



***METRO WATER RECOVERY
RULES AND REGULATIONS
GOVERNING THE
OPERATION, USE, AND SERVICES OF THE SYSTEM***

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These Rules and Regulations reflect all amendments adopted by the
Board of Directors made effective on July 1, 2018.

**METRO WATER RECOVERY
RULES AND REGULATIONS
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SECTION 1

INTRODUCTION

1.1 PURPOSE

Section 206 of the Service Contract and Section 205 of the Special Connectors Agreement state in part that “Metro Water Recovery shall establish and enforce reasonable *Rules and Regulations* governing the operation, use, and services of the system.” This document is for the purpose of not only fulfilling that requirement, but of providing for the orderly development of the system so as not to allow uncontrolled practices which may, in the future, prove to be detrimental to Metro, any of its Members, or any Special Connector. It is also intended to maintain and enhance a strong level of understanding and cooperation among the Board of Directors, staff of Metro, and the officials of its Member Municipalities or Special Connectors. It is intended that the policies set forth herein will conform with and supplement the provisions set forth in the Service Contract and Special Connectors Agreement.

Any User, the Sewage or Wastewater from which directly or indirectly enters or has the potential to enter the Metro Water Recovery System from areas within or without the boundaries of Metro, shall be bound by these *Rules and Regulations* as they now exist or may hereafter be amended. These *Rules and Regulations* may be enforced by any User.

1.2 AMENDMENT OR MODIFICATION

These *Rules and Regulations* may be added to or modified by Resolution of the Board of Directors. The Board shall periodically review the *Rules and Regulations* for potential amendments and updates. Such reviews shall occur at minimum of once every five (5) years and shall be conducted by a Committee of the Board appointed by the Chairman of the Board for that purpose. The Committee shall complete its review and make recommendations to the Board. In the event a Director wishes to propose a change or modification to these *Rules and Regulations* at a time other than during the periodic review set forth herein, the Director shall make a request of the Chairman of the Board who, in his or her discretion, may appoint a Committee to review the request and make a recommendation to the Board.

Revisions	05/91	04/96	04/99	04/03	03/06	07/18
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SECTION 2

DEFINITION OF TERMS

The terms used in these *Rules and Regulations*, except where the context clearly implies otherwise, shall have the meanings herein specified.

1. **Act** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*
2. **Administrator** means the Administrator of the U.S. Environmental Protection Agency (EPA).
3. **Altered Sewer Connection** or **Altered Connection** means any direct or indirect Sewer Connection which serves a building or structure in which the number of single family units (as defined in Section 7.4.1) is increased, single family units are converted to other than single family units, or where there is an increase in the size of the Water Service Tap.
4. **Amalgam** means an alloy of mercury with various metals used by dentists to fill cavities in teeth.
5. **Amalgam Separator** means a device designed to remove Amalgam from a Dental Facility's Wastewater before it discharges to a sanitary sewer system.
6. **Amalgam Waste** means any waste from a Dental Facility containing Amalgam. This includes any Amalgam generated or collected by chair side traps, screens, filters, vacuum system filters, Amalgam Separators, and Amalgam that may have accumulated in the plumbing system.
 - (a) "Non-contact amalgam" includes scrap or excess Amalgam after the procedure is complete, as well as pre-encapsulated dental Amalgam capsules and the remaining Amalgam capsule.
 - (b) "Contact amalgam" means Amalgam that has come into contact with the patient or body fluids, including but not limited to, extracted teeth with dental Amalgam and scrap collected chair side and by chair side traps and vacuum pump filters or other Amalgam capture devices.
7. **Annual Charges** or **Annual Charges for Service** means the sums paid or becoming payable to Metro Water Recovery pursuant to the Service Contract or a Special Connectors Agreement and pursuant to any agreement supplemental thereto.
8. **Approval Authority** means the Regional Administrator of the EPA Region VIII or, if the State has an approved state pretreatment program, the Director of the Water Quality Control Division of the Colorado Department of Public Health and Environment (CDPHE).

9. **Associated Municipality** means a Member Municipality, as herein defined, which is not a Connecting Municipality, as herein defined. (An Associated Municipality is a member of Metro Water Recovery which indirectly receives service through a Connecting Municipality.)
10. **Authorized Representative of Industrial User** means
- (a) a responsible officer if the Industrial User is a corporation, specifically the president, secretary, treasurer, or vice president in charge of principal business activity or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (b) a general partner if the Industrial User is a partnership, or the proprietor if the Industrial User is a sole proprietorship;
 - (c) a duly authorized representative of the individual designated in (a) or (b) having overall responsibility for the facility from which the Wastewater discharge originates if the authorization is made in writing.
 - (d) a specific individual or position having responsibility for the overall operation of the facility or overall responsibility for environmental matters for the facility if the Industrial User is a governmental facility.
 - (e) If an authorization under (c) above 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 (c) must be submitted to Metro Water Recovery prior to or together with any reports to be signed by an authorized representative.
11. **Best Management Practices or BMP** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. As a form of Local Limit, BMPs are considered to be Pretreatment Standards.

12. **BOD** means 5-day biochemical oxygen demand. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard **laboratory** procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
13. **Board of Directors** or **Board** means the Board of Directors of Metro Water Recovery.
14. **Capital Recovery Charge** means the charge assessed in lieu of a Sewer Connection Charge for the discharge of waste not required to be accepted by Metro Water Recovery under the conditions of the Service Contract, Special Connectors Agreement, or these *Rules and Regulations*.
15. **Categorical Industrial User (CIU)** means an Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.
16. **Categorical Standard** or **Categorical Pretreatment Standard** or **National Categorical Pretreatment Standard** means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and that appear in 40 CFR Chapter I, Subchapter N.
17. **Chemical Oxygen Demand (COD)** means a measure of the dissolved oxygen-consuming capacity of inorganic and organic matter present in water or Wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.
18. **Chief Executive Officer or CEO** means Chief Executive Officer or CEO of Metro Water Recovery.
19. **Colorado Discharge Permit System (CDPS) Permit or CDPS Permit** means a National Pollutant Discharge Elimination System permit (NPDES permit) that is issued by the State through its NPDES permit program approved pursuant to section 402(b) of the Federal Water Pollution Control Act, 33 USC 1251 et. seq and/or pursuant to the Colorado Water Quality Control Act, CRS 25-8-101 et. seq.
20. **Connecting Municipality** means a Member Municipality, as herein defined, all or any part of the Municipal Sewer System of which, for the disposition of Sewage therefrom, is directly connected with an Interceptor of Metro Water Recovery which terminates at a sewage treatment and disposal plant of Metro.
21. **Connector** means a Member Municipality or Special Connector or Corporate Connector, as herein defined.
22. **Construction** or **Initiation of Construction** means documentation of the first inspection of concrete pouring by the appropriate regulatory agency for purposes related to Section 7.
23. **Contracting Municipality** means a Municipality, as herein defined, which is not a member of Metro Water Recovery but receives service indirectly by right of contract

with either a Connecting Municipality, an Associated Municipality, or a Special Connector by discharging sewage into the Municipal Sewer System of such entity.

