

# **RULES AND REGULATIONS**

**ADOPTED APRIL 23, 1991**

With Amendments through October 30, 2023

**CENTENNIAL  
WATER AND SANITATION DISTRICT  
62 WEST PLAZA DRIVE  
HIGHLANDS RANCH, COLORADO 80129**

CENTENNIAL WATER AND SANITATION DISTRICT

WATER AND SANITARY SEWER RULES AND REGULATIONS

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## ARTICLE I

### GENERAL

#### Section 1.1 Enactment

These Rules and Regulations are adopted by the Board of Directors of the Centennial Water and Sanitation District in accordance with the authority contained in Title 32, Article I, Part 10, C.R.S.

#### Section 1.2 Availability of Service

Water and sanitary sewer service shall be available in accordance with these Rules and Regulations and on the basis of the charges established therefore and subject to all penalties and charges for violation thereof, or any statutes applicable and subject to the availability of facilities and capacity.

#### Section 1.3 Intergovernmental Agreements

CWSD will only provide service to political subdivisions of the State of Colorado pursuant to intergovernmental agreements. Those agreements shall incorporate these Rules and Regulations and each Customer shall adopt Rules and Regulations at least as strict as these Rules and Regulations.

#### Section 1.4 More Restrictive Rules and Regulations

Notwithstanding any other provision of these Rules and Regulations, the Rules and Regulations of any Customer, to the extent they are more restrictive, shall apply.

#### Section 1.5 Compliance with Plumbing or Building Requirements

Nothing herein provided shall be deemed to relieve any Person from compliance with the plumbing code or building code of Douglas County or any other state or local plumbing or building requirements.

#### Section 1.6 Amendments

These Rules and Regulations may be amended from time to time in the same manner as the Rules and Regulations herein were adopted.

#### Section 1.7 Severability

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

### Section 1.8 Control and Operation of Facilities

All water and sanitary sewer facilities shall be under the management of the General 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 CWSD's facilities.

### Section 1.9 Control of Works

If, for any reason, CWSD deems it necessary to delay or stop work on any water or sanitary sewer facilities to be connected to CWSD facilities, a stop order by the General Manager shall be issued and delivered to the Customer or Person or their representative on the job. Work shall cease in an orderly manner with proper safety measure and 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 any such action, but may be appealed to the Board for review.

## ARTICLE II

### DEFINITIONS AND ABBREVIATIONS

#### Section 2.1    Definitions

Unless the context indicates otherwise, the meaning of the terms used herein shall be as follows:

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 Director in an NPDES state with an approved State Pretreatment Program and the appropriate regional administrator in a non-NPDES State or NPDES State without an approved State Pretreatment Program.

Authorized or Duly Authorized Representative of the Industrial User:

- A.    If the Industrial User is a corporation:
  - 1.    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
  - 2.    The manager of one or more manufacturing, production, or operating facilities, provided the manager is: authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations; authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and has been assigned or delegated the authority to sign documents in accordance with corporate procedures.
- B.    If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C.    If the Industrial User is a federal, state, or local government facility: A city, county or district or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
- D.    The individuals described in paragraphs A through C, above, may designate another authorized representative if the authorization is made 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 CWSD.

Beneficial Use: The use of that amount of water that is reasonable and appropriate under efficient practices to accomplish without waste the purpose for which water is intended.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general or specific prohibitions listed in Article VI, Section 6.4 and 40 CFR 403.5(a)(1) and (b). BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, Sludge or waste disposal, or drainage from raw material storage. BMPs can also include alternative means (management plans, etc.) for compliance with, or in place of, certain established effluent limits. BMPs are Pretreatment Standards.

Biochemical Oxygen Demand (BOD<sub>5</sub>): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure over a period of five (5) days at twenty (20) degrees Celsius, expressed in terms of weight and concentration in milligrams per liter (mg/L).

Biosolids: Biosolids has the same meaning as defined by the Colorado Department of Health and Environment Water Quality Control Commission biosolids regulation, 64.9.L (5 CCR 1002-64), as that regulation may be amended or restated, from time to time.

Board: The Board of Directors of Centennial Water and Sanitation District.

Building Sewer: A sewer conveying Wastewater from the premises of a User to the CWSDs sanitary sewer main.

Bypass: The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility pursuant to Section 6.19, C.

Categorical Industrial User: An Industrial User subject to a National Categorical Pretreatment Standard or Categorical Standard.

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

The Code of Federal Regulations (CFR): Thecodification of the general and permanent rules published in the Federal Register by the executive departments and agency of the federal government.

Colorado Discharge Permit System (CDPS): The State of Colorado program for issuing, conditioning, and denying Permits for the discharge of Pollutants from point sources into waters of the State pursuant to Section 25-8-101 et seq., C.R.S., as amended and Section 402 of the Clean Water Act.



Compliance Schedule: A schedule of remedial measures included in a Permit or an enforcement order, including a sequence of interim requirements (for example, actions, operations, or milestone events) that lead to compliance with the Act and regulations.

Composite Sample: A representative flow-proportioned or time-proportioned sample, collected within a 24-hour period composed of a minimum of four individual samples collected at equally spaced intervals and combined according to flow or time or as modified by the approving authority. If the discharge period is not continuous, a composite sample means a sample composed of two or more discrete samples to reflect the average water quality during the compositing or sampling period.

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

Control Authority: The term "Control Authority" means the Manager of the CWSD's POTW.

Conventional Pollutant: Pollutants typical of municipal sewage, and for which municipal secondary treatment plants are typically designed; defined by 40 CFR § 401.16 as BOD, TSS, fecal coliform bacteria, oil and grease and pH.

Cross Connection: Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or water of questionable safety, through which or because of which backflow or back-siphonage may occur which would contaminate the potable water system.

CWSD: Centennial Water and Sanitation District.

Customer: Any person, firm, corporation, association, or agency who is authorized to or receive services from CWSD.

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

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

Dental Facility: Any facility that practices dentistry, including but not limited to, dental clinics, dental labs, offices, hospitals, and schools.

District Engineer: Person authorized by CWSD to act as its engineer.

Domestic Service: Service to and for facilities for human comfort and convenience for normal

household or residential varieties.

Domestic, Sanitary Wastes or Sewage: Liquid wastes: (a) from the non-commercial preparation, cooking, and handling of food, or (b) containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions which, when analyzed by methods approved under 40 CFR Part 136, as amended, contains no more than 300 mg/l total suspended solids and/or 250 mg/L (BOD<sub>5</sub>); and which does not contain any other constituents above levels normally found in solely residential Wastewater, as determined by the General Manager.

Environmental Protection Agency, or EPA: The U.S. Environmental Protection Agency, or where appropriate, the Administrator or other duly authorized official of said agency.

Existing Source: An Industrial User which is in operation at the time of the proposal of Categorical Pretreatment Standards.

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

Fats, Oil or Grease (FOG): Any hydrocarbons, fatty acids, soaps, fats, waxes, oils and any other material that is extracted by hexane solvent, as specified in 40 CFR § 136.3. Any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking of food or food preparation process, and that becomes or may become viscous, or solidifies or may solidify.

Garbage: The solid wastes from domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce. “Properly Ground Garbage” shall mean the wastes from the preparation, cooking and dispensing of foods that have been ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

General Manager: The person designated as General Manager by the Board, who administers and supervises the affairs of and operations and maintenance of facilities of CWSD or the person authorized by the Board or the General Manager to act on his or her behalf.

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

Harmful Wastes: Any solid, liquid, or gaseous substances which would violate the prohibitions contained in these Rules and Regulations.

Hazardous Waste: Any waste containing substances or characteristics listed as such under 40 CFR § 261.

Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge or Discharge: The discharge of Pollutants into the POTW from any Non-Domestic source regulated under Section 307(b), (c) or (d) of the Act.

Industrial User or User: Any Non-Domestic source discharging or with a potential to discharge Pollutants regulated under section 307(b), (c), or (d) of the Act into the POTW.

Industrial Wastes: The water carried wastes from industrial manufacturing or industrial processes, as distinct from sanitary sewage. It includes, but is not limited to, the trade wastes produced by, but not limited to, food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, chemical plants and chemical treatment installations.

Industrial Wastewater Discharge Permit: A Permit issued to an Industrial User by CWSD that allows limits, and/or prohibits the discharge of Pollutants or flow to the POTW as set forth in Section 6.6.

Inspector: The person authorized by CWSD to act as an inspector.

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

Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its Sludge processes, use or disposal; and (ii) is a cause of Violation of any requirement of CWSD's NPDES 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 hereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resources Conservation and Recovery Act (RCRA); any State regulations contained in any State Sludge management plan prepared pursuant to Subtitle D of the Solids Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limits: An effluent limitation developed for Significant Industrial Users (SIUs) by the CWSD to specifically protect the POTW from Interference and Passthrough (as herein defined) based on site-specific design and disposal limits and conditions of the POTW. Local Limits are developed to assure that Industrial User discharges to the POTW do not cause the POTW to violate its Permit limits, upset the POTW's biological, chemical or physical treatment processes, prevent the disposal of biosolids (Sludge), impact worker health and safety or harm the collection system infrastructure. Local Limits shall be Pretreatment Standards pursuant to 40 CFR § 403.5(d).

Mass Limit or Mass Loading: The total number of pounds of a Pollutant allowed to be discharged during a specified time period.

Medical Waste: Waste that includes, but is not limited to, isolation wastes, infectious agents, human blood and blood products, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average: The arithmetic mean of the concentration values of a Pollutant in the effluent during a calendar month or as otherwise defined by the Approval Authority.

National Pollutant Discharge Elimination System (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing Permits, and imposing and enforcing pretreatment requirements, under sections 307, 318, 402, and 405 of the Act.

National Pollution Discharge Elimination System Permit or NPDES Permit: A Permit issued pursuant to section 402 of the Act (P.L. 95-217, 33 U.S.C., § 1342), including Permits issued by the State in compliance with the Act.

New Source:

- A. Any building, structure, facility or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
1. The building, structure, facility or installation is constructed at a site at which no other source is located; or,
  2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an existing source; or,
  3. The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- B. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs A.2 or A.3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:
1. Begun, or caused to begin as part of a continuous onsite construction program:

- a. Any placement, assembly, or installation of facilities or equipment; or,
  - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nondomestic Service: Service which is not domestic service.

Nondomestic Sewage: Sewage which is not domestic sewage.

Noncontact Cooling Water or Cooling Water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product. It may also mean water discharged from any use such as air conditioning, cooling, refrigeration or any thermal heat exchange process to which the only Pollutant added is heat.

