the possibility of relocating or reconstructing such Facilities.

**Section 4.2 Extension and Sizing of Facilities.** Any connection to the District's Facilities shall be approved by the District in writing. Any Sanitary Sewer collection Facilities, to the extent determined by the District, required to serve developments of the property within the District, shall be provided by the Customer at its expense. This shall include all sites, rights-of-way and easements.



Unless otherwise agreed to in writing by the District, the cost for the design and construction of Sanitary Sewer collection lines up to eight (8) inches in diameter shall be the sole responsibility of the Customer. If, in the opinion of the District, an increase in line size is necessary within a proposed development in order to provide an acceptable level of service to other Customers within the District, the Customer may be required to provide oversized pipelines.

The cost of the “oversizing” of such pipelines shall be borne by the District. The basis for such costs shall be the difference in the unit prices between the maximum line size which is the Customer’s responsibility and the actual size to be constructed. The cost for the design and preparation of contract documents for these “oversized” pipelines shall be the sole responsibility of the Customer.

**Section 4.3 Acceptance of Facilities.** The District will assume responsibility for providing Sanitary Sewer service to individual lots within a development only upon transfer to the District of the ownership of all Facilities and any necessary easements. The transfer shall take effect upon issuance of a notice of Substantial Completion provided by the District. All such Facilities shall be warranted for two (2) years after acceptance by the District unless otherwise declared in the notice of Substantial Completion.

**Section 4.4 Inspection.** The District shall have the right to inspect at all times all Facilities connected to, or to become connected to, the District’s Facilities. Authorized employees and representatives of the District shall be allowed free access at all reasonable hours to any building or premises receiving Sanitary Sewer service to ensure compliance with these Rules and Regulations.

## **ARTICLE 5**

### **SANITARY SEWER SERVICE**

**Section 5.1 General.** The right to use any of the District’s sewage system is only by permission granted by the District. The District reserves the full right to determine all matters related to the control and use of its Sanitary Sewer system and POTW. The right to use of the District’s Sanitary Sewer system and POTW shall be subject to suspension, disconnection or revocation as set forth in Article 6.

**Section 5.2 Service Lateral Size, Location and Installation.** The District Manager or designee shall approve the size, location and manner of accomplishing the installation of a Service Lateral. If a Service Lateral is installed by the Customer, the Service Lateral joints shall remain exposed until they have been inspected and approved by an authorized representative of the District. The size, slope, alignment and materials of construction of the Customer’s Service Lateral and the method to be used in the excavating, placing of pipe, jointing, testing and backfilling of the trench

shall conform to the criteria set forth in the most recent edition of the Sanitary Sewer Standard Specifications and the applicable plumbing codes enacted and enforced by the City of Loveland, City of Fort Collins, Town of Windsor, Town of Timnath and/or County of Larimer, Colorado, or their successors.

The Service Lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any drain is too low to permit gravity flow to the POTW, Sanitary Sewage carried by such building drain shall be lifted by an approved means and discharged into the Sewer Lateral.

No drains, roof downspouts, exterior foundation drains, sumps, area drains or other sources of surface runoff or groundwater shall be connected directly or indirectly to a Sanitary Sewer unless such connection is approved by the District Manager.

All costs and expenses incidental to the installation and connection of the Service Lateral shall be borne by the Customer. The Customer shall reimburse the District for any loss or damage which may directly or indirectly be occasioned by the installation of the Service Lateral.

**Section 5.3 Limitations on Service Connection.** A separate and independent Service Lateral shall be provided for every building or Customer; however, the District reserves the right to allow more than one (1) building or Customer to be connected to one (1) Service Lateral. Subject to the approval of the District, the Customer is responsible for determining the size and location of the Service Lateral.

When property provided with a Service Lateral is subdivided, a Service Lateral shall be provided for each building or Customer.

Should a Service Lateral be of the wrong size or at the wrong location and not in accordance with the approved plans or the Sanitary Sewer Standard Specifications, the cost of all changes required to correct the situation shall be paid by the Customer.

The Customer is responsible for maintenance of the Service Lateral from the building through the point of connection to the District's Sewer Main.

Any Sewer Main damaged as a result of abnormal use or damage to such Facilities shall be repaired or reconstructed at the expense of the Customer or Person responsible for such abnormal use or damage.

No unauthorized Person shall uncover, make any connection with or open into, use, alter or disturb any POTW or appurtenance thereof without first obtaining written permission from the District Manager.

**Section 5.4 Dischargeable Sewage.** Wastes shall be classified into two (2) categories termed “Domestic Sewage” and “Nondomestic Sewage.” The classification of dischargeable sewage shall be the responsibility of the D i s t r i c t Manager and shall follow recommended procedures of the Colorado State Department of Health, if any, and, subject to approval of the Board, shall be final and binding.

**Section 5.5 Grease and Sand Interceptors.** Grease, oil and sand interceptors shall be provided by and at the expense of the Customer when, in the opinion of the District Manager, they are necessary for the proper handling of liquid wastes containing excessive grease, excessive sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the District and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the Customer shall be responsible for the proper removal and disposal by appropriate means of captive material and shall maintain records of the date and means of disposal. Such records shall be open to review by District personnel. All such interceptors shall be cleaned and the captive material removed every three months, unless otherwise requested by the District.