24. **Corporate Connector** means a corporate entity having a service agreement with Metro Water Recovery appertaining to the acquisition of any site for sewage disposal facilities or sewage treatment plant.
25. **Customer Equivalent Connection Unit (CECU)** means the value assigned to each metering, sampling, and estimating location.
26. **Date of Connection** means the date that a building, structure, or premise is physically attached such that sewage flow may enter the Municipal Sewer System. For the purposes of payment of Sewer Connection Charges under Section 7, a Municipality may select the date of sewer inspection, the date a certificate of occupancy is issued, the water meter set date, or the date evidenced by any equivalent documentation to represent the Date of Connection. The Date of Connection for an altered sewer connection shall be when the additional single family units are completed and available for use or when the enlarged water service tap is installed, whichever is appropriate. Each Municipality shall select one method of determining the Date of Connection and use it consistently.
27. **Dental Facility** means any facility that practices dentistry including, but not limited to, dental clinics, dental labs, offices, hospitals, and schools.
28. **Direct Connector** means a connecting Municipality or Special Connector which receives sewage service from Metro Water Recovery through a direct connection to an Interceptor of Metro.
29. **Environmental Protection Agency** or **EPA** means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said Agency.
30. **Existing Source** means any source of discharge that is not a New Source.
31. **Existing Source Dental Facility** or **Existing Dental Facility** means a Dental Facility that is not a New Source Dental Facility or New Dental Facility.
32. **Expected Service Area** means the geographical area which Metro Water Recovery has anticipated providing Wastewater service. This Expected Service Area is normally evidenced by and defined in an approved facility plan or facility report which shows the area which Metro has planned to be able to serve. Other Board-approved Metro documents may be used where appropriate to make the determination of Expected Service Area. Expected Service Area is used solely for the purpose of determining whether additional service areas requested by special connectors are within the area Metro has planned to serve.
33. **Flow** means the quantity of Sewage measured in gallons received from a Connector.
34. **Hauled Waste** means Sewage or Wastewater that is transported and discharged to a publicly owned treatment works (POTW) by truck or rail.

35. **Inactive Connection** means a Sewer Connection through which no flow has been discharged for more than ten years. A Sewer Connection shall be considered to have been inactive when records of the water supply agency serving the building or premises show that no measurable water was supplied to the building or premises during that time, regardless of whether any payment for water was made during or after the ten years. The date of reactivation shall be the date the water supply agency resumes water service.
36. **Indirect Connector** means an Associated Municipality or Contracting Municipality which receives sewage service indirectly from Metro Water Recovery through a connection to a Municipal Sewer System of a Connecting Municipality or Special Connector.
37. **Industrial User (IU)** means any non-domestic source discharging or with a potential to discharge Pollutants into a Publicly Owned Treatment Works under Section 307(b), (c), or (d) of the Act.
38. **Initiation of Construction** or **Construction** means documentation of the first inspection of concrete pouring by the appropriate regulatory agency for purposes related to Section 7.
39. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (a) Inhibits or disrupts Metro Water Recovery's treatment processes or operations, or its sludge processes, use, or disposal; and
 - (b) Therefore is a cause of a violation of any requirement of Metro Water Recovery's NPDES/CDPS Permit(s) (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.
40. **ISO 11143** means the International Organization of Standardization's current standard for dental equipment – Amalgam Separators.
41. **Loadings** means the amount of Biochemical Oxygen Demand (BOD), Suspended Solids (SS), and Total Kjeldahl Nitrogen (TKN) in the Wastewater.
42. **Local Limit** means a specific discharge limit developed and enforced by Metro Water Recovery upon Industrial Users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and these *Rules and Regulations*. A Local Limit is a Pretreatment Standard.
43. **Member Municipality** or **Member** means a member of Metro Water Recovery.

44. **Metro Water Recovery or Metro** means the Metro Water Recovery. Wherever approval of, or correspondence with Metro is referred to, it shall mean CEO unless otherwise specified.
45. **Metro Interceptor** or Interceptor means any one of the intercepting sanitary sewers, outfalls, or force mains owned and operated by Metro Water Recovery.
46. **Metro Interceptor System** means the system owned by Metro Water Recovery associated with conveyance or collection of sewage, including intercepting sanitary sewers, outfalls, force mains, pump stations, siphon structures, and all related appurtenances.
47. **Metro Standards** means those commonly used construction standards of Metro Water Recovery. If standards have not been previously established by Metro for particular construction materials or methods, this term shall include those materials or methods subsequently approved by the CEO.
48. **Metro System** means the sanitary sewer and other sanitation facilities owned, constructed, installed, or otherwise acquired, initially and as thereafter modified, by Metro Water Recovery, including the Metro Interceptor System. This definition shall have the same meaning as "Sewage Disposal System" or "System" as defined in the Service Contract.
49. **MG** means million gallons.
50. **MGD** means million gallons per day.
51. **MGY** means million gallons per year.
52. **Mobile Dental Facility** means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.
53. **Municipal Sewer System** means a system provided by a Municipality to provide sewer service to its inhabitants by the collection of Sewage arising within its corporate limits and to the extent determined by its governing body without its corporate limits. This definition shall have the same meaning as "Sewer System" as defined in the Service Contract.
54. **Municipal Water System** means a water supply system which is open to potential users in a specific category (such as property owners in a geographical area). A Municipal Water System does not have to be governmentally owned.
55. **Municipality** means any city, city and county, incorporated town, sanitation district, water and sanitation district, or any other political subdivision or public entity heretofore or hereafter created under the laws of the State of Colorado having specific boundaries within which it is authorized or empowered to provide sewer service for the area within its boundaries.
56. **National Pollutant Discharge Elimination System Permit** or **NPDES Permit** means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

57. **National Pretreatment Standard, Pretreatment Program Standard, Pretreatment Standard, or Standard** means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5 and the Categorical Standards established pursuant to Section 403.6.
58. **New Sewer or New Connection** means any direct or indirect Sewer Connection serving any building or structure which was not physically attached to the Municipal Sewer System of a Servicing Municipality.
59. **New Source** means any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that Section, provided that:
- (a) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) the production of 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.

Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a New Source as defined under this Section has commenced if the owner or operator has:

- (a) begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
- (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified

without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

60. **New Source Dental Facility or New Dental Facility** means a Dental Facility whose first date of discharge to a Metro Water Recovery Publicly Owned Treatment Works is after July 14, 2017.
61. **Pass Through** means a discharge which exits the facilities of Metro Water Recovery 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 Metro's NPDES/CDPS Permit(s) (including an increase in the magnitude or duration of a violation).
62. **Period Represented** means the period of time over which the results of a sampling period are applied for the determination of Annual Charges.
63. **Period Sampled** means the period of time, normally seven (7) days, during which the Flow from a particular Connector is sampled for the purpose of computing Annual Charges.
64. **Person** means not only a natural person, corporation, or other legal entity, but also two or more natural persons, corporations, or other legal entities acting jointly as a firm, partnership, unincorporated association, joint venture, joint stock company, trust, estate, governmental entity (federal, state, and local), or any other legal entity; or their legal representatives, agents, or assigns.
65. **pH** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution. It is a measure of the acidity or alkalinity of a solution, expressed in standard units.
66. **Pollutant** means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, an excess of heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, agricultural waste, and certain characteristics of wastewater [e.g., pH, Lower Explosive Limit (LEL), temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor].
67. **POTW or Publicly Owned Treatment Works** means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by Metro Water Recovery. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage and any sewers that convey Wastewater to a Metro treatment plant. For the purposes of these *Rules and Regulations*, POTW shall also include any sewers that convey Wastewater to the POTW from Persons outside Metro who are Users of Metro's POTW. 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 treatment works,
68. **POTW Treatment Plant** means that portion of the POTW designed to provide treatment of municipal sewage and industrial waste.