Non-Significant Industrial User: Any Industrial User which does not meet the definition of a Significant Industrial User, but is otherwise required by CWSD through Permit, order or notice to comply with specific provisions of this Article and is so notified by CWSD.

Owner: Any person, firm, corporation, association or agency who holds title to any real property or building served by CWSD.

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 CWSD's CDPS Permit, including an increase in the magnitude or duration of a Violation.

Permit: Shall mean an Industrial Wastewater Discharge Permit.

Person: Any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.

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

Pollutant: Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage Sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous

substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

Potable Water: That water furnished by CWSD which is pure, wholesome, potable and does not endanger the lives or health of human beings and which conforms to requirements of the Safe Drinking Water Act or any other applicable standards.

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

Pretreatment or Treatment: The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where Wastewater from a regulated process is mixed in an equalization facility with unregulated Wastewater or with Wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

Pretreatment Program or Program: The CWSDs program, approved by the Approval Authority in accordance with § 403.11 of the federal pretreatment regulations, that implements the federal Pretreatment Standards and requirements and all other pretreatment requirements and the CWSDs associated legal authority included herein.

Pretreatment Requirement: Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment Standard, National Pretreatment Standard, or Standard: Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes Prohibitive Discharge Limits established pursuant to 40 CFR Section 403.5, Local Limits and Best Management Practices.

Priority Pollutants: Any of the various toxic compounds that can reasonably be expected in the discharges from industries as determined by the EPA, pursuant to section 307(a) of the Act (33 U.S.C. § 1317(a)).

Private Sewage Disposal System: Any sewage disposal system other than public facilities, such as privies, privy vaults, septic tanks, soil absorption systems, cesspools, chemical toilets, package treatment plants or similar facilities which receive or are intended to receive Wastewater and which

are not connected to the POTW; but this term shall not include any treatment plant which has a valid NPDES Permit.

Process Wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Prohibited Discharge Standards or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 6.4 of these Rules and Regulations.

Public Sewer: A sewer which is controlled and maintained by a public authority.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Act which is owned by CWSD or the Highlands Ranch Metropolitan District (HRMD). The term also means the municipality, as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. This definition includes any devices, systems and sewers used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes, and other conveyances that convey Wastewater to the CWSD treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of these Rules and Regulations, "POTW" shall also include any sewers that convey Wastewaters to the POTW from persons outside CWSD or the HRMD who are, by contract or agreement with CWSD or HRMD, Users of the CWSD treatment works or HRMD sewer system.

Receiving Waters: Any lakes, rivers, streams, or other surface or subsurface water courses which receive treated or untreated Wastewater.

Receiving Water Quality Standards The requirements for the POTW's treatment plant effluent established by applicable state or federal statutes or regulations for protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted from time to time.

Sanitary Sewer: A sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted; including the pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "Public Sewer," "Sewer System," "POTW Sewer," and "Sewer."

Septage: The solid and liquid wastes from septic tanks, vault toilets, portable toilets or similar facilities.

Service Connection: A sewer line intended for discharging Wastewater into the CWSDs POTW and commencing at a structure or facility and terminating at a sewer main.

Service Lateral: The sanitary sewer line from the connection on the CWSD main sanitary sewer to the improvements of the Customer.

Sewer Main: The portion of the CWSD's POTW used for the collection and transportation of Wastewater to treatment facilities and which has been installed for the express purpose of allowing service.

Shall, Will, May: “Shall” and “Will” are mandatory; “May” is permissive.

Significant Industrial User (SIU) :

A. Any Industrial User:

1. Subject to Categorical Pretreatment Standards; or
2. That has a discharge flow of 25,000 gallons or more per average work day or more process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); or
3. That has a flow greater than five percent of the average dry-weather hydraulic or organic capacity of the POTW Treatment Plant; or
4. That is designated as such by the Control Authority, on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for Violating any Pretreatment Standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

B. The CWSD may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day of total Categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1. The Industrial User, prior to CWSDs finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
2. The Industrial User annually submits the certification statement required in 40 CFR § 403.12(q), together with any additional information necessary to support the certification statement; and
3. The Industrial User never discharges any untreated concentrated Wastewater.

C. Upon a finding that an Industrial User meeting the criteria in paragraph (A)(1), (2), (3), or (4) of this definition has no reasonable potential for adversely affecting the POTW's operation or for Violating any Pretreatment Standard or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

Significant Noncompliance (SNC): A Violation of a Significant Industrial User that meets any of the following criteria or any Industrial User that meets paragraphs C, D, E, F, G, H, or I of this section shall be in Significant Noncompliance:



- A. Chronic Violations of Wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined in Section 2.1.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section 2.1, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other Pollutants except pH).
- C. Any other Violation of a Pretreatment Standard or Requirement (Daily Maximum, Long-Term Average, Instantaneous Limit, or Narrative Standard) that the POTW 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 human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within ninety (90) days after the schedule date a compliance schedule milestone contained in a Local Control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines may adversely affect the operation or implementation of the local pretreatment program.
- I. Failure to report an accident, prohibited, or non-permitted discharge.

Slug, Slug Load or Slug Discharge: Any discharge at a flow rate or concentration, which could cause a Violation of the Prohibited Discharge Standards in Section 6.4. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, including a discharge which exceeds the hydraulic or design of a Industrial Users treatment system or any part of the treatment unit which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local

Limits or Permit conditions.

Standard Industrial Classification (SIC) A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, including all revisions to date.

Storm Drain: Every pipe, culvert, flume, ditch, gutter, storm sewer, cistern, tank, drain, lake, pond, stream, ravine, gully or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within CWSD may seep, percolate or flow; and every street, sidewalk, alley, gutter, roof, parking lot, yard, field, driveway, patio and other surface within CWSD across which any naturally occurring stormwater runoff may seep, percolate or flow.

Storm Sewer: A sewer that carries only stormwater, surface water and groundwater drainage.

Stormwater: Any flow occurring during or following any form of natural precipitation and resulting there from.

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

Total Suspended Solids (TSS): The total suspended matter, expressed in mg/L, that floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

Tap Fee: A charge imposed by CWSD for obtaining water and sanitary sewer service from CWSD.

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 as otherwise listed at 40 CFR Part 122, Appendix D.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with Permit effluent limitations because of factors beyond the reasonable control of the permittee. 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.

User: Any person who contributes, causes or permits the contribution of, Wastewater into the CWSDs POTW.

Violation means any Pollutant concentration or mass loading which exceeds effluent limitations defined by section 6.4 or in the discharge Permit issued under this Article; any failure to provide adequate and timely reports required by a Permit; any failure to abide by any management conditions required by a Permit or this Article; or any failure to abide by the terms, conditions and restrictions of this Article, a Permit issued hereunder or applicable federal or state regulations.

Wastewater: The combination of liquid and water-carried domestic or nondomestic wastes from dwellings, commercial buildings, industrial facilities and institutions, , whether treated or untreated, which are contributed into or permitted to enter the POTW.

Wastewater Treatment Plant or Wastewater Treatment Facilities: The portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Water Quality Control Act: The Colorado Water Quality Control Act C.R.S. 1973, 25-8-101 et seq.

Water Treatment Works: An arrangement of devices and structures used to produce potable water.

## Section 2.2 Abbreviations

The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
BOD	Biochemical Oxygen Demand
°C	degrees Celsius
CDPHE	Colorado Department of Public Health and Environment
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
CWSD	Centennial Water and Sanitation District
EPA	Environmental Protection Agency
FOG	Fats, Oils and Grease
mg/L	milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
USC	United States Code
TSS	Total Suspended Solids

## ARTICLE III

### CONSTRUCTION OF WATER DISTRIBUTION AND SANITARY SEWER FACILITIES

#### Section 3.1 General

The right to any use of the POTW is only by permission granted by CWSD. CWSD reserves full right to determine all matters related to the control and use of its POTW. The right to use the POTW shall be subject to suspension, disconnection or revocation as set forth in Article VII or in any intergovernmental agreement.

#### Section 3.2 Extension and Sizing of Facilities

Any connection to CWSD's facilities shall be approved by CWSD. It shall be the Customer's responsibility to provide at the Customer's sole cost, any water or sanitary sewer line not built or to be built by CWSD as shown in the most current edition of the "Facilities Plan for Centennial Water and Sanitation District".

All connections shall be built in strict accordance with the most current edition of the Water and Sanitary Sewer Specifications or any similar Standard Specification adopted by any successor entities.

#### Section 3.3 Required Water and Sanitary Sewer Specifications

Each Customer shall adopt Water and Sanitary Sewer Specifications at least as strict as those adopted by CWSD.

## ARTICLE IV

### WATER SERVICE

#### Section 4.1 Water Use

The right to take and use water from any source supplied by CWSD is only by permission and CWSD reserves the full right to determine all matters in connection with the control and use of water. Water shall be used only for beneficial purposes.

No water User in or upon any premises to which water is supplied shall supply water to any other Person without the approval of the General Manager.

Nothing contained herein shall operate to create any vested or proprietary right whatsoever, but any right hereunder shall give the Customer the right to the water service for the purposes specified in these Rules and Regulations. The right to water service shall be subject to suspension or revocation and shutoff as set forth in any intergovernmental agreement.

#### Section 4.2 Water Service Line Size, Location and Installation

Subject to the approval of CWSD, the Customer is solely responsible for determining the size of tap required for service, and for the cost of any connection should it be determined to be in error.

No Person, other than a Person authorized by CWSD, shall install or remove any water service facilities.

#### Section 4.3 Pressure Reducing Valves

Any pressure reducing valve required by CWSD shall be adjusted by CWSD personnel at such time as water service is initiated. Only authorized personnel shall adjust such valves.

#### Section 4.4 Fire Hydrants

Fire hydrants are provided for the primary purpose of furnishing water for fire suppression. Any other use of fire hydrants shall be allowed by Permit, issued by CWSD and shall require the use of a hydrant meter and regulating valve for the monitoring of water use. Connections and disconnections shall be made by authorized personnel only. Rates to be charged for water extracted from each hydrant shall be in accordance with the current fee schedule.

Use of hydrant water shall cease for the duration of any fire or for any other reason upon notice by CWSD. Any damage to the hydrant, hydrant meter or other property of CWSD shall be paid for by the User.