## **ARTICLE 6**

### **INDUSTRIAL PRETREATMENT**

#### **Section 6.1 General Provisions**

##### 6.1.1 Purpose and policy.

This article sets forth uniform requirements for all Users of the Publicly Owned Treatment Works for the South Fort Collins Sanitation District and enables the District to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. section 1251 et seq.) and the General Pretreatment Regulations (40 C.F.R. Part 403). The objectives of this article are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation or contaminate the resulting sludge.
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW.

- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To enable the District to comply with its Colorado Discharge Permit System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- F. To control through a permit, an order or by similar means, the contribution by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

This article applies to all users of the POTW, regardless of whether those users are located inside or outside the District limits. This article authorizes the issuance of Individual Wastewater Discharge Permits and other control mechanisms; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires Industrial User monitoring and reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### 6.1.2 Administration

Except as otherwise provided herein, the District Manager shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the District Manager may be delegated by the District Manager to District Employee. Except as specifically noted, all responsibilities for Program administration and implementation shall be borne by the Pretreatment Coordinator.

#### 6.1.3 Abbreviations

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

- BOD – Biochemical Oxygen Demand
- BMP – Best Management Practice
- BMR – Baseline Monitoring Report
- CFR – Code of Federal Regulations
- CIU – Categorical Industrial User
- COD – Chemical Oxygen Demand
- EPA – U.S. Environmental Protection Agency
- gpd – gallons per day

IU – Industrial User  
mg/l – milligrams per liter  
NPDES – National Pollutant Discharge Elimination System  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
TSS – Total Suspended Solids  
U.S.C. – United States Code

#### 6.1.4 Definitions

All definitions are listed in Article 2 of the Rules and Regulations.

### Section 6.2 General Sewer Use Requirements

#### 6.2.1 Prohibited Discharge Standard

A. General prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Industrial Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements.

#### B. Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified at 40 C.F.R. 261.21.
- (2) Wastewater having a pH less than 5.0 or greater than 12.0, or otherwise causing corrosive structural damage to the POTW.
- (3) Solid or viscous substances in amounts that will cause obstruction to the flow in the POTW resulting in Interference, but in no case solids greater than two inches (2”) or five centimeters (5cm) in any dimension.
- (4) Pollutants, including oxygen-demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which

will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Trucked or hauled pollutants, except at discharge points designated by the POTW.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance or repair.

(10) Wastewater which imparts color which cannot be removed by the treatment plant process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's CDPS permit.

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations, or as otherwise limited by the District Manager.

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

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(14) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes that cause or contribute to pass through or interference.

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(16) Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW or otherwise cause pass through or interference.

(17) Fats, oils or greases of animal or vegetable origin in concentrations which may cause Pass Through or Interference.

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five (5) percent or

any single reading over ten (10) percent of the lower explosive limit of the meter.

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

#### 6.2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

Not Used

A. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

B. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District shall impose an alternate limit in accordance with 40 CFR 403.6(e).

#### 6.2.3 State Pretreatment Standards

Users must comply with Colorado Department of Public Health and Environment, Water Quality Control Commission Regulation No. 63, Pretreatment Regulations, codified at 5 CCR 1002-63.

#### 6.2.4 Local Limits

A. The District Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against Pass Through and Interference and to protect beneficial use of Biosolids. The limits were adopted by the SFCSO board on February 9, 2022. No SIU shall discharge wastewater containing in excess of the following Daily Maximum Limits (all concentrations are total):

## Industrial Pretreatment Program

Parameter	Daily Maximum (mg/l)
Arsenic	No Discharge above RL
Cadmium (T)	0.18
Chromium (T)	9.04
Copper	2.84
Lead	1.52
Mercury	0.0054
Molybdenum	1.08
Nickel	3.33
Selenium	0.24
Silver	0.58
Zinc	5.28

### Industrial Pretreatment Conventional Limits Criteria

BOD (total 5-day)	250
TSS	250
Grease/Oil	100
pH (s.u.)	5.5-12 SU

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

C. The District Manager may develop Best Management Practices (BMPs), by resolution or in Individual Wastewater Discharge Permits, to implement Local Limits and the requirements of Section 6.2.1.

#### 6.2.5 District's Right of Revision

The District reserves the right to establish, by resolution or in Individual Wastewater Discharge Permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this article.

#### 6.2.6 Dilution Is Prohibited as Substitute for Treatment



No Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District may impose mass limitations on Industrial Users which are using dilution to meet applicable

Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

### 6.2.7 Best Management Practices

A. The District may develop BMPs, or require an Industrial User to develop BMPs, to implement the prohibitions of Section 6.2.1(A-B) and the Local Limits established by the District. BMPs shall be considered pretreatment standards and Local Limits for purposes of this section and Section 307(d) of the Clean Water Act. Additionally, BMPs may be categorical pretreatment standards established by the EPA.

B. Types of a BMP may include, but are not limited to:

1. Requirements for or prohibitions on certain practices or discharges.
2. Requirements for the operation and maintenance of treatment equipment.
3. Timeframes associated with key activities.
4. Procedures for compliance certification, reporting, and records retention.
5. Provisions for reopening and revoking BMPs.