69. **Pretreatment or Treatment** means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means, except as prohibited by 40 CFR §403.6(d).
70. **Pretreatment Program or Program** means Metro Water Recovery's 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 Metro's associated legal authority included in Sections 5, 6, and 10 of these *Rules and Regulations*.
71. **Pretreatment Program Responsibilities** means all responsibilities associated with implementation of Metro Water Recovery's Pretreatment Program.
72. **Pretreatment Program Requirement or Pretreatment Requirement or Requirement** means any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on an Industrial User.
73. **Program or Pretreatment Program** means Metro Water Recovery's program, approved in accordance with §403.11 of the Federal Pretreatment Regulations, that implements the federal Pretreatment Standards and Requirements and all other Pretreatment Requirements and Metro's associated legal authority included in Sections 5, 6, and 10 of these *Rules and Regulations*.
74. **Publicly Owned Treatment Works or POTW** means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by Metro Water Recovery. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage and any sewers that convey Wastewater to a Metro treatment plant. For the purposes of these *Rules and Regulations*, POTW shall also include any sewers that convey Wastewater to the POTW from Persons outside Metro who are Users of Metro's POTW. 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 treatment works.
75. **SS** means suspended solids or total suspended solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and that is removable by laboratory filtering.
76. **Service Contract** means the Sewage Treatment and Disposal Agreement between Metro Water Recovery and each Member Municipality for the interception and treatment of Sewage from the Member Municipality. To the extent the obligations in the Service Contract(s) conflict or are inconsistent with any provision of these Rules and Regulations, the terms of the Service Contract will be deemed to control and govern.
77. **Servicing Municipality** means any Municipality having direct responsibility for providing and regulating sewage service to individual customer connections.

78. **Sewage or Wastewater** means liquid wastes, solid wastes, night soil, industrial wastes, and any other substance, whether it be liquid, solid, in suspension, or in solution, in a Municipal Sewer System or in the Metro Water Recovery System, or in both such systems.
79. **Sewer Connection** means any physical connection to the Metro Water Recovery System or Municipal Sewer System, whether direct or indirect, through which Flow does or may enter into the Metro System. A “stub-in” made for the convenience of construction shall not be considered a physical connection until it is connected to a building or structure.
80. **Sewer Connection Charge** means the charge set by the Board of Directors for each Single Family Residential Equivalent connection.
81. **Sewer Connection Charges or Total Sewer Connection Charges** means the sum total of charges due from a Connector or Special Connector in a quarter or a year pursuant to the Sewer Connection Charge.
82. **Sewer Connection Permit** means any document or permit, including but not limited to a building permit, sewer connection permit, inspection certificate, certificate of occupancy, or other document issued by a Connecting Municipality or Special Connector which authorizes for a specific address(es) the use of a Municipal Sewer System or the Metro Water Recovery System for a new or altered connection and requires payment of a Sewer Connection Charge to the Connecting Municipality or Special Connector. The Sewer Connection Permit shall be designated by a Connecting Municipality or Special Connector and filed with Metro and shall be consistently used by the Connecting Municipality or Special Connector such that Metro can audit the Sewer Connection Charge payments accurately. Any document described above may be designated as a Sewer Connection Permit, but in no case can a Sewer Connection Permit be issued after a User is actually connected to and using the Municipal Sewer System or the Metro System or after a certificate of occupancy is issued for the address(es) associated with the new or altered connection.
83. **Significant Industrial User (SIU)** means:
- (a) any CIU;
 - (b) any Industrial User designated as such by Metro Water Recovery on the basis the Industrial User has a reasonable potential for adversely affecting Metro operations or for violating any Pretreatment Standard or Requirement;
 - (c) any Industrial User discharging an average of 25,000 gallons per day or more of process wastewater to the sanitary sewer system (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); and
 - (d) any Industrial User discharging a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of Metro Water Recovery’s treatment plant.

Upon a finding that an Industrial User meeting the criteria in paragraph (a) above never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standards) Metro Water Recovery may determine the Industrial User a Nonsignificant CIU if the following conditions are met:

- i. the Industrial User, prior to Metro's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- ii. the Industrial User annually submits the certification statement required in 403.12(q) together with any additional information necessary to support the certification statement; and
- iii. the Industrial User never discharges any untreated concentrated Wastewater.

Upon a finding that an Industrial User meeting the criteria in paragraphs (b), (c), or (d) above has no reasonable potential for adversely affecting Metro Water Recovery's operation or for violating any Pretreatment Standard or Requirement, Metro may at any time, on its own initiative or in response to a petition received from a Municipality or Industrial User, determine that such Industrial User is not a SIU.

84. **Single Family Residential Equivalent (SFRE)** means the capacity of sewer service or water service necessary for a single family household.
85. **Slug Discharge** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violates Metro Water Recovery's *Rules and Regulations*, local limits, or permit conditions.
86. **Special Connector** means a Municipality which receives service from Metro Water Recovery by contract and is not a Member but is directly connected with an Interceptor of Metro.
87. **Special Connectors Agreement** means the standard form of contract which Metro Water Recovery enters into with Special Connectors.
88. **Staff** means the staff of Metro.
89. **Stub-in** means the physical connection to a Municipal Sewer System or Metro Water Recovery System using sewer pipe or similar device which, until a future time, shall be capped in a manner to not allow sewage to be discharged to the system. When service is required, the cap can be removed to allow the physical connection to the Metro System or Municipal Sewer System.
90. **Summary of Period Represented** means the determination of quantity, quality, and characteristics of Sewage which is sent to each Connector showing the results of a

sampling period including the computation of the total flow, BOD, SS, and TKN for each period represented.

91. **Total Kjeldahl Nitrogen (TKN)** means the sum, expressed in parts per million (ppm) or milligrams per liter (mg/L), of free-ammonia nitrogen and organic nitrogen compounds which are converted to ammonia under digestion conditions specified by the Kjeldahl Nitrogen test method
92. **Total Sewer Connection Charges** or **Sewer Connection Charges** means the sum total of charges due from a Connector or Special Connector in a quarter of a year pursuant to the Sewer Connection Charge.
93. **Toxic Pollutant** means, but is not limited to, any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of Section 307(a) of The Act or other acts.
94. **Treatment** or **Pretreatment** means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means, except as prohibited by 40 CFR § 403.6(d).
95. **User** means any Person who contributes, causes, or permits the contribution of Wastewater into Metro Water Recovery's POTW.
96. **Wastewater** or **Sewage** means liquid wastes, solid wastes, night soil, industrial wastes, and any other substance, whether it be liquid, solid, in suspension, or in solution, in a Municipal Sewer System or in the Metro Water Recovery System, or in both such systems.
97. **Water Service Tap** or **Tap** means the meter attached to a Municipal Water System through which water may enter a building or structure, or the pipe directly attached to the the Municipal Water System if there is no meter.