## Section 4.5 Cross Connection

### A. Cross Connections

Cross connections of any type which may permit a backflow of water from a supply other than that of CWSD into CWSD's mains is prohibited. Each Master-Meter Customer shall adopt Rules and Regulations, which shall be approved by CWSD and which shall be in strict compliance with 5 Colorado Code of Regulations (CCR) 1002-11.39, the cross connection regulations of the Colorado Department of Public Health and Environment. Such Rules and Regulations shall provide that service of water to any premises shall be disconnected if a backflow prevention device required by such Rules and Regulations is not installed, tested and maintained or if it is found that a backflow prevention device has been removed or bypassed or if an unprotected cross connection exists on the premises and that service will not be restored until such conditions or defects are corrected.

## ARTICLE V

### WATER CONSERVATION

#### Section 5.1 General

CWSD encourages the conservation of water within its service area. No person shall use any water provided by CWSD for other than beneficial use.

#### Section 5.2 Determination of Available Water Supply

CWSD shall, from time to time, determine the amount of available potable water supply for use and shall determine the expected demands for said water by all Customers of CWSD's water system for any given period of time. In the event the Board shall determine at any given time that there are insufficient potable water supplies to meet all of the present and anticipated needs, the Board may order restrictions, curtailments or prohibitions upon the use of water.

Any restriction, curtailments or prohibitions contemplated will be uniformly applied to all similarly situated water Users within the CWSD's service area. Nothing herein shall be construed to prevent CWSD from treating different categories of water Users in a different fashion. Except in cases of emergency, CWSD shall deliver written notice at least five (5) days prior to any curtailments, restrictions and prohibitions upon the use of water. The notice shall include a statement as to said restrictions, curtailments or prohibitions, together with a statement of the penalties for violation thereof and the time period for which they shall be in effect.

The Board has adopted an Urban Water Conservation Plan and pursuant to that plan has set forth a schedule of rates, tolls, fees and charges for the use of water and has imposed various restrictions on water use. Those restrictions, rates, tolls, fees and charges are set forth in Exhibit A.

Any Person, Customer or User of CWSD violating any provision of this section shall be subject to the penalties set forth in Article VII of, or Exhibit A to, these Rules and Regulations.

#### Section 5.3 Required Water Conservation Standards

Each Customer shall adopt Water Conservation Standards at least as strict as those adopted by CWSD.

## ARTICLE VI

### INDUSTRIAL PRETREATMENT PROGRAM

#### Section 6.1 Applicability and Objectives

A. Applicability: This Article sets forth uniform requirements for all Industrial Users or Non-Domestic sewage discharges to the Wastewater collection and treatment system for the CWSD and enables CWSD to comply with all applicable state and federal laws including the Clean Water Act (33 United States Code (U.S.C.) Section 1261 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). Any Industrial User, the discharge sewage from which directly or indirectly enters the CWSD's POTW from areas within or without the boundaries of the CWSD, shall be bound by these Rules and Regulations as they now exist or may hereafter be amended. These Rules and Regulations may be enforced against any Industrial User.

B. Objectives: The objectives of this Article are:

1. To regulate the collection of Wastewater and treatment thereof, so as to provide for the maximum public benefit in regard to the health, safety and welfare to the employees and residents of the CSWD service area and connecting jurisdictions;
2. To prevent the introduction of Pollutants into the Publicly-Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate the resulting Sludge;
3. To prevent the introduction of Pollutants into the POTW which will Pass Through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
4. To improve the opportunity to recycle and reclaim Wastewaters and Sludges from the system;
5. To enable CWSD to comply with its Colorado Discharge Permit System (CDPS) Permit conditions, sewage Sludge use and disposal requirements, and any other applicable federal or state laws or regulations to which the POTW is subject; and
6. To prevent adverse impacts to worker health and safety due to the discharge of Pollutants from Industrial Users.

D. Non-Domestic Industrial Users: It shall be unlawful for any Industrial User to discharge any domestic or Non-Domestic Wastewater into any natural waterway, any surface drainage, or in any area under the jurisdiction of CWSD. No industrial Wastewater shall be discharged to the POTW unless done so in compliance with the provisions of this Article.



## Section 6.2 Regulation of Industrial Users from Outside Jurisdictions

Pretreatment Program responsibilities shall be delegated to the CWSD by all connecting jurisdictions. The CWSD is required to administer and enforce its Pretreatment Program in accordance with this Article and its CDPS Permit.

### A. Outside Jurisdictions and Intergovernmental Agreements (IGAs).

1. In order for CWSD to effectively implement and enforce Pretreatment Standards and Requirements for all Industrial Users discharging to the POTW and as required by 40 CFR Section 403.8(f), CWSD shall enter into Intergovernmental Agreements (IGA) with contributing jurisdictions. Prior agreements shall be unaffected by these requirements until such time as CWSD determines that modifications are necessary.
2. Each connecting jurisdiction shall enact an ordinance, rule or resolution that provides notice of the delegation of pretreatment responsibilities to CWSD. The ordinance, rule or resolution shall incorporate the CWSD Pretreatment Program by reference.
3. Prior to entering into an IGA, CWSD shall be provided the following information from the contributing jurisdiction:
  - a. A description of the quality and volume of Wastewater discharged to the POTW by the contributing jurisdiction;
  - b. An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and
  - c. Such other information as CWSD may deem necessary.

### B. Intergovernmental Agreement Content

The IGA may contain the following conditions:

1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance or rules which specifically require that all Non-Domestic Users shall be under the jurisdiction of this Article for the purposes of implementation and enforcement of Pretreatment Standards and Requirements;
2. Each Customer shall adopt Rules and Regulations approved by CWSD sufficient to provide for the proper handling of liquid wastes containing excessive grease, excessive sand or other harmful ingredients.

3. A requirement for the contributing jurisdiction to submit an updated User inventory on at least an annual basis;
4. A provision specifying that CWSD shall be delegated full responsibility for implementation and enforcement of the pretreatment program unless otherwise agreed to and specified in the IGA;
5. A requirement for the contributing jurisdiction to provide CWSD with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from Non-Domestic Users;
6. Requirements for monitoring the contributing jurisdiction's discharge; and
7. A provision specifying remedies available for breach of the terms of the IGA.

Section 6.3 Responsibility and Authority of CWSD

- A. Except as otherwise provided herein, the General Manager, or designee, shall administer, implement, and enforce the provisions of this Article.
- B. CWSD shall attempt to notify in writing any Industrial User whom they have cause to believe is subject to a National Categorical Pretreatment Standard or Requirements, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of CWSD to so notify Industrial Users shall not relieve said Industrial Users from the responsibility of complying with applicable requirements. It is the responsibility of Significant Industrial Users to apply for and receive a Permit prior to discharge, whether or not the Industrial User has been identified and formally requested to do so.
- C. If Wastewaters containing any Pollutant, including excess flow, or as otherwise defined in this Article, are discharged or proposed to be discharged to the POTW, CWSD may take any action necessary to:
  1. Prohibit the discharge of such Wastewater;
  2. Require an Industrial User to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with this Article;
  3. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the potential for a discharge to violate this Article;

4. Require the Industrial User making, causing or allowing the discharge to pay any additional cost or expense incurred by CWSD for handling, treating, disposing or remediation costs as a result of wastes discharged to the Wastewater treatment system;
  5. Require the Industrial User to apply for and obtain a Permit;
  6. Require timely and factual reports from the Industrial User responsible for such discharge; or
  7. Take such other action as may be necessary to meet the objectives of this Article.
- D. In addition to the overall authority to control the discharge of Wastewater to the POTW, CWSD shall have the following authorities:
1. Take enforcement and issue fines and penalties for violations of this Article, including the failure of an Industrial User to apply for a Permit.
  2. Endangerment to Health or Welfare of the Community: CWSD, through other than a formal notice to the affected Industrial User, may immediately and effectively halt or prevent any discharge of Pollutants into any natural waterway, surface drainage within CWSD, any area under jurisdiction of CWSD, the POTW of CWSD or any Wastewater system tributary thereto, by any means available to them, including physical disconnection from the Wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
  3. Endangerment to Environment or Treatment Works: The CWSD, after written notice to the discharger may halt or prevent any discharge of Pollutants into any natural waterway, surface drainage within CWSD, any area under jurisdiction of CWSD, the POTW, Wastewater system tributary thereto, by any means available to them, including physical disconnection from the Wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.
  4. The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of this Article.

#### Section 6.4 Prohibited Discharges and Limitations

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

##### A. General Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any Pollutant or

Wastewater which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph B of this Section apply to all such Users of the POTW whether or not the user is subject to Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions

1. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
2. Any Wastewater which creates a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR Section 261.21.
3. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, or at any point in the system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, mineral oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the CWSD, the state or the EPA has determined is a fire hazard or a hazard to the POTW.
4. Any Wastewater having a temperature which will inhibit biological activity in the POTW, resulting in Interference, but in no case Wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104°F).
5. Solid or viscous Pollutants in amounts which will cause obstruction to the flow in the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, paunch manure, bones, hair, hooves, hides or fleshing, whole blood, feathers, ashes, cinders, sand, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel, lubricating oil, or waste lubricating oil, mud, glass grinding or polishing wastes, cement concrete, plaster, gravel, hay, lime slurry or Sludge, paint or chemical residues.
6. Any Wastewater having a pH lower than 5.0 s.u. or more than 12 s.u., or any other corrosive property capable of causing damage or hazard to structure or equipment of the POTW or to employees of CWSD.

7. Any Wastewater which results 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. Any Pollutant, including oxygen demanding Pollutants (BOD, etc.) released in a discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW.
9. Any trucked or hauled Pollutants, including but not limited to, commercial, industrial or domestic generated wastes, except at discharge points designated by CWSD.
10. Stormwater drainage from ground resulting in Infiltration and Inflow (I&I) through the Industrial User's service line(s), surface, roof drains, catch basins, unroofed area drains (e.g. commercial car washing facilities) or any other source unless otherwise approved by the General Manager. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to CWSD's Wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.
11. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, Sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with Sludge use or disposal criteria, guidelines or regulations affecting Sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the Sludge management method being used;
12. A Slug Discharge as defined in Article II.
13. Any substance which will cause the POTW to violate the CDPS Permit or the Receiving Water Quality Standards.
14. Any Pollutant directly into a manhole or other opening in the POTW unless specifically authorized by CWSD or as otherwise permitted under this Article.  
  
Prohibited is the opening of a manhole or discharging into any opening in violation of this Article.
15. Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by CWSD to collect

such wastes.

16. Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
17. Detergents, surface-acting agents, or other substances that might cause excessive foaming in the POTW;
18. Medical wastes causing or contributing to Pass Through or Interference at POTW.
19. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the CWSD's NPDES Permit;
20. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations;

C. General Requirements Regarding Deleterious Wastes.

The following sewage, water, substances, materials and wastes are prohibited from being discharged to the POTW by any User unless authorized through prior written permission from the CWSD. Written permission from the CWSD may include, but not be limited to, the imposition of site-specific limitations, BMPs and/or requirements to obtain a Wastewater discharge Permit pursuant to section 6.6. These requirements and prohibitions may be imposed directly on process Wastewaters prior to dilution by domestic or other Wastewater discharged by Users. Approval of such a discharge is solely at the discretion of the CWSD and shall not constitute approval of any additional or similar discharges.

1. Sludge or other material from sewage or industrial waste treatment plants or from Water Treatment Plants;
2. Any wastes which are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate, contain substances conducive to creating tastes or odors in drinking water supplies or otherwise make such waters unpalatable even after conventional water purification treatment;
3. Solids, Sludges, filter backwash, or other Pollutants removed in the course of treatment or control of Wastewater (including, but not limited to, materials which have been removed by catch basins, grease traps, sand traps, or pretreatment systems/devices), or acquired from another person or location;
4. Any waste stream not included in Section 6.4(B) that is regulated under one or more National Emissions Standards for Hazardous Air Pollutants (NESHAP) listed in the 40 CFR § 61 and § 63;

D. Specific Discharge Limitations.

The CWSD is authorized to establish local limits pursuant to 40 CFR Part 403.5(C). It shall be unlawful for any Significant Industrial User or other permitted Industrial User to discharge, deposit, cause, or allow to be discharged any waste or Wastewater which fails to comply with the limitations imposed by this Section.

No Significant Industrial User or other permitted Non-Significant Industrial User shall discharge Wastewater that exceeds the following limits:

DAILY MAXIMUM CONTRIBUTION

<b>POLLUTANT (a)</b>	<b>Daily Maximum Discharge Limit (mg/L)</b>
Arsenic	0.43
Cadmium	0.35
Chromium	4.73
Copper	1.37
Lead	0.45
Mercury	0.021
Molybdenum	4.51
Nickel	5.28
Selenium	0.68
Silver	0.40
Zinc	7.1

(a) All Pollutants shown in the Table are total and in mg/L.

1. The District may, at its sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to Significant Industrial Users and permitted non-SIUs that correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the Daily Maximum Discharge Limits are hereby incorporated by reference.
2. The following limits shall apply to Wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation Wastewaters containing these Pollutants or where these Pollutants are appropriate surrogates. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or Wastewater that exceeds the following limits, as applicable.

Pollutant <sup>(a)(c)</sup>	Daily Maximum Limit (mg/L)
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Benzene	0.050
BTEX <sup>(b)</sup>	0.750

- (a) All Pollutants show in the Table are Total.
- (b) BTEX shall be measured as a sum of Benzene, Ethylbenzene, Toluene and Xylenes.
- (c) These limits are based upon installation of air stripping technology as described in the EPA document: “Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989.”

E. Further Standards and Limitations

1. Best management practices (BMPs). The General Manager or designee may develop best management practices (BMPs) to implement the requirements of section 6.4 of these Rules and Regulations. Pursuant to 40 CFR § 403.5(c)(4), such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Article and Section 307(d) of the Act.

The CWSD may establish sector control programs based on BMPs to control specific Pollutants as necessary to meet the requirements of this Article for Users that engage in similar activities and discharge similar Pollutants. The CWSD may establish policies for sector control programs as necessary to supplement the requirements included in this Article and Users subject to these sector control programs must comply with these policies. Users subject to sector control programs may be required to install and operate Wastewater treatment systems and/or implement BMPs and may be required to apply for a Wastewater discharge Permit in accordance with section 6.6 of this Article.

2. Categorical Pretreatment Standards. Users must comply with the Categorical Pretreatment Standards found at 40 CFR chapter I, subchapter N, parts 405-471. Upon the promulgation of the Categorical Pretreatment Standard for a particular industrial subcategory, developed pursuant to federal statutes or regulations, the Categorical Pretreatment Standard if more stringent than limitations imposed in this Article shall immediately supersede the limitations imposed in this Article.
  - a) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the General Manager or designee may impose equivalent concentration or mass limits in accordance with Sections 6.4(E)\*\* and 6.4(E)\*\* of this Article and 40 CFR § 403.6(c).
  - b) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the General Manager or designee 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 in accordance with 40 CFR § 403.6(c)(2).
  - c) When Wastewater subject to a Categorical Pretreatment Standard is mixed with



Wastewater not regulated by the same standard, the General Manager or designee shall impose an alternate limit in accordance with 40 CFR § 403.6(e).

- d) When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, an Industrial User may request that the CWSD convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager or designee. The CWSD may establish equivalent mass limits only if the User meets all the conditions set forth in Section 6.4(E)(i)(a)-(e) below.
  - i. To be eligible for equivalent mass limits, the User must:
    - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual Wastewater discharge Permit;
    - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating condition;
    - d. Not have daily flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
    - e. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
  - ii. A User subject to equivalent mass limits must:
    - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
    - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
    - c. Continue to record the facility's production rates and notify the CWSD General Manager or designee whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection (E)(2)(i)(c) in this section. Upon notification of a revised production rate, the General Manager or designee will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
    - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (E)(2)(i)(a) of this section so long as it discharges under

an equivalent mass limit.

- iii. When developing equivalent mass limits, the General Manager or designee:
  - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual Wastewater discharge Permit terms if the User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to section 6.4(E)(1). The User must also be in compliance with § 403.17 regarding the prohibition of bypass.

- (e) The General Manager or designee may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the General Manager or designee.
- (f) Once included in its Permit, the User must comply with the equivalent limitations developed in section 6.4(E)(1)) in lieu of the promulgated Categorical standards from which the equivalent limitations were derived.
- (g) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (h) Any User operating under a Permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the General Manager or designee within two business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager or designee of such anticipated change will be required to meet the mass or concentration limits in its Permit that were based on the original estimate of the long term average production rate.

- 3. Specific Pollutant Limitation. No person shall discharge Wastewater containing in excess of the limitations on discharges as set forth in this Article.

4. Other Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained in this Article. The CWSD's limitations or requirements on discharges shall apply in any case where they are more stringent than state or federal requirements or limitations.
5. CWSD Right of Revision. The CWSD reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented herein.
6. Dilution. No User shall ever increase the use of water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Categorical Pretreatment Standards, or in any other specific Pollutant limitation developed by the CWSD or state. The General Manager or designee may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or requirements.

#### Section 6.5 Pretreatment and Monitoring Facilities

- A. Treatment Required: An Industrial User shall provide necessary Wastewater treatment at the Industrial User's expense as required to comply with this Article and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the EPA, the State, or CWSD, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the General Manager for review and shall be acceptable before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to CWSD under the provisions of this Article.
- B. Wastewater Discharge Control: CWSD may require an Industrial User to restrict discharge during peak flow periods, designate that certain Wastewater be discharged only into specified 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 demonstrate the Industrial User's compliance with the requirements of this Article.
- C. Flow Equalization: CWSD may require any Industrial User 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 Industrial Discharge Permit may be issued solely for flow equalization.
- D. Monitoring Facilities: CWSD may require an Industrial User to install at the Industrial User's expense, suitable monitoring facilities or equipment that allows for the representative sampling and accurate observation of Wastewater discharges. Monitoring equipment and structures shall be maintained in proper working order and kept safe and

accessible at all times to CWSD personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by CWSD. When such a location would be impractical, CWSD may allow such facility to be constructed in the public street or easement area, with the approval of the agency having jurisdiction over such street or easement, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. When more than one Industrial User is able to discharge into a common service line, CWSD may require installation of separate monitoring equipment for each Industrial User.

- E. Flow, pH and LEL Meters: If CWSD determines that an Industrial User needs to measure and report Wastewater flow, discharge process Wastewaters necessitating continuous pH measurement or discharge Wastewater that may contain flammable substances may be required to install and maintain, at the Industrial User's expense, approved meters, structures and equipment.
- F. Additional Pretreatment Measures.
1. Grease interceptors shall be required for all food preparation establishments (including, but not limited to, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops), food processing establishments, food manufacturing establishments, animal slaughter houses, soap factories, tallow/fat rendering establishments, hide curing establishments, schools, nursing homes and other establishments when, in the opinion of the General Manager or designee, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil; except that such interceptors shall not be required for residential Users.
    - a) All grease interceptors shall be of type and capacity approved by the General Manager or designee and shall be so located to be easily accessible for cleaning and inspection.
    - b) Such interceptors shall be inspected, cleaned, and repaired by the User at the User's expense.
    - c) Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; that the discharge is in compliance with Local Limits and, to ensure that no visible grease is observed in the discharge. Grease interceptors shall be completely evacuated at a minimum of every three months, or more frequently when:
      - i. Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
      - ii. The discharge exceeds BOD, COD, TSS, FOG, pH, or other Pollutant levels established by the CWSD; or
      - iii. If there is a history of noncompliance.
    - d) The General Manager or designee may require a business to maintain a specific grease interceptor pumping and cleaning interval based on observed problems or noncompliance related FOG production, accumulation and Wastewater discharges. The General Manager or designee may allow a business to request a cleaning frequency greater than every three months. The business shall submit a

written request requesting a change and the reasons for the change.

- e) Maintenance and pumping records (grease hauling manifests/receipts) must be submitted to CWSD, within 30 days of each pumping/cleaning. Maintenance and pumping records must be kept onsite for a minimum of three years.
  - f) Partial cleaning of grease interceptors is not allowed.
  - g) Biological, enzymatic, or chemical treatment of Wastewater flows is not allowed.
2. In-line grease traps shall be allowed by the General Manager or designee only where it is determined by the General Manager or designee to be impractical to install a grease interceptor. Installation of in-line grease traps in lieu of grease interceptors required written approval by the General Manager or designee.
- a) All in-line grease traps shall be of type and capacity approved by the General Manager or designee and shall be so located to be easily accessible for cleaning and inspection.
  - b) Such in-line grease traps shall be inspected, cleaned, and repaired by the User at the User's expense.
  - c) In-line grease traps shall be cleaned of their accumulated matter as often as necessary, but not less than once per month, to ensure maximum efficiency and to prevent noncompliance with applicable discharge limitations. An in-line grease trap shall require service when settled solids and FOG exceed 25 percent of the liquid capacity of the tank.
  - d) The General Manager or designee may require a business to maintain a specific grease interceptor pumping and cleaning interval based on observed problems or noncompliance related FOG production, accumulation and Wastewater discharges.
  - e) The General Manager or designee may allow a business to request a cleaning frequency greater than once per month. The business shall submit a written request requesting a change and the reasons for the change.
  - f) Maintenance and pumping records (grease hauling manifests/receipts) must be submitted to CWSD, within 30 days of each pumping/cleaning. Maintenance and pumping records must be kept onsite for a minimum of three years.
  - g) Partial cleaning of in-line grease traps is not allowed.
  - h) Biological, enzymatic, or chemical treatment of Wastewater flows is not allowed.
3. Sand and oil interceptors shall be required for all automotive/recreational service stations, truck or car wash facilities, vehicle maintenance facilities, mechanical repair shops, garden nurseries, warehouses, parking garages, machine shops, and other facilities where sand, oil and/or Hazardous Wastes could enter the POTW.
- a) All sand and oil interceptors shall be of type and capacity approved by the General Manager or designee and shall be so located to be easily accessible for cleaning and inspection.
  - b) Such interceptors shall be inspected, cleaned and repaired by the User at the User's expense.
  - c) Sand and oil interceptors shall be pumped and cleaned of their accumulated matter as often as necessary to ensure maximum efficiency and to prevent noncompliance with applicable discharge limits, but no less than once per year.