C. Any Industrial User may be required to comply with BMPs. BMPs may be incorporated in categorical pretreatment standards, control mechanisms, sector control programs or orders.

## **Section 6.3 Pretreatment of Wastewater**

### Section 6.3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 6.2.1 of this article within the time limitations specified by the EPA, the State, or the District Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District Manager for review and shall be acceptable to the District Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to The District under the provisions of this article.

### 6.3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the District may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this article.

B. The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Individual Wastewater Discharge Permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the District, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired and on a schedule acceptable by the District to prevent bypass of grease, oil, and sand into the POTW by the User at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### 6.3.3 Accidental Discharge/Slug Discharge Control Plan

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

(A) Description of discharge practices, including non-routine batch discharges.

(B) Description of stored chemicals.

(C) Procedures for immediately notifying the District of any accidental or Slug Discharge as required by Section 6.6 of this article.

(D) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to inspection and maintenance of storage areas, handling run-off, worker training, building of containment structure or equipment, measures for containing toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.

#### 6.3.4 Hauled Wastewater

The District does not accept Hauled Waste.

### **Section 6.4 Individual Wastewater Discharge Permits**

#### 6.4.1 Wastewater Analysis

When requested by the District, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The District is authorized to prepare a form for this purpose and may periodically require Users to update this information.

#### 6.4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Individual Wastewater Discharge Permit from the District, except that a Significant Industrial User that has filed a timely application pursuant to Section 6.4.3 of this article may continue to discharge for the time period specified therein.

B. The District may require other Users to obtain Individual Wastewater Discharge Permits as necessary to carry out the purposes of this article.

C. Any violation of the terms and conditions of an Individual Wastewater Discharge Permit shall be deemed a violation of this article and subjects the Individual Wastewater Discharge Permittee to the sanctions set out in Sections 10 through 12 of this article. Obtaining an Individual Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

#### 6.4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an Individual Wastewater Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the District for an Individual Wastewater Discharge Permit in accordance with Section 6.4.5 of this article, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this article except in accordance with an Individual Wastewater Discharge Permit by the District.

#### 6.4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an Individual Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Individual Wastewater Discharge Permit, in accordance with Section 4.5 of this article, must be filed at least thirty (30) days prior to the date upon

which any discharge will begin or recommence.

#### 6.4.5 Individual Wastewater Discharge Permit Applications Contents

A. All Users required to obtain an Individual Wastewater Discharge Permit must submit a permit application. The District may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

(a) The name and address of the facility, including the name of the operator and Owner.

(b) Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

(a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production),

and standard industrial classifications of the operation(s) carried out by such User.

This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(d) Type and amount of raw materials processed (average and maximum per day);

(e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the Permit;

(6) Flow Measurement. Information showing the measured average daily and

maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 6.2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

(a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District of regulated pollutants in the discharge from each regulated process.

(c) Instantaneous, Daily Maximum, and Monthly Average concentrations, or mass, where required, shall be reported.

(d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this article. Where the Standard requires compliance with a BMP or pollution prevention alternative, User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

(e) Sampling must be performed in accordance with procedures set out in Section 6.11 of this article.

(8) Any other information as may be deemed necessary by the District to evaluate the permit application.

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

#### 6.4.6 Wastewater Discharge Permitting: General Permits - Not Used

#### 6.4.7 Application Signatories and Certifications

(A) All Individual Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.6.14(A).

(B) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.

#### 6.4.8 Individual Wastewater Discharge Permit Decisions

The District will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete application, the District will determine whether to issue an Individual Wastewater

Discharge Permit. The District may deny any application for an Individual Wastewater Discharge Permit.

## **Section 6.5 Individual Wastewater Discharge Permit Issuance**

### 6.5.1 Wastewater Discharge Permit Duration

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

### 6.5.2 Individual Wastewater Discharge Permit Contents

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

(A) Individual Wastewater Discharge Permits must contain:

- (1) A statement that indicates the Individual Wastewater Discharge Permit issuance date, expiration date, and effective date;
- (2) A statement that the Individual Wastewater Discharge Permit is nontransferable without prior notification to the District. In accordance with Section 6.5.5 of this article and provisions for furnishing the new Owner or operator with a copy of the existing Wastewater Discharge Permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards, Categorical Pretreatment Standards, Local Limits, and State and local law;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants, (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
- (5) Not used
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance

schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

(7) Requirements to control Slug Discharge, if determined by the District to be necessary.

(B) Individual Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the Individual Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Individual Wastewater Discharge Permit; and
- (8) Other conditions as deemed appropriate by the District to ensure compliance with this article, and State and Federal laws, rules and regulations.

### 6.5.3 Permit Issuance Process

(A) Permit Appeals. The District shall provide the public notice of the issuance of an Individual Wastewater Discharge Permit. Any person, including the User, may petition the District to reconsider the terms of an Individual Wastewater Discharge Permit within thirty (30) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the

administrative appeal.

(2) In its petition, the appealing party must indicate the Individual Wastewater Discharge Permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the Individual Wastewater Discharge Permit.