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SECTION 3

METRO INTERCEPTOR SYSTEM

3.1 GENERAL

The Metro Interceptor System is for the purpose of intercepting Wastewater flows from the Municipal Sewer System of each of the Member Municipalities and Special Connectors and transporting such Wastewater. The Metro Interceptor System is for the use of all Member Municipalities and Special Connectors and no part of the Metro Interceptor System shall be construed as being for the sole use of any one Member Municipality or Special Connector.

Access to and use of the Metro Interceptor System shall be controlled solely by Metro Water Recovery. Entry into the Metro Interceptor System will be allowed only after consent has been received from Metro. Use of Metro Interceptor System, modifications to Metro Interceptor System, or other construction work directly affecting the Metro Interceptor System will be allowed only after written approval has been issued by Metro. In the event of an emergency, the requirement for written approval can be waived by the CEO. Work on the Metro Interceptor System must meet all applicable federal, state, and local safety requirements and comply with safety practices specified by Metro as being suitable to minimize risk to human life and safety, damage to property, and degradation to the environment.

3.2 CONNECTIONS TO THE SYSTEM

- 3.2.1 **Eligibility for Connections.** Only Connectors who are signatories of the Service Contract or a Special Connectors Agreement are eligible to make connections to the Metro Water Recovery System. Under extreme or unusual circumstances, special temporary connections may be approved by the Board of Directors for other parties. If such a special temporary connection is approved, a contract shall be entered into with the Connector that shall include a specific time limitation for the Connector to either become a Member of Metro, a Special Connector, or to disconnect from Metro Interceptor System.
- 3.2.2 **Responsibility for Costs of Connections.** The Service Contract and Special Connectors Agreement provide that upon the mutual agreement of a Connector and Metro Water Recovery, additional connections to the Metro Interceptor System can be authorized. The specific Connector shall pay the cost of such additional connections and the cost of any required metering and sampling facilities. When Metro authorizes a connection with less than permanent metering and sampling facilities, such approval is for the benefit of both the Connector and Metro. Approval of such a connection shall not be construed to release the Direct Connector from the obligation to pay for full metering and sampling facilities when Metro determines such facilities are required.
- 3.2.3 **Limitations on Connections.** In general, new connections to the Metro Interceptor System will be allowed only from major outfalls, sewer mains, and other interceptor sewers. The connection of minor collector lines or individual service lines to a Metro Interceptor will only be permitted where

no other alternative is feasible. In evaluating such requests, Staff shall consider whether the denial of such a request would result in undue hardships such as unreasonable increased costs to the Connector, safety issues, construction of pumping or lift stations or substantial additional piping or facilities, or creation of substantial traffic or other conflicts. Metro Water Recovery may also consider any other factors in the best interest(s) of Metro. Only lines which are the property of and/or under the complete control of the Connector will be allowed to be connected to Metro Interceptor System. Where minor collection lines or individual service lines are allowed to be connected, the permission to connect is granted to the Connector and the Connector shall be responsible for the connection and for all Flows through the connection.

The number of connections to the Metro Water Recovery System authorized for each Connector shall be kept to a minimum. Wherever feasible, flows from newly developed areas shall enter the Metro Interceptor System at existing points of connection. The Connectors should not consider Metro Interceptors to be a replacement for portions of their collection system but rather for the purpose of intercepting the Flow from their collection systems.

New connections shall be made in such a manner that the quantity and quality of Flow from each Direct Connector may be measured or otherwise estimated, as stipulated elsewhere in these *Rules and Regulations*, for the purpose of determining Annual Charges. Two general types of connections may be made to Metro Interceptor System: Type 1 for which the quantity and quality of flow must be determined for that individual connection, and Type 2 for which the quantity and quality of Flow will be determined at a point downstream. Type 2 connections may be allowed in cases where the Flow introduced into any section of an Interceptor is from a single Direct Connector and will be metered and sampled at the downstream end of the section. Metro Water Recovery shall consider possible future connections that other Connectors may wish to make to the Interceptor segment before granting approval for a Type 2 connection. Direct Connectors who receive permission for a Type 2 connection may be required to make provisions for possible future metering and sampling facilities, and agreement on the part of the Direct Connector to provide such facilities in the future may be included as a part of the permission to connect. This determination will be made by the CEO and will be based on the existing and/or anticipated physical conditions for each individual case. Nothing herein shall be construed as prohibiting Metro from requiring the Direct Connector to install necessary metering and sampling facilities in the future as the Metro System and connections to it change.

Connections may not be altered or enlarged without the written permission of Metro Water Recovery. When the change is for the purpose of increasing the capacity of the connection, the request for alteration shall be considered as a request for a new connection and must follow the requirements of this Section 3 for requests for new connections.

- 3.2.4 **Physical Requirements for the Connection.** All work performed in making a new connection to a Metro Interceptor shall conform to Metro Water Recovery standards and shall be subject to the approval of Metro inspectors.

All connections to Metro Interceptors where the connecting line is larger than twelve (12) inches in diameter shall be made at an existing manhole. If it is not feasible to connect to an existing manhole, permission may be requested for constructing a new manhole on the Interceptor. The final determination of feasibility shall be made by the CEO based upon information provided by the Direct Connector and, where Metro Water Recovery deems it necessary, upon information obtained independently by Metro. Where the line to be connected is twelve (12) or less inches in diameter, the CEO may authorize the connection to be made without a manhole if the CEO determines such connection is in the best interest of Metro.

Metro Water Recovery standard drawings and specifications shall be used on all connections. Modifications to these drawings and specifications may be required by Metro to meet specific physical conditions.

Upon acceptance by Metro Water Recovery, manholes constructed on Metro Interceptors and new metering and sampling facilities, plus connecting sewers between metering and sampling facilities and the Interceptor, shall become the property of Metro. All necessary deeds, easements, and rights-of-way shall be transferred to Metro.

Where Metro Water Recovery determines it is not in the best interest of Metro to own certain facilities, Metro will not accept such transfer, and the Direct Connector will provide Metro with an agreement allowing Metro use of the facilities and defining maintenance responsibilities.

- 3.2.5 **Request for Connection.** A Connector wishing to make a new connection to the Metro Interceptor System shall submit a request in writing to the CEO of Metro Water Recovery. The request shall include the following:

1. If the Connector already has one or more connections to Metro Interceptor System, an explanation of why an additional connection is needed rather than using an existing connection(s).
2. Plans or preliminary sketches showing details of the proposed connection to the Interceptor. If final plans are not submitted with the original request, submission and approval of such plans will be required prior to final approval for the connection.
3. A statement that the Connector will provide the following:
 - (a) Notification to Metro at least forty-eight (48) hours prior to starting construction so that a Metro inspector can be present during the construction. (No construction shall begin on or around Metro facilities until a Metro inspector is present.)