Interceptors shall require service when settled solids and floating oil exceed 25 percent of the liquid capacity of either compartment of the tank.

- d) The General Manager or designee may require a business to maintain a specific sand and oil interceptor pumping and cleaning interval based on observed problems or noncompliance related to sand and oil production, accumulation and Wastewater discharges.
- e) Maintenance and pumping records (hauling manifests/receipts) must be submitted to CWSD, within 30 days of each pumping/cleaning. Maintenance and pumping records must be kept onsite for a minimum of three years.
- f) Partial cleaning of sand and oil interceptors is not allowed.
- g) Biological, enzymatic, or chemical treatment of Wastewater flows is not allowed.

## Section 6.6 Industrial Wastewater Discharge Permits

### A. Legal authority.

The POTW shall operate pursuant to legal authority enforceable in federal, state, or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c) and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in statute, ordinance, or a series of contracts or joint power agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by state law. At a minimum, this legal authority shall enable the POTW to:

- 1. Deny or condition new or increased contributions of Pollutants, or changes in the nature of Pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and requirements or where such contributions would cause the POTW to violate its NPDES Permit;
- 2. Require compliance with applicable Pretreatment Standards and requirements by Industrial Users; and
- 3. Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and requirements. In the case of Industrial Users identified as significant under 40 CFR § 403.3(v), this control shall be achieved through individual Permits or equivalent individual control mechanisms issued to each such User except as follows.

### B. Wastewater survey.

When requested by the CWSD, a User must complete and submit an industrial waste survey with information on the nature and characteristics of its Wastewater within 30 days of the request. The General Manager or designee is authorized to prepare a form for this purpose and may periodically require Users to update this information.

- 1. No significant Industrial User shall discharge Wastewater into the POTW without first obtaining a Wastewater discharge Permit from the CWSD, except that a

significant Industrial User that has filed a timely application pursuant to subsection (B) of this section may continue to discharge for the time period specified therein.

2. The General Manager or designee may require other Industrial Users to obtain discharge Permits as necessary to carry out the provisions of this Article.
3. Any violation of the terms and conditions of a Wastewater discharge Permit shall be deemed a violation of this Article and subjects the User to the sanctions set out in section 6.18 of this Article. Obtaining a Wastewater discharge Permit does not relieve a User of its obligation to comply with all federal and state Pretreatment Standards and requirements or with any other requirements of federal, state and local law.

C. Permits Required.

All Significant Industrial Users proposing to connect to, or discharge into, any part of the Wastewater system shall apply for and obtain an Industrial Wastewater Discharge Permit prior to commencing discharge to the POTW. A separate Permit may be required for each Industrial User, building or complex of buildings. The discharge of Wastewater to the POTW without a valid Permit from a Significant Industrial User shall be a violation of this Article. Such Significant Industrial Users shall immediately contact CWSD and obtain a Permit for discharge.

B. New Industrial Users: Applying for an Industrial Wastewater Discharge Permit.

Any Industrial User required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such Permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a Permit application on forms provided by CWSD containing the information specified in Section 6.6, F below. The completed application for the Industrial Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

C. Existing Industrial Users: Applying for an Industrial Wastewater Discharge Permit Re-issuance.

An Industrial User with an expiring Industrial Wastewater Discharge Permit shall apply for a new Permit by submitting a complete Permit application at least ninety (90) days prior to the expiration of the Industrial User's existing discharge Permit. The Industrial User shall file a Permit application on forms provided by CWSD containing the information specified in 6.6, F below. An Industrial User with an existing Permit that has filed a complete and timely application may continue to discharge as approved by CWSD through an administrative extension of the existing Permit.

D. Other Industrial Users. CWSD may require other Non-Significant Industrial Users to obtain Wastewater discharge Permits necessary to carry out the purposes of this Article. CWSD may issue a zero discharge Permit to prohibit the discharge of some or all Non-

Domestic process Wastewater from an Industrial User.

E. Enforceability.

Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit, failure to apply for a Permit as required, or discharging without a required Permit shall be deemed a violation of this Article and subjects the Industrial User to enforcement by CWSD. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements.

F. Permit Application Contents.

In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

1. Name of business, address of the facility, location of the discharge if different from facility address, contact information for the Authorized Representative of the Industrial User and a description of the activities, facilities, and manufacturing process at the facility.
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);
  - b. The Standard Industrial Classification(s) of the operation(s) carried out by such Industrial User;
  - c. A schematic process diagram, which indicates points of discharge to the POTW from the regulated process;
  - d. Types of wastes generated;
  - e. 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;
  - f. Number of employees; and
  - g. Hours of operation, and proposed or actual hours of operation.
4. Time and duration of discharges.
5. The location for sampling the Wastewater discharges from the Industrial User.
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 40 CFR Section 403.6(e). For New Sources and new permittees not currently discharging, an estimate of flows may be used for



meeting the requirements of the Baseline Monitoring Report required in Section 6.14, B.

7. Measurement of Pollutants.
  - a. The Pretreatment Standards applicable to each regulated process;
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated Pollutants in the discharge from each regulated process where required by the Standard or by CWSD;
  - c. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported;
  - d. The sample shall be representative of daily operations and shall be collected in accordance with procedures set out in Section 6.13. Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by CWSD or the applicable Standards to determine compliance with the Standard; and
  - e. Analyses must be performed in accordance with procedures set out in Section 6.13, C.
8. Accidental or slug discharge control plans as described in Section 6.14, E. shall be submitted.
9. Compliance Schedule. If additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.
- b. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress

report to the General Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

10. Certification. A statement, reviewed by an Authorized Representative of the Industrial User and certified to 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 for the Industrial User to meet the Pretreatment Standards and Requirements.
11. Any other information as may be deemed by the General Manager to be necessary to evaluate the Permit application;
12. Application Signatory. All Industrial Discharge Permit applications and certification statements must be signed by an Authorized Representative of the Industrial User and contain the applicable certification statement(s) in Section 6.14, H.

G. Industrial Wastewater Discharge Permit Issuance.

1. Permits shall be issued for a specified time period, not to exceed five (5) years. A Permit may be issued for a period of less than five (5) years at CWSD's discretion or may be stated to expire on a specific date.
2. CWSD shall issue an Industrial Wastewater Discharge Permit to the applicant if CWSD finds that all of the following conditions are met:
  - a. The applicant has provided a timely and complete Permit application to CWSD;
  - b. The proposed discharge by the applicant is in compliance with the limitations established in this Article;
  - c. The proposed operation and discharge of the applicant would Permit the normal and efficient operation of the POTW; and
  - d. The proposed discharge by the applicant would not result in a violation by CWSD of the terms and conditions of its CDPS Permit or cause Pass Through or Interference.
4. If CWSD finds that the condition set out in Subsection (3)(b) of this Section is not

met, CWSD may, at their discretion, issue an Industrial Wastewater Discharge Permit to the applicant if the conditions set out in subsections (3)(a), (3)(c) and (3)(d) of this Section have been met and if the applicant submits, and CWSD approves, a compliance schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with applicable Pretreatment Standards. At no time shall a discharge be allowed to cause violations of the General and Specific Prohibitions established in Section 6.4 nor shall the final compliance date for a Categorical Pretreatment Standard be extended.

- H. Transferability. Industrial Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the prior written approval of CWSD. Any succeeding owner or Industrial User shall also comply with the terms and conditions of the existing Permit until a new Permit is issued.

#### Section 6.7 Industrial Wastewater Permit Conditions

Industrial Discharge Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, User charges and fees established by CWSD. Permits may contain the following:

- A. A statement that indicates the Permit's issuance date, expiration date and effective date;
- B. A statement on Permit transferability;
- C. The unit charge or schedule of User charges and fees for the Wastewater to be discharged into a public sewer;
- D. Limits on the average and/or maximum Wastewater constituents and characteristics including, but not limited to, effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards;
- E. Limits on average and maximum rate and time of discharge or requirements for flow;
- F. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- G. Self-monitoring, sampling, reporting, notification and record-keeping requirements including, but not limited to, identification of the Pollutants to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law;
- H. Best Management Practices (BMPs) to control specific Pollutants as necessary to meet the

objectives of this Article;

- I. Compliance Schedules;
- J. Requirements for maintaining and retaining records;
- K. Requirements for notification of CWSD of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Wastewater treatment system;
- L. Requirements to control and report any slug discharges and notify CWSD immediately of any changes at its facility affecting potential for a Spill or Slug Discharge and to notify the POTW immediately in the event of a slug, spill or accidental discharge to the POTW;
- M. Statements of applicable administrative, civil and criminal penalties for the violation of Pretreatment Standards and Requirements, the Permit, this Article, and any applicable compliance schedule;
- N. Requirements to reapply for a new Permit prior to expiration of the existing Permit;
- O. Additional monitoring to be reported;
- P. 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;
- Q. Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure closure activities are completed and wastes have been properly disposed and remaining access to sanitary and storm sewers are protected;
- R. Other conditions as deemed appropriate by CWSD or the General Manager to ensure compliance with all applicable rules and regulations.

#### Section 6.8 Industrial Wastewater Discharge Permit Modification

The Industrial User shall be informed of any proposed changes in its Permit at least thirty (30) days prior to the effective date of change. CWSD may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
- B. To address significant alterations or additions to the Industrial User's operation, processes, or Wastewater volume or character since the time of the Industrial Discharge Permit issuance;

- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, CWSD personnel, or the receiving waters;
- E. Violation of any terms or conditions of the Industrial Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting; or
- G. To correct typographical or other errors in the Industrial Discharge Permit.