(3) The effectiveness of the Individual Wastewater Discharge Permit shall not be stayed pending the appeal.

(4) If the District fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an Individual

Wastewater Discharge Permit, not to issue an Individual Wastewater Discharge Permit, or not to modify an Individual Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative Individual Wastewater Discharge Permit decision must do so by filing a complaint with the District Court of Larimer County pursuant to Rule 106(a)(4) and (b) of the Colorado Rules of Civil Procedure, within 28 days after the final decision.

#### 6.5.4 Permit Modification

(A) The District may modify an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the Individual Wastewater Discharge Permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, beneficial sludge use or the receiving of waters.

(5) Violation of any terms or conditions of the Individual Wastewater Discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the



Individual Wastewater Discharge Permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the Individual Wastewater Discharge Permit; or

(9) To reflect a transfer of the facility ownership or operation to a new Owner or operator where requested in accordance with Section 6.5.5.

#### 6.5.5 Individual Wastewater Discharge Permit Transfer

Individual Wastewater Discharge Permits may be transferred to a new Owner or operator only if the permittee gives at least thirty (30) days advance notice to the District and the District approves the Individual Wastewater Discharge Permit transfer. The notice to the District must include a written certification by the new Owner or operator which:

(A) States that the new Owner and/or operator has not immediate intent to change the facility's operations and processes;

(B) Identifies the specific date on which the transfer is to occur;

(C) Acknowledges full responsibility for the complying with the existing Individual Wastewater Discharge Permit.

Failure to provide advance notice of a transfer render the Individual Wastewater Discharge Permit void as of the date of facility transfer.

#### 6.5.6 Individual Wastewater Discharge Permit Revocation

The District may revoke an Individual Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(A) Failure to notify the District of significant changes to the wastewater prior to the changed discharge;

(B) Failure to provide prior notification to the District of changed conditions pursuant to Section 6.5 of this article;

(C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(D) Falsifying self-monitoring reports and certification statements;

- (E) Tampering with monitoring equipment;
- (F) Refusing to allow the District timely access to the facility premises and records;
- (G) Failure to meet effluent limitations;
- (H) Failure to pay fines;
- (I) Failure to pay sewer charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the Individual Wastewater Discharge Permit application;
- (L) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, or any terms of the Individual Wastewater Discharge Permit or this article.

Individual Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual Wastewater Discharge Permits issued to a User are void upon the issuance of a new Individual Wastewater Discharge Permit to that User.

#### 6.5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring Individual Wastewater Discharge Permit shall apply for Individual Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 6.4.5 of this article, a minimum of thirty (30) days prior to the expiration of the User's existing Individual Wastewater Discharge Permit.

#### 6.5.8 Regulation of Waste Received from Other Jurisdictions

(A) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the District shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by paragraph A, above, the District shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the District may deem necessary.

(C) An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 6.2.4 if this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect the changes made to the District's Rules and Regulations.

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including Individual Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the District; and which of these activities will be conducted jointly by the contributing municipality and the District;

(4) A requirement for the contributing municipality to provide the District with access to all information related to Users within the District that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the District access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

## **Section 6.6 Reporting Requirements**

### **6.6.1 Baseline Monitoring Reports**

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(A) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) All information required in Section 6.4.5A(1)(a), Section 6.4.5A(2), Section 6.4.5A((3)(a-e) and Section 6.4.5A(6) of this article. [Reference: 40CFR 403.12(6)(1)-(7)]

(2) Measurement of pollutants.

(a) The User shall provide the information required in Section 6.4.5 (A)(7) (a) through (d) of this article.

(b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(d) Sampling and analysis shall be performed in accordance with Section 6.10;

(e) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(f) The baseline report shall indicate the time, date and place of sampling and

methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Article 2 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided.

The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.6.2 of this article.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.6.14 of this article and signed by an Authorized Representative as defined in Article 2.

#### 6.6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.6.1(B)(4) of this article:

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine (9) months;

(C) The User shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(D) In no event shall more than nine (9) months elapse between such progress reports to the District.

### 6.6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 6.4.5(A)(6) and (7) and 6.6.1(B)(2) of this article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 6.2.2 [Reference to 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.6.14

of this article. All sampling shall be done in conformance with Section 6.11.

### 6.6.4 Periodic Compliance Reports

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

(B) Pollutant Not Present – Not Used.

(C) Reduced Reporting – Not Used.

(D) All periodic compliance reports must be signed and certified in accordance with Section 6.6.14 of this article.

(E) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(F) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the

District, using the procedures prescribed in Section 6.6.11 of this ordinance, the results of this monitoring shall be included in the report.

#### 6.6.5 Reports of Changed Conditions

Each user must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least thirty (30) days before the change.

(A) The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Individual Wastewater Discharge Permit application under Section 6.4.5 of this article.

(B) The District may issue an Individual Wastewater Discharge Permit under Section

6.5.7 of this article or modify an existing Wastewater Discharge Permit under Section 6.5.4 of this article in response to changed conditions or anticipated changed conditions.

#### 6.6.6 Reports of Potential Problems

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(B) Within five (5) days following such discharge, the User shall, unless waived by the District submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this article.