- (b) Transfer of all necessary deeds, easements, or other documents to Metro by the Connector upon acceptance by Metro.
 - (c) Any additional information as may be deemed necessary by Metro.
- 4. In addition, for connections with a projected ultimate Flow of less than 0.5 MGY:
 - (a) A description of the property, size of the connection, location of the connection to Metro Interceptor System, and the approximate timeline for connection.
- 5. In addition, for connections with a projected ultimate Flow greater than or equal to 0.5 mgd:
 - (a) A map of the general area showing the boundaries of the ultimate area to be served by the connection, the Interceptor including the proposed point of connection, the proposed major sewers which will be tributary to the connection and any existing sewers in the areas adjacent to the area to be served.
 - (b) The estimated average and peak quantity of flow expressed in MGD at the proposed time of connection plus the estimated Flow versus time curve projected to the ultimate development of the area.
 - (c) The estimated quality of Flow expressed in BOD, SS, and TKN, plus any additional pertinent information regarding the quality of Flow expected, particularly from industrial sources.

The Connector requesting the connection shall be totally responsible to Metro Water Recovery in all matters regarding the request for and the actual construction of the connection. All correspondence and dealings concerning the connection shall be with the Connector.

Connectors are advised the submission of a request for a connection does not assure the Connector of approval. It is therefore necessary that requests be submitted and approved prior to proceeding with the construction of facilities for which a connection will be required. It is also necessary that ample time be allowed for Metro Water Recovery review of the request.

3.2.6 **Action Required for Approval of a Request for Connection.** When a request for connection is submitted by a Connector, the CEO shall decide whether a Type 1 connection or a Type 2 connection is required.

- 1. **Type 1 Connections.** When the separate determination of quantity and quality of Flow through that connection (by either metering and sampling or estimating) is required, the request for connection shall be studied by the Staff and a recommendation shall be submitted to

the CEO. If the projected ultimate flow through the requested connection is less than or equal to ten (10) MGY, the CEO may act on the connection request. If the projected ultimate Flow through the requested connection is greater than ten (10) MGY, the CEO shall submit the request and recommendation to the Board of Directors through the appropriate Board Committees. Connectors are advised a minimum of forty-five (45) days is required when Board approval is needed, and a minimum of twenty (20) days is required when CEO approval is necessary. Approval is valid only when issued by the CEO in writing and received by the Connector.

2. **Type 2 Connections.** When the separate determination of quantity and quality of Flow is not required because it is measured elsewhere, the CEO has the authority to approve or disapprove a request for connection. Such approval is valid only when issued by the CEO in writing and received by the Connector. Connectors are advised a minimum of twenty (20) days is required for staff review of a request for a Type 2 connection.
 - (a) **Interceptor Segments Where Type 2 Connections Are Allowed.** The CEO shall review Metro Water Recovery's facility drawings, active project listings, and the Facility Plan to determine all Interceptors (and segments of interceptors) which (by virtue of the quantity and quality of Flow being determined at a point downstream) are eligible for Type 2 connections. This review shall consider possible future connections which other Member Municipalities or Special Connectors may wish to make. This review shall indicate which Member Municipality or Special Connector may connect to each segment under the Type 2 requirements.
 - (b) **Numerous Type 2 Connections.** When a Member Municipality, a Special Connector, or the CEO is aware that a certain Direct Connector will be requesting numerous Type 2 connections to a specific segment of an Interceptor, that Direct Connector should prepare a connection plan for that segment of Interceptor. At a minimum, the connection plan should address those items of information and assurances required under Section 3.2.5. The connection plan should specifically consider the number of physical connections to the Interceptor segment and should keep the number of physical connections needed to the minimum through the use of collecting lines parallel to the Interceptor and such other physical arrangements as are appropriate. The scope of the connection plan should be based on developing a long-term plan for providing service to the entire area.

When a connection plan for Type 2 connections to a specific Interceptor segment has been approved in writing by the CEO, requests for connections in compliance with the connection plan will require only simplified application and review. Each application for connection shall cite the connection plan and the specific connection requested. The CEO shall

make every effort to approve, in less than five (5) working days, a request for a Type 2 connection where the connection is in compliance with an approved plan. When the request for connection differs from the approved connection plan, the normal procedure for Type 2 connections, including submission of all information and assurances under Section 3.2.5, shall apply.

- 3.2.7 **Expiration of Connection Approval.** New connection approvals expire if construction of the connection is not initiated within two (2) years of the date of Metro Water Recovery's letter of approval unless otherwise specified during the approval process. If the Connector making the request anticipates a delay before construction of the connection, the request should indicate the reasons for this delay in the original request. For connections approved by the Board of Directors, any timing cited in the approval resolution shall supercede this general policy. For connections approved by the CEO, the CEO may extend the connection approval period if requested in writing by the connector and provided the anticipated service through the connection has not changed. Only one extension will be granted and the extension period will be for one year.

3.3 **INDIRECT CONNECTIONS**

- 3.3.1 **General.** In general, Direct Connectors are responsible for all Flows through their connection points to Metro Water Recovery facilities. However, situations may arise in which it may be beneficial to Metro to provide for metering and charging for an area of a Member Municipality or Special Connector which is not directly connected to facilities of Metro. Arrangements with the parties of interest for such indirect connections will be considered independently by the Board of Directors based on the merits of each case.

3.4 **ABANDONMENT OF CONNECTIONS**

- 3.4.1 **General.** Existing connections to the Metro Interceptor System may be abandoned only with prior approval of the CEO. A Direct Connector wishing to abandon a connection to the Metro Interceptor System shall submit a request in writing to the CEO along with the proposed method of permanently abandoning the connection. Upon review and written approval by the CEO, the approved physical changes to permanently abandon the connection shall occur within sixty (60) days of approval. The Direct Connector must provide 48 hours' notice of the intent to perform the work necessary to abandon the connection to Metro Water Recovery and schedule an inspection. It shall be the responsibility of the Connector to cover all costs of abandonment and ensure the inspection notification to Metro and the physical modification of the connection is performed in accordance with Metro requirements.

3.5 **ACCEPTING ADDITIONAL EXISTING LINES AS METRO WATER RECOVERY PROPERTY**

- 3.5.1 One or more Connectors may request, in writing, to transfer any existing sewer line owned by the Connector(s) which carries at least two

Connectors' Flows to Metro Water Recovery upon approval and determination of the Board of Directors that acceptance of such transfer is in the best interest of Metro, including but not limited to efficiency of transmissions, regional benefits, health, financial impacts to Metro, and welfare and safety concerns. Approval of such transfer shall be in Metro's sole discretion and on terms set forth by Metro. Prior to any approval, the Connector proposing to transfer such line shall provide Metro Staff with information relating to the line's condition and any other information requested by Staff to assist Metro in its determination. Nothing in this Section shall require Metro to accept transfer of any lines, and no acceptance of transfer shall be deemed a waiver of Metro's sole discretion to accept any other such lines or give any rights to any other parties seeking to transfer any other such lines.

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SECTION 4

ANNUAL CHARGES FOR SERVICE

4.1 GENERAL

Each Connector shall be assessed Annual Charges for Service based on its contributions of Flow and Loadings (BOD, SS, and TKN) to the Metro Water Recovery System, and on the costs of determining such contributions. Metro shall determine each Connector's Flow and Loadings by metering, sampling, and/or estimating; the costs of these determinations, measured by Customer Equivalent Connection Units (CECU), shall reflect the level of metering, sampling, and/or estimating used.