#### Section 6.9 Industrial Wastewater Discharge Permit Revocation

A violation of the conditions of a Permit or of this Article or of applicable State and federal regulations shall be reason for revocation of such Permit by CWSD. Upon revocation of the Permit, any Wastewater discharge from the affected Industrial User shall be considered prohibited and in violation of this Article. Grounds for revocation of a Permit include, but are not limited to, the following:

- A. Failure of an Industrial User to accurately disclose or report the Wastewater constituents and characteristics of their discharge;
- B. Failure of the Industrial User to report significant changes in operations or Wastewater constituents and characteristics;
- C. Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring;
- D. Falsification of records, reports or monitoring results;
- E. Tampering with monitoring equipment;
- F. Violation of conditions of the Permit;
- G. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Discharge Permit application;
- H. Failure to pay fines or penalties;
- I. Failure to pay sewer charges;
- J. Failure to pay Permit and sampling fees; or
- K. Failure to meet compliance schedules.

### Section 6.10 Recordkeeping

- A. All Industrial Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, Permits and all other information and documentation required by this Article including documentation associated with Best Management Practices.
- B. Such records shall include for all samples:
  - 1. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
  - 2. The date(s) analyses were performed;
  - 3. Who performed the analyses;
  - 4. The analytical techniques/methods used; and
  - 5. The results of such analyses.
- C. Industrial Users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of this Article, or when the Industrial User has been specifically and expressly notified of a longer records retention period by the General Manager.

### Section 6.11 Confidential Information - Disclosure of Information and Availability to the Public.

- A. All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by this Article or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the Colorado Open Records Act (C.R.S. 24-72-201, et. seq.).
- B. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of CWSD that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

Information designated as a trade secret pursuant to this Section shall remain confidential

and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of CWSD charged with implementing and enforcing the provisions of this Article and properly identified representatives of the U.S. Environmental Protection Agency and the Colorado Department of Public Health and Environment.

Effluent data from any Industrial User whether obtained by self-monitoring, monitoring by CWSD or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

#### Section 6.12 Special Agreements and Contracts

No statement contained in this Article shall be construed as prohibiting special written agreements between CWSD and any Industrial User allowing industrial waste of unusual strength or character to be admitted to the POTW system, provided the Industrial User compensates CWSD for any additional costs of treatment. The General Manager may execute an Agreement to exceed the specific limitations contained in Section 6.4, C. only if the General Manager finds that:

- A. Acceptance of the discharge does not adversely affect the Wastewater utility nor cause violation of CWSD's CDPS Permit, cause a violation of the General and Specific Prohibitions specified in Section 6.4, does not cause CWSD to exceed its approved Maximum Allowable Industrial Loading (MAIL) or applicable federal and state laws; and
- B. The agreement does not waive compliance with Categorical Pretreatment Standards.

#### Section 6.13 Sample Collection and Analytical Methods

##### A. Sample Collection.

Compliance determinations with respect to prohibitions and limitations in this Article may be made on the basis of either grab or composite samples of Wastewater as specified by CWSD. Such samples shall be taken at a point or points which CWSD determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by CWSD to meet specific circumstances.

##### B. Sample Type.

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, and based on data that is representative of conditions occurring during the reporting period.

1. Except as indicated in subparagraphs 2. and 3. below, the Industrial User must

collect representative Wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by CWSD. Where time-proportional composite sampling or grab sampling is authorized by CWSD, the samples must be representative of the permitted discharge.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (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. Compositing samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by CWSD, as appropriate. In addition, grab samples may be required to show compliance with instantaneous local limits, including pH.
3. For sampling required in support of Baseline Monitoring and 90-day Compliance reports required in Section 6.14, 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 representative sampling data do not exist. Where historical data are available, CWSD may authorize a lower minimum. For the reports required by Section 6.14, A., the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

C. Analytical Requirements.

All Pollutant analysis, including sampling techniques, to be submitted as part of an Industrial Discharge Permit application, report, Permit or other analyses required under this Article 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 CWSD or other parties approved by the EPA.

Section 6.14 Reporting Requirements.

A. Periodic Compliance Reports – All Significant Industrial Users.



1. Any Industrial User subject to a federal, state, or CWSD Pretreatment Standard or Requirement must, at a frequency determined by CWSD submit no less than once per six (6) months, unless required more frequently in the Permit or by CWSD, reports indicating the nature, concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practices (BMPs) or pollution prevention alternatives, the Industrial User must submit documentation required by CWSD or the Pretreatment Standard necessary to determine compliance status of the Industrial User. All periodic compliance reports must be signed and certified in accordance with Section 6.14, H.
2. All Wastewater samples must be representative of the Industrial 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 an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that the sample results are unrepresentative of its discharge.
3. If an Industrial User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by CWSD, using the methods and procedures prescribed in Section 6.13, the results of this monitoring shall be included in the report.

4.

**B. Baseline Monitoring Reports (BMR) – Categorical Industrial Users.**

1. 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 Section 403.6(a)(4), whichever is later, existing Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to CWSD a report which contains the information listed in paragraph 2. 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 CWSD a report which contains the information listed in paragraph 2. below. A New Source shall report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged from regulated process streams and other non-process streams.
2. Industrial Users described above shall submit the information set forth below.

- a. All information required in Section 6.6,F.
- b. Measurement of Pollutants.
  - i. The Industrial User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph.
  - ii. 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 Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 Section CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to CWSD.
  - iii. Sampling and analysis shall be performed in accordance with Section 6.13.
  - iv. CWSD may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - v. The BMR 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.
  - vi. Signature and Report Certification. All baseline monitoring reports must be signed in accordance with Section 6.14, H. and signed by an Authorized Representative as defined in Article 2.

C. 90-Day Compliance Reports – Categorical Industrial Users.

- 1. New Sources: All New Sources subject to existing Categorical Pretreatment Standards shall submit a report to CWSD within ninety (90) days from the date of first discharge to the POTW demonstrating actual and continuing compliance with those Standards.
- 2. Existing Sources: All Existing Sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to CWSD within ninety (90) days of the date on which compliance is required with those Standards

demonstrating that actual and continuing compliance with such Standards has been achieved.

3. Such 90-day Compliance Report shall contain at a minimum the information required in Section 6.6, paragraph F., subparagraphs 6, 7, 10, 11, and 12.

D. 24 Hour Notice and 30 Day Re-sampling.

If sampling performed by an Industrial User indicates a violation of this Article, the Industrial User shall notify CWSD within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to CWSD within thirty (30) days after becoming aware of the violations. The Industrial User is not required to resample if the following occurs:

1. CWSD performs sampling at the Industrial User's facility at a frequency of at least once per month.
2. CWSD performs sampling at the Industrial User's facility between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling. It is the sole responsibility of the Industrial User to verify if CWSD has performed this sampling.

E. Slug/Spill Plans.

1. Each Industrial User shall provide protection from accidental discharges and slug loads of Pollutants regulated under this Article. Facilities to prevent the discharge of spills or slug loads shall be provided and maintained at the Industrial User's expense.
2. CWSD shall evaluate whether each Significant Industrial User needs a Spill Prevention and Control Plan or other action to control spills and slug discharges. CWSD may require an Industrial User to develop, submit for approval, and implement a Spill Prevention and Control Plan or take such other action that may be necessary to control spills and slug discharges.
3. A Spill Prevention and Control Plan shall address, at a minimum, the following:
  - a. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
  - b. Description of contents and volumes of any process tanks;
  - c. Description of discharge practices, including non-routine batch discharges;
  - d. Listing of stored chemicals, including location and volumes;

- e. Procedures for immediately notifying CWSD of any Spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in Section 6.14, F.;
  - f. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response; and
  - g. Any other information as required by CWSD.
4. Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur or originate are advised of the emergency notification procedures.

F. Reports of Potential Problems – Slug and Spills.

- 1. In the case of any discharge, including, but not limited to, spills, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or a discharge that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify CWSD of the incident. This notification shall include:
  - a. Name of the facility
  - b. Location of the facility
  - c. Name of the caller
  - d. Date and time of discharge
  - e. Date and time discharge was halted
  - f. Location of the discharge
  - g. Estimated volume of discharge
  - h. Estimated concentration of Pollutants in discharge
  - i. Corrective actions taken to halt the discharge
  - j. Method of disposal if applicable
- 2. Within five (5) working days following such discharge, the Industrial User shall, unless waived by CWSD, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or 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 Industrial User of any fines,

penalties, or other liability which may be imposed pursuant to this Article.

G. Reports for Non-Significant Industrial Users.

A facility determined to be a non-significant Categorical Industrial User by the General Manager or designee must annually submit the following certification statement signed in accordance with the signatory requirements in section 6.14, H of this Article. This certification must accompany any alternative report required by the CWSD General Manager or designee:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_ to \_\_\_\_\_, \_\_\_ [month, days, year]:

1. The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant Categorical Industrial User as described in § 403.3(v)(2);
2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
3. The facility never discharged more than 100 gallons of total Categorical Wastewater on any given day during this reporting period. This compliance certification is based upon the following information: \_\_\_\_\_.

H. Signatory Requirement.

All reports and other submittals required to be submitted to CWSD shall include the following statement and signatory requirements.

1. The reports required by Users submitting Permit applications; Users submitting baseline monitoring reports; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines; Users submitting periodic compliance reports, and Users submitting an initial request to forego sampling of a Pollutant), (or a specific waived Pollutant in the case of an individual control mechanism) shall include a statement of certification as set forth in 40 CFR 403.6 (a) (2) (ii) and signed by the authorized representative of the Industrial User.
2. A facility determined to be a non-significant Categorical Industrial User by the CWSD pursuant to section 13.32.020 must annually submit the signed certification statement in 40CFR 403.12(q).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and

belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

2. If the Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in Article 2 must be submitted to CWSD prior to or together with any reports to be signed by an authorized representative.

I. Compliance Schedules.

Should any schedule of compliance be established in accordance with the requirements of this Article, the following conditions shall apply to such schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
2. No increment referred to above shall exceed nine (9) months;
3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to CWSD including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to CWSD.

J. Change in Discharge or Operations.

Every Significant Industrial User shall file a notification with CWSD a minimum of fourteen (14) days prior to any planned significant change in operations or Wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a Pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

1. Adding or removing processing, manufacturing or other production operations.

2. New substances used which may be discharged.
3. Changes in the listed or characteristic Hazardous Waste for which the Industrial User has submitted or is required to submit information to CWSD under this Article and 40 CFR Section 403.12 (p) as amended.