(C) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(D) Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

### 6.6.7 Reports of Unpermitted Users

All Users not required to obtain an Individual Wastewater Discharge Permit shall provide appropriate reports to the District as the District may require.

### 6.6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must 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 violation.

### 6.6.9 Notification of the Discharge of Hazardous Waste

(A) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.6.5 of this article. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.6.1, 6.6.3, and 6.6.4 of this article.

(B) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the District, the EPA Regional Waste Management Waste Division Director,



and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(D) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

#### 6.6.10 Analytical Requirements

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

#### 6.6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period

(A) Except as indicated in Section B and C below, the User (SIU and Categorical Users) must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection

techniques.

(C) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Section 6.6.1 and 6.6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by paragraphs Section 6.6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

#### 6.6.12 Date of Receipt of Reports

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

#### 6.6.13 Recordkeeping

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 6.2.7. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District.

#### 6.6.14 Certification Statements

(A) Certification of Permit Applications User Reports and Initial Monitoring Waiver— The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 6.4.7; Users submitting baseline monitoring reports under Section 6.6.1(B)(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 Users submitting periodic compliance reports required by Section 6.6.4 (A–D), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.6.4(B)(4). The following certification statement must be signed by an Authorized Representative as defined in Article 2:

I certify under penalty of law that this document and all attachments were

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

## **Section 6.7 Compliance Monitoring**

### 6.7.1 Right of Entry: Inspection and Sampling

The District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this article and any Individual Wastewater Discharge Permit or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District be permitted to enter without delay for the purposes of performing specific responsibilities.

(B) The District shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(C) The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be borne by the User.

(E) Unreasonable delays in allowing the District access to the User's premises shall be a violation of this article.

### 6.7.2 Search Warrants

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article,

or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the District may seek issuance of a search warrant from the Larimer County, Colorado Court.

### **Section 6.8 Confidential Information**

Information and data on a User obtained from reports, surveys, Individual Wastewater Discharge Permit applications, Individual Wastewater Discharge Permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

### **Section 6.9 Publication of Users in Significant Noncompliance**

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

(A) Chronic violations of Individual Wastewater Discharge Permit limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 6.2.4;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 6.2.4 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by Section 6.2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Wastewater Discharge Permit or enforcement order for starting construction, completing construction or attaining final compliance;

(F) Failure to provide forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

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

## **Section 6.10 Administrative Enforcement Remedies**

### 6.10.1 Notice of Violation

When the District finds that a User has violated, or continues to violate, any provision of this article, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### 6.10.2 Consent Orders

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10.4 and 6.10.5 of this article

and shall be judicially enforceable.

### 6.10.3 Show Cause Hearing

The District may order a User which has violated, or continues to violate, any provision of this article, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Article 2 and Section 6.4.7 and required by Section 6.4.7(A). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### 6.10.4 Compliance Orders

When the District finds that a User has violated, or continues to violate, any provision of this article, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the

User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring

and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### 6.10.5 Cease and Desist Orders

When the District finds that a User has violated, or continues to violate, any provision of this article, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the District may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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(A) Immediately comply with all requirements; and

(B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 6.10.6 Administrative Penalties

(A) When the District finds that a User has violated, or continues to violate, any provision of this article, an Individual Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may penalize such User in an amount not to exceed one thousand dollars (\$1000.00). Such penalties shall be assessed on a per-violation per-day basis. In case of a monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation.

(B) Payments are due within twenty-eight (28) days of the stated due date. A penalty of five hundred dollars (\$500.00) shall be assessed for delinquency in the payment of rates, fees, tolls or charges for any violations of these rules and regulations together with interest on the delinquency from the due date at a rate of one percent (1%) per month or fraction thereof. Until paid, all fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of the mechanics' liens.

(C) Users desiring to dispute such penalties must file a written request for the District to reconsider the penalty along with full payment of the penalty amount within fourteen (14) days of being notified of the penalty. Where a request has merit, the District may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(D) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.



### 6.10.7 Emergency Suspensions

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

(A) Any user notified of suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 6.10.8 of this article are initiated against the User.

(B) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 6.10.3 or 6.10.8 of this article.

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

### 6.10.8 Termination of Discharge

In addition to the provisions in Section 6.5.6 of this article, any User who violates the following conditions is subject to discharge termination:

(A) Violation of Individual Wastewater Discharge Permit conditions;

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(C) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;



(D) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

(E) Violation of the Pretreatment Standards in section 6.2 of this Article.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this article why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **Section 6.11 Judicial Enforcement Remedies**

### 6.11.1 Injunctive Relief

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

### 6.11.2 Civil Penalties

(A) A User who has violated, or continues to violate, any provision of this article, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of one thousand dollar (\$1,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm

caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(E) For any violations of these rules and regulations for such delinquencies in the payment of taxes the District may discontinue sanitation service and disconnect the property served from the facilities of the District, following the hearing requirements set forth in Article 7, Section 7.5.

### 6.11.3 Criminal Prosecution

(A) A User who willfully or negligently violates any provision of this article, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty of not more than the maximum penalty allowed under state law per violation, per day, or imprisonment for not more than the maximum number of years allowed under state law, or both.