4.2 CUSTOMER CATEGORIES AND CUSTOMER EQUIVALENT CONNECTION UNITS

- 4.2.1 **Description of Customer Categories.** Customer categories shall be assigned to all points of connection to the Metro Water Recovery System where Flows and Loadings are determined for Annual Charges for Service. The category assignments shall dictate the level of metering, sampling, and estimating wastewater Flow and Loadings to be used in calculating Annual Charges:

CUSTOMER CATEGORY	<u>FLOW METERING</u>	<u>SAMPLING</u>
A	Continuous	11-13 Periods*/Year
B	Continuous	5- 7 Periods*/Year
C	5-7 Weeks/Year*	5- 7 Periods*/Year
D1	Continuous	Loadings Estimated
D2	Minimum of 4 Wks/Yr*	Loadings Estimated
E	Flow Estimated Loadings Estimated	

*Metering and sampling periods shall be distributed so as to allow for seasonal variations to be monitored. For the definition of "Sampling Period," see Section 4.3.2

- 4.2.2 **Customer Equivalent Connection Units.** Each customer category described in Section 4.2.1 shall be assigned a CECU value representing the operation and maintenance costs required to conduct the metering, sampling, and estimating activities associated with the particular category. Category A shall be assigned a CECU value of 1.00; all other categories shall be assigned CECU values equal to the ratio of projected costs for the given category to the projected costs for Category A.
- 4.2.3 **Assignment of Customer Categories and CECU Values to Connectors.** The customer category and CECU value for a given connection point shall in general be assigned to the Connector whose Flows and Loadings are determined at that connection point.

Where the Flow through a connection's metering and sampling station is attributed to more than one Connector (common station), and where the

Flows and Loadings are determined upstream of the common station for all but one of the Connectors contributing Flow through the connection, the customer category and CECU value for the connection point shall be assigned to the remaining Connector. Where contributing Connectors' Flows and/or Loadings are not determined upstream, but are determined by prorating Flows and/or Loadings measured at the common station, the customer category for the connection point shall be assigned to each contributing Connector, with the CECU value divided equally among the Connectors.

For existing connections to the Metro Water Recovery System, customer category assignments and CECU values shall be recommended annually by the CEO and certified by the Board of Directors no later than September 1 of each year for the following calendar year. For new connections, customer category and CECU assignments will be made at the time of approval of such new connections by Metro. Customer category assignments and CECU values may be revised by the Board during the process of estimating and adjusting Annual Charges for Service as described in Section 4.7.

Where circumstances require the level of metering, sampling, and estimating at a particular connection point be changed during the year, the CECU value assigned to a Connector for that connection point shall be prorated to reflect the change.

4.2.4 **Guidelines for Assignment of Customer Categories.** Assignment of customer categories to connection points shall in general conform to the following guidelines:

- | | |
|--------------|---|
| Category A: | The Flow is projected to exceed 100 MGY, and the variability of Loadings is such that the reliable determination of Annual Charges for Service requires the metering and sampling frequency specified for Category A. |
| Category B: | The Flow is projected to exceed 100 MGY, and Annual Charges for Service may be reliably determined with the metering and sampling frequency specified for Category B. |
| Category C: | (1) The Flow is projected to be in the range of 50-100 MGY, or

(2) The Flow is projected to be below 50 MGY, but the Loadings are such that Annual Charges for Service cannot be reliably determined by estimating. |
| Category D1: | The Flow is projected to be in the range of 25-50 MGY, and Loadings are such that they may be reliably determined by estimating, but the potential variability of the Flow rate is such that the reliable determination of Flow requires continuous metering. |

Category D2: The Flow is projected to be in the range of 25-50 MGY, Loadings are such that they may be reliably determined by estimating, and the Flow rate is sufficiently constant that Flow may be reliably determined by periodic metering.

Category E: The Flow is projected to be below 25 MGY and Annual Charges for Service may be reliably determined by estimating Flows and Loadings.

The Flows used to guide the category assignments will generally ignore short-term fluctuations due to rainfall and other transient conditions.

4.2.5 **Multiple Category E Connection Points.** Where a Connector has multiple Category E connection points to the Metro Water Recovery System, the number of Category E assignments shall be based on the total Flow through all such connection points. One Category E assignment shall be made for each 25 MG/Year of Flow, or part thereof.

4.2.6 **Exceptions to Guidelines for Customer Category Assignments.**

1. Where the CEO determines a special circumstance exists for a given connection point, including but not limited to unusual variation in Flow or Loadings or excessive Loadings in relation to flow, the CEO may recommend a higher (i.e., A vs. B) customer category for the connection point than would be indicated under Section 4.2.4.
2. Where the CEO recommends and the Board of Directors determines it is not feasible to meter and/or sample at a given connection point, the CEO shall use the most appropriate system available for estimating Flows and/or Loadings. The customer category assigned to the connection shall be the category which would normally be assigned under Section 4.2.4. Circumstances where such estimating may be considered include, but are not limited to, the following:
 - (a) The Flow is too low to accurately meter and/or sample.
 - (b) The Flow is so low it would not be economically feasible to construct, operate, and maintain a metering and sampling station.
 - (c) Due to the lack of grade on the incoming line or other physical restriction, it is not feasible to operate a metering and sampling station.

At such time it becomes feasible to meter and/or sample at the connection point, a metering and sampling station shall be constructed by the Connector, and the Flow shall be metered and sampled as appropriate to determine the Flows and Loadings.

3. Where a Connector desires more frequent metering and/or sampling than provided by the normal customer category assignment, a

written request to that effect may be submitted to the CEO prior to category certification by the Board of Directors. The CEO may then recommend a higher category assignment be approved by the Board.

- 4.2.7 **Temporary Suspension of Metering and/or Sampling.** Notwithstanding the metering and sampling requirements of Section 4.2.1, when the CEO determines a temporary condition exists which will not allow Metro Water Recovery to obtain reliable data by metering and sampling, the CEO shall use the most appropriate system available for estimating Flows and Loadings for the duration of the temporary condition. Such conditions include, but are not limited to, metering and/or sampling equipment malfunctions, construction activities, and safety hazards. In such cases, the CEO shall direct the temporary condition be remedied in the shortest reasonable time so that metering and sampling can be instituted or resumed.

4.3 **METHODS OF DETERMINING FLOW AND LOADINGS**

- 4.3.1 **Metering of Flow.** Techniques used in metering the quantity of Flow discharged to the system shall conform to sound engineering practices. Where feasible, a primary measuring device, a flow sensor, transmitter, flow recorder, and totalizer shall be used.
- 4.3.2 **Measurement of Loadings.** Measurement of BOD, SS, and TKN (Loadings) shall be made on representative samples of the Wastewater discharged to the Metro Water Recovery System. Methods and procedures used in the sampling and analysis shall be in accordance with, or have accuracy and precision equal to or greater than, those published in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Each sampling period used to determine Loadings shall be at least seven consecutive days. In the event of equipment malfunctions or other sampling or analytical problems, a maximum of one missing day out of the consecutive sampling days will be allowed for the sampling period to be considered valid without additional sampling. If more than one day is missed, the missing samples shall be replaced with samples collected subsequently on the same days of the week as the missing samples, until at least six samples have been collected. Any exceptions must be approved by Metro Water Recovery's Director of Environmental Services.