K. Notification of the Discharge of Hazardous Waste.

1. Any Industrial User shall notify CWSD, 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 Hazardous Waste under 40 CFR Part 261.

Such notification must include:

- a. The name of the Hazardous Waste as set forth at 40 CFR Part 261;
  - b. The EPA Hazardous Waste number;
  - c. The type of discharge (continuous, batch, or other);
  - d. An identification of the hazardous constituents contained in the wastes;
  - e. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
  - f. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months; If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial 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 months.
  - g. Certification that the Industrial User 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; and
  - h. Signatory certification as required by Section 6.14, H.
2. All notifications must take place within 180 days of the effective date of this regulation. Industrial Users who commence discharging after the effective date of this regulation shall provide the notification no later than 180 days after the

discharge of the listed or characteristic Hazardous Waste. Any notification under this paragraph needs to be submitted only once for each Hazardous Waste discharged. However, notifications of changed discharges must be submitted under § 403.12(j). The notification requirement in this section does not apply to Pollutants already reported under the self-monitoring requirements of § 403.12(b), (d), and (e).

3. In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of Hazardous Waste or listing any additional substance as Hazardous Waste, the Industrial User must notify CWSD, 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.
4. This provision does not create a right to discharge any substance not otherwise allowed to be discharged by this Article, a Permit issued hereunder, or any applicable federal or state law.

#### Section 6.15 Right of Entry.

- A. Whenever it shall be necessary for the purposes of this Article, CWSD may enter upon any Industrial User's facility, property, or premises subject to this Article that is located or conducted or where records are required to be kept for the purposes of:
  1. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by an Industrial User including the taking of photographs. Compliance monitoring and inspection shall be conducted at a frequency as determined by CWSD and may be announced or unannounced;
  2. Examining and copying any records required to be kept under the provisions of this Article or of any other local, state or federal regulation;
  3. Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
  4. Sampling any discharge of Wastewater into POTW; and/or
  5. Inspecting any production, manufacturing, fabricating or storage area where Pollutants, regulated under this Article, could originate, be stored, or be discharged to the POTW.
- B. The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make



necessary arrangements with its security personnel so that authorized representatives of CWSD will be permitted to enter without delay to perform their specified functions.

- C. The General Manager and other duly authorized agents and employees of CWSD are entitled to enter all private properties through which CWSD or any connecting jurisdiction holds an easement.
- D. Failure to allow entry or unreasonable delays: In the event CWSD or other duly authorized representative of CWSD is refused admission or unreasonably delayed, may result in enforcement action as allowed for under this Article or termination of the Wastewater discharge.

#### Section 6.16 Sector Control Programs

##### A. General Requirements.

###### 1. Authority.

CWSD may establish specific sector control programs for Industrial Users to control specific Pollutants as necessary to meet the objectives of this Article. Pollutants subject to these sector control programs shall generally be controlled using Best Management Practices (BMPs).

###### 2. Facility Identification and Compliance.

CWSD shall implement procedures to identify Industrial Users for inclusion into applicable sector control programs. Once identified and included into one or more sector control program, the facility shall be required to comply with the applicable sector control program requirements.

###### 3. Notification to CWSD by the Industrial User and Management Review.

CWSD shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other change that could change the nature, properties, or volume of Wastewater discharge, to ensure that current sector control program requirements are incorporated and implemented.

###### 4. The Industrial User shall inform CWSD prior to:

- a. Sale or transfer of ownership of the business; or
- b. Change in the trade name under which the business is operated; or
- c. Change in the nature of the services provided that affect the potential to discharge sector control program Pollutants; or

- d. Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.
5. Inspections.
- a. CWSD may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.
  - b. If any inspection reveals non-compliance with any provision of a sector control program requirement, corrective action shall be required pursuant to the applicable sector control program.
  - c. Inspection results will be provided in writing to the facility.

6. Closure.

CWSD may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.

7. Enforcement and Compliance.

- a. These requirements form a part of this Article. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of Section 6.18.
- b. Any extraordinary costs incurred by CWSD due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to CWSD. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorneys fees, shall be billed directly to the owner or the Industrial User by CWSD, and such costs shall become part of the total charges due and owing to CWSD and shall constitute a lien on the Industrial User until paid in full.
- c. In the event a grease interceptor, grease trap or sand/oil separator is not properly maintained by the Industrial User, owner, lessee, or other authorized representative of the facility, CWSD may authorize such maintenance work be performed on behalf of the Industrial User. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owing to CWSD and shall

constitute a lien against the property until paid in full.

B. Fats, Oil and Grease (FOG) and Sand/Oil Separator Best Management Practices

1. Food service establishments may be required to use any or all of the following BMPs to reduce the amount of Wastewater containing fats, oil, grease or solids discharged to the POTW:
  - a. Disconnect or minimize the use of garbage disposals.
  - b. Install a 1/8" or 3/16" mesh screen over all drains for kitchen sinks, mop sinks, and floor sinks.
  - c. Use "dry" clean-up methods, including scraping or soaking up fats, oil, and grease from plates, and cookware before washing.
  - d. Use pre-wash sinks to clean plates and cookware.
  - e. Recycle fats, oil, and grease and beneficial food waste when possible.
  - f. Pour remaining liquid fats, oil and grease from pots, pans, and other cookware into containers to be disposed of in the trash once congealed.
  - g. Post BMPs and provide training to each employee on such BMPs.
2. The following are strictly prohibited:
  - a. Connecting garbage disposals and dishwashers to grease traps.
  - b. Altering or tampering with a grease interceptor, trap or sand/oil separator.
  - c. Discharging or permitting another to discharge any liquid, semi-solid, or solid back into a grease interceptor, trap or sand/oil interceptor at any time during maintenance or cleaning operations.
  - d. Discharging hot water or chemicals, bacteria, enzymes or other products to a grease interceptor, trap or sand/oil interceptor that will emulsify fats, oil, and grease.

Section 6.17 Program Cost Recovery

CWSD may recover the costs incurred by implementing the pretreatment program established by this Article and adopt charges and fees, including, but not limited to the following:

- A. Fees for monitoring, inspection and surveillance activities;
- B. Fees for reviewing accidental discharge procedures and construction;
- C. Fees for Permit applications;
- D. Fees for filing appeals and other legal expenses;
- E. An industrial surcharge fee as specified in Exhibit A to cover the cost of treating Wastewater with higher oxygen demand or solids loadings than in typical domestic Wastewater.
- F. Such other fees as CWSD may deem necessary to administer and enforce the requirements contained herein.

Section 6.18 Compliance and Enforcement.

A. Enforcement Response Plan.

CWSD may adopt policies and procedures as set forth in CWSD's Enforcement Response Plan for carrying out the provisions of this Article, provided that such policies and procedures are not in conflict with this Article or any applicable state or federal law or regulation.

B. Publication of Industrial Users in Significant Noncompliance.

CWSD 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 Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance as defined in Article 2 with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance with Article 2, Significant Noncompliance (SNC), paragraphs C, D, or H shall also be published in the newspaper.

C. Administrative Enforcement Actions.

1. Notice of Violation (NOV).

When CWSD finds that an Industrial User has violated, or continues to violate, any provision of this Article, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, CWSD may serve upon the Industrial User a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the Industrial User to CWSD. Submission of such a plan in no way relieves the Industrial 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 CWSD to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. Suspension of Service.

CWSD may suspend the Wastewater treatment service and/or revoke an Industrial Wastewater Discharge Permit (Section 6.9) when such revocation is necessary, in the opinion of CWSD, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Pass Through or Interference or causes CWSD to violate any condition of its CDPS Permit.

Any person notified of a suspension of the Wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, CWSD shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. CWSD may reinstate the Industrial Wastewater Discharge Permit and/or the Wastewater treatment service upon proof of the elimination of the non-complying discharge.

A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measure taken to prevent any future occurrence shall be provided to CWSD within five (5) days of the date of occurrence.

3. Administrative Compliance Order.

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

4. Consent Orders.

CWSD may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific actions to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. A consent order may include penalties, supplemental environmental projects, or other conditions and requirements as agreed to by CWSD and the Industrial User.

5. Show Cause Hearing.

a. CWSD may order any Industrial User who causes or allows an

unauthorized discharge to enter the POTW to show cause before the Board why the proposed enforcement action should not be taken. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Board regarding the violation, the reasons why the proposed action is to be taken, and directing the Industrial User to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or be sent by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- b. The Board may itself conduct the hearing and take the evidence, or it may designate one or more of its members to take the following actions:
  - i. Issue in the name of the Board, hearings and subpoenas requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings, and the General Manager or the Industrial User may petition the Municipal Court to enforce any subpoena issued pursuant to this Section through the Court's contempt powers.
  - ii. Receive evidence from both the Industrial User and the General Manager on any relevant issue involved in such hearings, provided however, that the Colorado Rules of Evidence shall not apply strictly to such evidence.
  - iii. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for final action thereon.
- c. At any hearing held pursuant to the article, testimony taken must be under oath and recorded. The transcript of testimony will be made available to any member of the public and any party to the hearing upon payment of reasonable charges for the preparation thereof. The hearing may be suspended or continued from time to time in the discretion of the presiding officer, provided that all evidence is received and the hearing is closed within sixty (60) days after it is commenced.
- d. After the Board has reviewed the evidence, it may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate to correct the violation may be issued.

6. Administrative Fines.

- a. When CWSD finds that an Industrial User has violated, or continues to violate, any provision of this Article, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, CWSD may fine such Industrial User in an amount not to exceed one thousand dollars (\$1,000) per day per violation. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- b. A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.
- c. Industrial Users desiring to appeal such fines must file a written request for CWSD to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing pursuant to procedures outlined in Section 6.18, C.5.
- d. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

D. Judicial Enforcement Remedies.

1. Injunctive Relief.

When CWSD finds that an Industrial User has violated, or continues to violate, any provision of this Article, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, CWSD may petition the Douglas County District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Wastewater Discharge Permit, order, or other requirement imposed by this Article on activities of an Industrial User. CWSD may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial 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 an Industrial User.

2. Civil Penalties.

- a. An Industrial User who has violated, or continues to violate, any provision of this Article, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be

liable to CWSD for a maximum civil penalty not to exceed one thousand dollars (\$1,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

- b. CWSD 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 CWSD.
- 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 Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor as justice requires.
- d. Actions for civil penalties shall be civil actions brought in the name of CWSD. Such actions shall be administered pursuant to the Rules of County Court Civil Procedure, except Rules 313, 338, 339, 347, 348, 351.1, 365 and 398 shall not apply. All trials shall be to the court and all trials shall be held within CWSD. CWSD must prove alleged violations by a preponderance of the evidence.
- e. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

3. Civil Fine Pass Through.

In the event that an Industrial User discharges such Pollutants which cause CWSD to violate any condition of its CDPS Permit and CWSD is fined by the EPA or the State for such violation, then such Industrial User shall be fully liable for the total amount of the fine assessed against CWSD by the EPA and/or the State.