(B) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of not more than the maximum penalty allowed under State law, or be subject to imprisonment for not more than maximum number of years allowed by state law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(C) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, Individual Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per violation, per day, or imprisonment for not more than the maximum allowed number of years allowed by state law, or both.

(D) In the event of a second conviction, a User shall be punished by a penalty of not more than the maximum penalty allowable under State law per violation, per day, or imprisonment for not more than the maximum number of years allowed

by state law, or both.

#### 6.11.4 Remedies Nonexclusive

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

### **Section 6.12 Supplemental Enforcement Action**

#### 6.12.1 Penalties for Late Reports

A penalty of one hundred dollars (\$100.00) shall be assessed to any User for each day that a report required by this article, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by the District to collect late reporting penalties shall not limit the District's authority to initiate other enforcement actions that may include penalties for late reporting violations.

#### 6.12.2 Performance Bonds – Not Used

#### 6.12.3 Liability Insurance

The District may decline to issue or reissue an Individual Wastewater Discharge Permit to any User who has failed to comply with any provision of this article, a previous Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW by its discharge.

#### 6.12.4 Payment of Outstanding Fees and Penalties

The District may decline to issue or reissue an Individual Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this article, a previous Individual Wastewater Discharge Permit, or order issued hereunder.

#### 6.12.5 Water Supply Severance

The South Fort Collins Sanitation District may petition the appropriate water provider for

severance of water supply as circumstances dictate.

#### 6.12.6 Public Nuisances – Not Used

#### 6.12.7 Informant Rewards

The District may pay up to one thousand dollars (\$1000.00) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the User the District may disperse up to fifty percent (50%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed one thousand dollars (\$1000.00).

#### 6.12.8 Contractor Listing – Not Used

### **Section 6.13 Affirmative Defenses to Discharge Violations**

#### 6.13.1 Upset

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

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

(C) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred, and the User can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to the District within twenty-

four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

- (a) A description of the Indirect Discharge and cause of noncompliance;
- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### 6.13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.2.1(A) of this article or the specific prohibitions in Sections 6.2.1(B)(3) through (18) [not including 6.2.1(B)(8)] of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

(A) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

(B) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the POTW was regularly in compliance with its NPDES/CDPS permit, and in the case of

Interference, was in compliance with applicable sludge use or disposal requirements.

### 6.13.3 Bypass

(A) For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

(C) Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24)

hours.

(D) Bypass

(1) Bypass is prohibited, and the District may take an enforcement action against a User for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph (C) of this section.

(2) The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

**Section 6.14 Wastewater Treatment Rates (Reserved)**

**Section 6.15 Miscellaneous Provisions**

6.15.1 Pretreatment Charges and Fees

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

(A) Fees for Individual Wastewater Discharge Permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals;

(E) Fees to recover administrative and legal costs (not included in Section 6.15.1 B) associated with the enforcement activity taken by the District to address IU noncompliance; and

(F) Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the District.

#### 6.15.2 Severability

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

#### **Section 6.16 Effective Date**

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



## ARTICLE 7

### VIOLATIONS, PENALTIES AND COMPLAINTS

#### **Section 7.1 Notice of Violations**

##### A. Enforcement Procedures

1. Informal enforcement action.

- a. The violator will be contacted and made aware of the violation. At the time of contact, an informational meeting will be scheduled to discuss the violation and necessary remedial action.
- b. At the informational meeting, the violator will be advised of the nature of the violation and the necessary remedial action required to bring the violator into compliance.
- c. After the informational meeting, the District will issue a Notice of Noncompliance stating necessary remedial action.

2. Formal enforcement action.

- a. The District shall establish the amount of the fine, determine the necessary corrective action and issue a Notice of Violation.
- b. In the event the violator decides to appeal the fine or corrective action required, the violator shall deliver a written Notice of Appeal, together with the cost bond required by Subsection 7.1A(2)(e) within five (5) days of the date of delivery of the Notice of Violation.
- c. Within fifteen (15) days of receipt by the District of the Notice of Appeal, the District shall deliver to the violator a list of five (5) acceptable Arbitrators (List). Within ten (10) days of the delivery of the List, the violator shall notify the District of the name of one (1) Arbitrator from the List who is acceptable to the violator. In the event the violator fails to select an Arbitrator from the List and notify the District of the selection within ten (10) days of the delivery of the List, the District shall select one Arbitrator from the List, and the violator will be deemed to have consented to the selection.

- d. Arbitration hearing.
- (1) A hearing shall be conducted according to the Uniform Arbitration Act.
  - (2) The Arbitrator shall apply as appropriate the provisions of the Act, the Water Quality Control Act, the Code of Federal Regulations and the rules and regulations of the EPA, Colorado Department of Health and the District, and the District's rules and regulations as they are amended from time to time.
  - (3) Except for good cause shown, the hearing shall be held no sooner than forty-five (45) days nor more than sixty (60) days following the selection of the Arbitrator. Failure to hold the hearing within these time limits shall not be jurisdictional.
  - (4) The Arbitrator shall be requested to issue his/her decision in writing within forty-five (45) days of the conclusion of the hearing. No delay in the issuance of the written decision shall constitute grounds to set aside or stay any enforcement action.
- e. The fees of the Arbitrator and the costs of the arbitration shall be shared equally by the parties, and the violator shall deposit a cost bond with the Notice of Appeal in the amount of TWO THOUSAND DOLLARS (\$2,000.00) to assure payment of the Arbitrator and the cost of the arbitration hearing. Failure to post the cost bond with the Notice of Appeal shall be deemed a waiver of the right to appeal.
- f. The failure of any violator to comply with the decision of the Arbitrator shall result in termination of service or the filing of an action for injunctive relief, or both, at the discretion of the District.