Notification shall not be given to any Connector prior to the start of any sampling period.

4.3.3 **Estimating Flow and Loadings**

1. **Estimating Loadings.** For Category D1 and D2 connection points, where Flow is determined by metering, Loadings shall be estimated by the following formulas:

$$\begin{aligned}\text{BOD (lbs/day)} &= \text{Flow (MG/day)} \times 8.34 \times \text{BOD (mg/L)} \\ \text{SS (lbs/day)} &= \text{Flow (MG/day)} \times 8.34 \times \text{SS (mg/L)}\end{aligned}$$

$$\text{TKN (lbs/day)} = \text{Flow (MG/day)} \times 8.34 \times \text{TKN (mg/L)}$$

For connection points where all or nearly all Wastewater constituents are contributed by residential sources, the values used for BOD (mg/L), SS (mg/L), and TKN (mg/L) shall be those shown for single family residences in Table 4-1. Where such is not the case, Metro Water Recovery may use other appropriate values from Table 4-1 or may, at its option, conduct such sampling activities as may be necessary to determine the appropriate values for any given connection point.

2. **Estimating Flow and Loadings.** For Category E connection points, Flow and Loadings shall be estimated based on the number, type, and dates in service of sources discharging Wastewater through the connections. The Flow and pollutant concentration values used in such estimating shall be those shown in Table 4-1 (or Table 4-2, if applicable), except where it can be shown by temporary metering and/or sampling that the values for a particular source or connection should be greater or less than those indicated. When values other than those shown in Table 4-1 (or Table 4-2, if applicable) are used, a check shall be made at least once every twelve months by Metro Water Recovery to verify the values being used.

Each Connector with Category E connection points shall provide the individual tap and water use information necessary for using Table 4-1 (or Table 4-2, if applicable). The Connector shall update this information at least annually and shall send the updated information for the previous calendar year to Metro Water Recovery no later than January 31 of each year. More frequent updating may be required at the discretion of Metro. Metro shall from time to time verify the information submitted by each Connector, and, where requested to do so by the CEO, the Connector shall provide such assistance to Metro personnel as may be required for such verification.

3. **Temporary Estimating.** Where Flows and/or Loadings through any connection point are being temporarily estimated, the CEO may use the methods described in this Section or use other appropriate methods. Such methods include, but are not limited to, estimates based on reasonable projections of data obtained during metering and/or sampling at the connection being temporarily estimated, and estimates based on metering and/or sampling at connections similar to the connection being temporarily estimated.

4.4 **DETERMINATION OF ANNUAL FLOWS AND LOADINGS AT SYSTEM CONNECTIONS**

- 4.4.1 **Representative Periods.** Metro Water Recovery determines Flows and Loadings at connections to the system over various periods of time, depending upon the customer categories assigned to the connections. For example, Category A connections are metered continuously, but sampling is done only 11-13 weeks per year; Category D2 connections are metered only four weeks per year. The data acquired during these metering and sampling periods must be extrapolated to cover the entire year, so that each Connector's annual contributions can be determined. This

extrapolation is done by dividing the year into “representative periods,” with the Flow and Loadings in each period determined by the metering, sampling, and estimating performed during the period.

For Category A, B, and C connection points, the representative period for each sampling period shall begin at a point in time halfway between the first day of the sampling period and the last day of the previous sampling period, and shall end at a point in time halfway between the last day of the sampling period and the first day of the next sampling period. This procedure shall be followed even though a representative period may fall into two different calendar years. In such cases, the representative period shall be divided into two periods, the first ending on December 31 and the next beginning on January 1 of the following year, so the contributions for each year may be determined separately.

TABLE 4-1

FLOW, BOD, SS, AND TKN FACTORS FOR
ESTIMATING QUANTITY AND QUALITY OF FLOW

<u>SOURCE</u>	<u>FLOW (gpd)</u>	<u>BOD (mg/L)</u>	<u>SS (mg/L)</u>	<u>TKN (mg/L)</u>
<u>Residential</u>				
Single Family Residences (Includes each unit in duplexes and each unit with separately connected water service in multi-family structures, and mobile homes)	148	255	260	40
Multi-Family Residences (Master water metered, each unit)	104	255	260	40
<u>Commercial</u>	Metered Winter Water*			
Restaurants		840	840	126
Schools		340	340	51
Offices		400	400	60
Hotels and Motels		360	360	54
Health Care/Nursing Facilities		230	240	35
Self-Service Laundries		600	1,200	133
Theaters		480	480	72
Service Stations		400	400	60
Supermarket		985	245	165
Travel Center		435	310	60
Factories and Warehouses (Excluding industrial and cafeteria wastes)		400	400	60
Other		Shall be evaluated separately.		
<u>Industrial</u>	Metered Winter Water*	Shall be evaluated separately.		

* Metered winter water use information must include at least two months' data during the period October through March. With the approval of the CEO, the Connector may submit annual water use or non-winter water use information in lieu of winter water use. Where water usage information is not available, or does not appropriately represent water discharged to the sewer, fixture unit information (see Table 4-2) must be submitted. Where the nature of the business is seasonal or the Direct Connector can show that the Flow to the sewer is significantly different from the water use, the CEO may specify an alternative method of estimating Flow.

Table 4-2
DRAINAGE FIXTURE UNIT VALUES¹

(1 Fixture Unit = 10.2 Gallons per Day [GPD] of Flow)

FIXTURE TYPE	FIXTURE UNIT VALUE
Automatic clothes washers, commercial	3
Automatic clothes washers, residential	2
Bathroom group as defined in Section 202 (1.6 gpf water closet)	5
Bathroom group as defined in Section 202 (water closet flushing greater than 1.6 gpf)	6
Bathtub (with or without overhead shower or whirlpool attachments)	2
Bidet	1
Combination sink and tray	2
Dental lavatory	1
Dental unit or cuspidor	1
Dishwashing machine, domestic	2
Drinking fountain	½
Emergency floor drain	0
Floor drains	2
Kitchen sink, domestic	2
Kitchen sink, domestic with food waste disposer and/or dishwasher	2
Laundry tray (1 or 2 compartments)	2
Lavatory	1
Shower (based on the total flow rate through showerheads and body sprays)	
Flow rate:	
5.7 gpm or less	2
Greater than 5.7 gpm to 12.3 gpm	3
Greater than 12.3 gpm to 25.8 gpm	5
Greater than 25.8 gpm to 55.6 gpm	6
Service sink	2
Sink	2
Urinal	4
Urinal, 1 gallon per flush or less	2
Urinal, nonwater supplied	½
Wash sink (circular or multiple) each set of faucets	2
Water closet, flushometer tank, public or private	4
Water closet, private (1.6 gpf)	3
Water closet, private (flushing greater than 1.6 gpf)	4
Water closet, public (1.6 gpf)	4
Water closet, public (flushing greater than 1.6 gpf)	6

¹ Fixture Unit Value Table 709.1 from the 2015 International Plumbing Code.