4. Criminal penalties.

No Person shall dispose of Harmful Wastes or Wastewater or use the CWSD's sanitary sewers or POTW or cause the disposal of Harmful Waste or Wastewater to be done contrary to or in violation of any provisions of this Article. Any person violating any of the provisions of this Article or any Permit issued hereunder shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation occurs and shall be punished by a fine not exceeding the maximum fine set forth in this Article, or by imprisonment not exceeding 90 days per violation, or by both such fine and imprisonment. Such penalties shall be in addition to any administrative remedies or such other liabilities provided for in this Article.



E. Remedies Nonexclusive.

The remedies provided for in this Article are not exclusive of any other remedies that CWSD may have under the provisions of Colorado law. CWSD may take any, all, or any combination of these actions against a noncompliant Industrial User. Enforcement of pretreatment violations will generally be in accordance with the Enforcement Response Plan. However, CWSD may take other action against any Industrial User when the circumstances warrant and may take more than one enforcement action against any noncompliant Industrial User.

Section 6.19 Affirmative Defenses to Discharge Violations.

A. Upset.

1. For the purposes of this Article, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (3) below are met.
3. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the Industrial User can identify the cause(s) of the upset;
  - b. 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
  - c. The Industrial User has submitted the following information to CWSD 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):
    - i. A description of the Indirect Discharge and cause of noncompliance;
    - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is

expected to continue; and

- iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have burden of proof.
  5. Industrial 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.
  6. Industrial Users shall control (decrease) 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.

B. Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 6.4 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:

1. A local limit exists for each Pollutant discharged and the Industrial User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the Industrial User's prior discharge when CWSD was regularly in compliance with its CDPS Permit, and in the case of Interference, was in compliance with applicable Sludge use or disposal requirements; or
3. The Industrial User disclosed the Pollutants causing the violation in the Wastewater Permit Application.

C. Bypass

1. For the purposes of this Subsection:
  - a. Bypass means the intentional diversion of wastestreams from any portion

of an Industrial User's treatment facility.

- b. 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.
2. Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs 3. and 4. of this Section but are reportable under Section 6.14, paragraphs A, D, F, J and K, as appropriate.
3. Notice.
  - a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible, at least ten (10) days before the date of the bypass.
  - b. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.
4. Prohibition of Bypass.
  - a. Bypass is prohibited, and the Director may take enforcement action against an Industrial User for a bypass, unless;
    - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal

periods of equipment downtime or preventative maintenance; and  
iii. The Industrial User submitted notices as required under paragraph 3 of this Section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in paragraph 4.a. of this Section.

## ARTICLE VII

### VIOLATIONS, PENALTIES AND COMPLAINTS

#### Section 7.1 Notice of Violations

When CWSD has reason to believe that any Person or Customer is not in compliance with any provision of these Rules and Regulations, that Person or Customer shall be served a written notice stating the nature of the violation, the amount of any penalty assessed, that service may be suspended, the right to appeal to the Board, and providing a reasonable time limit to correct the violation. Written notice shall be served by delivery to the Person or Customer reasonably believed to be the violator, by the method set forth in the Colorado Rules of Civil Procedure, Section 4 (e), or by mailing to the service address by first-class mail. Mail shall be deemed to be received within three business days of mailing. The violator shall, within the period of time stated in such notice, permanently cease all violations and pay all penalties assessed.

#### Section 7.2 Violations and Penalties of Article IV

The penalties for violations of Article IV shall be as set forth in an intergovernmental agreement between CWSD and the Customer.

#### Section 7.3 Suspension and Disconnection of Service

For violation of any portion of CWSD's Rules and Regulations or the terms and conditions of an Industrial Wastewater Discharge Permit, CWSD may suspend or disconnect service.

#### Section 7.4 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 General Manager, any service provided to any person served directly or indirectly by CWSD may be terminated immediately without notice and such termination of service shall continue for a long as the emergency situation continues to exist.

#### Section 7.5 Penalties Not Exclusive

The penalties set forth in this article are not exclusive and CWSD 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 insure compliance with these Rules and Regulations and to recover any damages, including attorney's fees caused by any violations of these Rules and Regulations.

## Section 7.6 Customer Complaints

Any Customer having any complaint with respect to the conduct or action of any employee of CWSD in connection with the operation of the water and sanitary sewer system or in connection with the administration or implementation of any rule, regulation or policy related to the operation of said system, unless specifically provided for elsewhere in this article, shall follow the complaint process described hereafter:

- A. The person shall contact the General Manager to register any complaint. The General Manager will investigate the Person's complaint and, upon completion of said investigation, shall contact the Person 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 CWSD, the General Manager shall initiate appropriate corrective action and shall promptly report such action to the complainant.
- B. The complainant can appeal the General Manager's decision to the Board by submitting whatever written documentation the complainant deems necessary or advisable. The Board or its designee(s) shall conduct an investigation considering all written documentation or other information submitted by the complainant or CWSD personnel. The Board or its designee(s) may, but shall not be required to, allow testimony. The decision of the Board or its designee(s) will be given in writing to the complainant within thirty (30) days after the filing of the appeal.

ARTICLE VIII

FEES AND CHARGES

Section 8.1 Establishment of Rates and Charges

The fees, rates, tolls, penalties and charges of CWSD for services provided by it shall be as set forth in an intergovernmental agreement.

ARTICLE IX  
OPEN RECORDS

Section 9.1    Policy

- A.    The purpose for this policy is to set forth a general procedure to provide prompt and equitable service to those requesting access to public records and to establish reasonable and consistent fees for providing documents and so that the District can recover a portion of the cost of staff time for responding to open records requests.
- B.    In accordance with the Colorado Open Records Act, §24-72-201, et seq., C.R.S. (CORA) the District shall make all public records as defined under CORA available for public inspection at reasonable times.
- C.    Subject to the limitations imposed by the CORA and as more fully identified in Section 12.4 below, public records are all documents that exist on a piece of paper; this also includes recorded media and electronic mail communications (emails).
- D.    Recording of executive sessions shall be retained as required by law. The custodian shall have those recordings destroyed after the prescribed retention period has expired.

Section 9.2    Procedures

- A.    The General Manager is the official custodian of all records that are maintained by the Districts.
- B.    Citizens may make informal requests to the District employees for copies of specific identifiable public records as defined by CORA that are readily available in the custody and control of various employees. Generally, the employee will make reasonable efforts to fill requests for those records as soon as reasonably practical.
- C.    Any request that cannot be filled immediately or for which there is disagreement as to whether the document is a public record shall be made in writing to the General Manager who will, in consultation with the District's attorney, review the records request to determine the status of the documents prior to their release.
- D.    If the written request cannot be filled immediately or the records are otherwise not readily available at the time the request is made, the General Manager will set a date and time for records inspection that is within three working days of the date on which the request was made. Such period may be extended if extenuating circumstances exist (per §24-72-203(3)(b), C.R.S.), but the total time including the extension period will not exceed seven working days from the date on which the request is made.
- E.    The Districts may respond to written requests for access to public records stored electronically and in computer databases by providing a paper copy, disk, printout or by allowing access to a computer. Before releasing any electronic data, the General Manager will determine that the electronic data are not subject to the deliberative process privilege or work product privilege.



- F. Requests by the media shall be made directly to the Community Relations Manager. The Community Relations Manager will make every reasonable effort to comply with the media request. If the Community Relations Manager is unable to fill the request, the Community Relations Manager will direct the media to submit a written request to the General Manager. Thereafter, the request will be governed by the provisions of this policy and CORA.

### Section 9.3 Charges

- A. There shall be a charge for any copies, printouts, or photographs requested. The cost for a standard size photocopy will be \$0.25 per copy.
- B. There is no charge for the first hour of staff time used for a) the organization of data, b) research to locate and gather requested documents, and/or c) to otherwise manipulate the documents to make them appropriate for release, for instance, to redact documents to excise privileged material. For subsequent time required the standard charge for a District employee to perform this research shall be the maximum allowed by state law (\$30.00 per hour as of the adoption of this policy). A time-log will be kept for any time in excess of one hour. Prior to beginning the project, the General Manager shall inform the person requesting the records of the hourly fee for the second and subsequent hours to perform the work and an estimate of the number of hours which will be required. Upon payment of the amount estimated, the District shall begin processing the request. Persons making a subsequent request for the same record shall be charged the same fee.
- C. The fee charged for access to public records in electronic form will be based on recovery of the actual incremental costs associated with building and maintaining the database, as determined by the Information Technology division.
- D. Unless it requires extensive staff time, the District does not charge for requests from:
1. other Colorado governmental entities;
  2. professional organizations to which the District as a whole pays membership dues, such as the Special District Association;
  3. students for specific educational projects;
  4. the local print, radio and television media;
  5. other media outlets may request a waiver of fees for up to the first three hours of research or retrieval
  6. the General Manager will have the authority to determine whether or not there is extensive staff time required and the appropriate level of waivers under those circumstance for entities described in 1-5 above.

E. The District will charge for the following documents as follows:

- |    |                 |         |
|----|-----------------|---------|
| 1. | District CAFR   | \$20.00 |
| 2. | District Budget | \$20.00 |

The District will however make these documents available on their web site.

Section 9.4 Access Denied

A. Access to certain records may be denied in accordance with the provisions of the CORA. Inspection of the following public records may not be permitted if, upon consultation with the Districts' Legal Counsel it is determined that the document is privileged or prohibited from disclosure:

- A. If release is prohibited under any state statute, federal statute, or regulation issued there under or is prohibited by rules promulgated by the order of any court;
- B. Personnel files, including social security numbers, home addresses and telephone numbers, and medical, psychological, and sociological data;
- C. Scholastic achievement data;
- D. Test questions and scoring keys;
- E. Sexual harassment investigations;
- F. Work product and drafts;
- G. Letters of reference;
- H. Identities of applicants, except finalists, for the position of General Manager;
- I. Investigatory files compiled for any law enforcement purpose;
- J. Addresses, telephone numbers, or financial data of past or present Users of public utilities, public facilities or recreational or cultural services;
- K. Real estate appraisals until the time that title passes to the District;
- L. Documents pertaining to Homeland Security Act; and
- M. Attorney/client privileged material.