**Section 7.2 Suspension of Service for Nonpayment.**

When payments for service are not received by the due date indicated on the billing (thirty [30] days), a penalty of ten (10) percent of the balance due, with a minimum of Ten Dollars (\$10.00), will be imposed, and such account will be considered an overdue account. Owners or Customers who receive notice of an overdue account may appeal as set forth in Section 7.1.

Upon receipt of an overdue account notice, payment for services, penalties, charges, rates, fees and tolls must be paid within thirty (30) days after an overdue account notice date or service will be suspended. A suspension of service notice shall be mailed by first-class mail advising that payment

must be made within ten (10) days after receipt of a suspension notice or service will be disconnected. Except as otherwise provided in Section 7.5 or for an Article 6 Violation, all Owners or Customers who receive a notice of suspension may appeal as set forth in Section 7.6.

Prior to reinstatement of service, all charges due, including the most current bill and a graduated disconnection and reinstatement charge, shall be paid in full.

**Section 7.3 Suspension and Disconnection of Service.** For violation of any applicable portion of the District's Rules and Regulations or the terms and conditions of an IWDP, the District may suspend or disconnect service upon proper notice.

**Section 7.4 Informal Resolution.** Upon receipt of a notice of violation or penalty other than an Article 6 Violation, any Customer may, within five (5) days from receipt, request in writing a conference with the District Manager to discuss the violation or penalty. Said conference shall be held within ten (10) days of receipt of such request. After such a conference, the District Manager shall render an opinion in writing and notify the Customer by first-class mail within five (5) days.

Any Customer may, within five (5) days from receipt of the District Manager's opinion, request in writing reconsideration of said opinion. Within five (5) days of receipt of the Customer's request for reconsideration, the District Manager shall hold a conference with the Customer and the District staff. The District Manager shall accept and consider any relevant evidence. Within ten (10) days from the conference, the District Manager shall make written findings and an order disposing of the matter and shall provide the Customer with a copy of such decision. Said decision may be appealed to the Board.

During the informal resolution procedure, as set forth in this Section 7.4, service will be discontinued unless the District Manager determines that there is no danger to the environment, the POTW, or to any Person or property.

**Section 7.5 Suspension Hearing.** Except for Article 6 Violations or in an emergency situation, any Customer who has received notice of suspension of service may request a formal hearing prior to suspension of service by submitting a written request therefor. Such written request by the Customer shall be submitted within five (5) business days after receipt by the Customer of notice of suspension. The hearing shall be held within five (5) business days after receipt of written request for a formal hearing by the District.

The District Manager shall designate a hearing officer who may be an officer, agent, independent Contractor or employee of the District, provided that said hearing officer shall not have participated in any manner in the decision to suspend such service.

At the hearing, the Customer and any representative of the District shall be permitted to appear in person and shall have the right to present evidence and argument and the right to confront and cross-examine any witness. The Customer may be represented by any Person of his or her choice

or by legal counsel. The hearing officer may receive and consider any evidence which has probative value and is commonly accepted by reasonable and prudent persons in the conduct of their affairs.

The hearing officer shall determine whether reasonable grounds exist to support the suspension of service. The hearing officer's decision shall be based upon evidence adduced at the hearing. The burden of showing that reasonable grounds exist to support the suspension shall be upon the District. The burden of showing mitigating circumstances shall be upon the Customer.

Subsequent to the hearing, the hearing officer shall make written findings and an order disposing of the matter and shall provide the Customer with a copy of such decision within ten (10) days after the hearing. Said decision may be appealed to the Board.

**Section 7.6 Appeals to the Board.** Except for Article 6 Violations, a Customer may appeal the decision of the hearing officer or the District Manager by filing with the District Manager a written Notice of Appeal within ten (10) days after the decision has been received. Such Notice of Appeal shall set forth in detail the grounds therefor. In the event of failure to file such written Notice of Appeal within said ten (10) day period, the decision of the hearing officer or District Manager shall become final. Service shall be suspended unless the Notice of Appeal is accompanied by payment of all charges, including arrearages, disputed amounts, and any penalties, charges, rates, fees and tolls. In the event the decision is reversed, appropriate refunds will be made. The Board shall consider such appeal at the regularly scheduled or special Board meeting to be held within thirty (30) days of the filing of the Notice of Appeal. The District Manager exhausts the administrative remedies and allows the customer to proceed to District Court.

**Section 7.7 Emergency Situations.** If an emergency situation exists which constitutes an imminent threat to the health or safety of Persons or potentially dangerous to the environment or to the POTW as determined at the sole discretion of the District, the Customer's service may be terminated immediately without notice and such termination of service shall continue for as long as the emergency situation continues to exist.

**Section 7.8 Penalties Not Exclusive.** The penalties set forth in this Article are not exclusive and the District may prosecute to the fullest extent of the law any Person engaged in any illegal activities and may institute whatever civil actions it deems necessary to ensure compliance with these Rules and Regulations and to recover any damages, including attorneys' fees, caused by any violations of these Rules and Regulations.

**Section 7.9 Customer Complaints.** Any Customer having any complaint with respect to the conduct or action of any agent of the District in connection with the operation of the Sanitary Sewer system or in connection with the administration or implementation of any rules, regulations or policies related to the operation of said system, except for Article 5 Violations or unless specifically provided for elsewhere in this Article, shall follow the complaint process described hereinafter:

- A. The Customer shall contact the General Manager in writing to register any complaint.

The District Manager will investigate the Customer's complaint and, upon completion of said investigation, shall contact the Customer and relate all information associated with said complaint within fifteen (15) days. If the investigation yields evidence of actions or conduct contrary to the operations, policies, rules, regulations or other procedures of the District, the District Manager shall initiate appropriate corrective action and shall promptly report such action to the complainant.

- B. The complainant can appeal the District Manager's decision to the Board. The decision of the Board or its representative will be given in writing to the Customer within thirty (30) days after receipt of the appeal by the Board. In the event the decision is adverse to the Customer, all administrative remedies in connection with the appeal shall be deemed to have been exhausted.

**Section 7.10 Billing-Related Complaints.** Any Customer having a billing complaint shall contact the accounting department in person, by phone or by letter. The accounting department will investigate the Customer's concerns and, upon completion of such investigation, shall contact the Customer relating all information associated with said complaint. If an error is discovered during the investigation, the succeeding bill shall reflect all adjustments. The Customer may appeal any decision of the District in the manner set forth in this Article 7.

## **ARTICLE 8**

### **FEES AND CHARGES**

**Section 8.1 Establishment of Rates and Charges.** Rates and charges to be collected and the terms, provisions and conditions to be effective, with respect to rates and charges for Sanitary Sewer service provided by the District to Customers of the District, shall be as fixed and established by the Board from time to time. The remedies provided in these Rules and Regulations are in addition to and not by way of derogation of any other remedies available to the District pursuant to any law or regulations.

**Section 8.2 Perpetual Lien.** Until paid, all fees, rates, tolls, penalties or charges due in accordance with these Rules and Regulations, any IWDP shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens.

**Section 8.3 Joint Liability.** The District shall have the right to assess to any Customer or Owner who is delinquent in the payment of any rate, toll, fee, charge or penalty, all legal, court and other costs necessary to or incidental to the collection of said account, including attorneys' fees, and said costs of collection shall be secured by the perpetual lien referred to in Section 8.2 above. The Customer and Owner are equally liable for any rate, toll, fee, charge or penalty of the District. Any agreements entered into between Customers, Owners or any other parties with regard to responsibility

for payment of rates, tolls, fees, charges and penalties of the District shall be of no force and effect upon the District and the District may collect its rates, tolls, fees, charges and penalties from any party responsible for their payment.

**Section 8.4 Change of Rates and Charges.** The Board reserves the right to change the schedule of Sanitary Sewer service rates and charges and other fees at any time.

**Section 8.5 Tap Fees.** Tap Fees shall be collected with respect to property requiring service pursuant to these Rules and Regulations. The amount of such fees and the time of the collection thereof shall be established from time to time by resolution of the Board.

**Section 8.6 Inspection Fees.** Inspection of facilities for Sanitary Sewer service are performed by the District. The Customer shall be required to pay an inspection fee. There will be a supplemental fee for each additional inspection required due to failure of the Customer to have the facilities ready for the required inspection.

**Section 8.7 Temporary Service Connections.** A temporary service connection for Domestic Sewage only may be installed for use over a period of time not exceeding twelve (12) months. For each such connection, a written request therefor must be submitted and approved by the District Manager and a temporary service connection permit charge shall be paid. Renewal of the annual permit may be granted by the District Manager upon showing of good cause.

**Section 8.8 Special Situations.** Whenever any service is required which is not covered by the schedule of charges established from time to time by the Board, the District Manager shall estimate the actual cost to the District (including reasonable administration costs) of the required service. The service shall be provided only after the District has received a deposit of one hundred (100) percent of the estimate of the actual cost. In the event the actual cost is less than the deposit, the balance shall be refunded to the person paying the deposit upon completion of the service.

**Section 8.9 Billing.** Bills for Sanitary Sewer service charges will be rendered at intervals of once per month or multiples thereof with no proration for partial months.

**Section 8.10 Payment of Service.** Bills for Sanitary Sewer service shall be payable upon receipt of the statement to the account holder on record at time of statement generation and shall be deemed delinquent upon the delinquent date as described in Section 6.3.

**Section 8.11 Returned Check Fee.** Any check or other negotiable instrument tendered to the District for payment of rates, tolls, fees, charges or penalties which is returned to the District and dishonored for any reason whatsoever shall be subject to a returned check fee as established by the Board from time to time.

## **END OF SOUTH FORT COLLINS SANITATION DISTRICT RULES AND REGULATIONS**