All Other Fixtures:	
Trap Size 1-1/4 Inch or Less	1
Trap Size 1-1/2 Inch	2
Trap Size 2 Inch	3
Trap Size 2-1/2 Inch	4
Trap Size 3 Inch	5
Trap Size 4 Inch	6

For Category D1 and D2 connection points, the representative periods shall be calendar quarters.

For Category E connection points, the representative period shall encompass the entire year.

4.4.2 **Determination of Flows and Loadings for the Representative Period.**

The total Flow for any representative period shall be expressed in millions of gallons (MG) and shall be determined as follows:

Category A, B, D1: Total Flow metered

Category C: Total Flow = $F_s \times N$

Category D2: Total Flow = $F_m \times N$

Category E: Total Flow estimated

The total Loadings for any representative period shall be expressed in tons and shall be determined as follows:

$$\text{Tons (BOD, SS, or TKN)} = \frac{C \times \frac{F_r}{F_s} \times N}{2000}$$

C = Average daily contribution of BOD, SS, or TKN (in pounds) for the period sampled (or average daily contribution estimated).

F_r = Average daily Flow for the representative period (not applicable for Category D1, D2, or E).

F_m = Average daily Flow for the period metered.

F_s = Average daily Flow for the period sampled (not applicable for Category D1, D2, or E).

N = Number of days in the representative period.

4.4.3 **Determination of Annual Flows and Loadings.** The annual Flows and Loadings at each connection shall be the sum of the Flows and Loadings determined for all representative periods in the calendar year.

4.5 **DETERMINATION OF CONNECTOR ANNUAL FLOWS AND LOADINGS**

4.5.1 **Infiltration Credit Allowance.** Where a metering and sampling station used to meter Flows is so situated that the measurement may include Flows infiltrating into a Metro Interceptor, the Connector(s) whose Flows

are being determined at that station shall be given an infiltration credit allowance which shall be subtracted from the measured flow. The credit allowance shall be 400 gallons per day per inch diameter per mile of interceptor, and shall be given only when the length of interceptor which may be contributing infiltration to the metering and sampling station exceeds 0.5 mile.

4.5.2 **Connections Serving a Single Connector.** Where a connection to the Metro Water Recovery System serves a single Connector, the annual Flows and Loadings determined at the connection in accordance with Section 4.4.3 shall be attributed to that Connector, subject only to the Infiltration Credit Allowance described in Section 4.5.1.

4.5.3 **Connections Serving Multiple Connectors - Method of Subtraction.** Where the Flow through a metering and sampling station is attributable to more than one Connector (common station), and where the Flows and Loadings are determined upstream of the common station for all but one of the Connectors contributing Flows through the common station, the annual Flows and Loadings for the remaining Connector shall normally be computed by subtracting the upstream annual Flows and Loadings of all other contributors, and the Infiltration Credit Allowance, if applicable (Section 4.5.1), from those measured at the common station. When the CEO determines the Flows and/or Loadings of the remaining Connector may not be reliably determined by measuring at the common station, they shall be determined by estimating as provided in Section 4.3.

4.5.4 **Connections Serving Multiple Connectors - Method of Prorating.** Where the Flow through a metering and sampling station is attributable to more than one Connector (common station), Metro Water Recovery may, with the consent of all Connectors affected, and in lieu of determining upstream Flows and/or Loadings, determine the annual Flows and/or Loadings of the contributing Connectors by a method of prorating as described in either paragraph 1 or 2 below.

1. **Prorating of Flows and Loadings - Tap Method.** For prorating purposes, separate estimates of the annual Flows and Loadings contributed through the common station shall be made for each Connector, as described in Section 4.3.3, paragraph 2. The annual Flows and Loadings attributable to each Connector shall then be computed as follows:

$$\text{Flow} = \text{Flow}_C \times \frac{\text{Flow}_e}{\text{Flow}_{te}}$$

$$\text{Tons (BOD,SS, or TKN)} = \text{Tons}_C \times \frac{\text{Tons}_e}{\text{Tons}_{te}}$$

$Flow_C (Tons_C)$ = Measured Flow (tons) through the common station, less the Infiltration Credit Allowance, if applicable.

$Flow_e (Tons_e)$ = Estimated Flow (tons) for given Connector.

$Flow_{te} (Tons_{te})$ = Estimated Flow (tons) for all Connectors through the common station.

The tap method of prorating requires a combination of metering and sampling and estimating to determine Connector Flows and Loadings. Accordingly, connections at which such prorating is performed shall be assigned customer categories appropriate to both methods of determination.

2. **Prorating of Loadings - Flow Method.** Where Flow determinations have been made for all Connectors contributing Flow through a common station, and where Loadings are determined only at the common station, the annual Loadings shall be prorated among all Connectors contributing flow through the common station as follows:

$$\text{Tons (BOD,SS, or TKN)} = \text{Tons}_C \times \frac{\text{Flow}_m}{\text{Flow}_C}$$

$Flow_C (Tons_C)$ = Measured Flow (tons) through the common station, less the Infiltration Credit Allowance, if applicable.

$Flow_m$ = Flow attributed to given Connector.

4.6 REPORTING OF FLOWS AND LOADINGS

- 4.6.1 **Preliminary Flows and Loadings Reports.** Metro Water Recovery shall provide preliminary Flows and Loadings reports to each Connector discharging Wastewater to the Metro System. Each report shall provide preliminary information on the Connector's discharge through a specific connection point, for a period of time coinciding with the "representative period" described in Section 4.4.1. For Category E connection points, where the representative period is the entire year, these preliminary reports may be provided more frequently than annually.

These preliminary reports provide Connectors with ongoing information relating to their Wastewater contributions to the Metro Water Recovery System. For a number of reasons involving the ways that Flows and Loadings are determined for different Connectors, the reports must be considered preliminary and should not be relied upon as final determinations of Flows and Loadings. Final contributions attributable to each Connector are determined only after the end of each calendar year.

- 4.6.2 **Annual Summaries of Flows and Loadings.** Following each calendar year, Metro Water Recovery shall provide “Annual Summary of Flows and Loadings” reports to each Connector discharging Wastewater to the Metro System during the year. Each report shall provide the final annual Flows and Loadings determinations for the Connector’s discharge through a specific connection point. Connectors shall receive such reports for all connection points at which their Flows and Loadings are determined for the purpose of computing Annual Charges for Service.

The annual summary reports may be revised by Metro Water Recovery any time prior to the Final Adjustment of Annual Charges for Service made by the Board of Directors. In such cases, revised annual summary reports will be immediately provided to the affected Connectors.

4.6.3 **Disagreement Over Reported Flows and Loadings.**

1. **Preliminary Reports.** Although the preliminary Flows and Loadings reports may contain only approximate determinations of the Flows and Loadings attributable to a Connector’s discharge, much of the information reflects actual Metro Water Recovery data which will be used in the final determination of annual Flows and Loadings. For this reason, these reports should be reviewed carefully by each Connector at the time of receipt. Any disagreements with or inquiries concerning these preliminary reports should be directed to the Staff of Metro. If a disagreement is not resolved to the Connector’s satisfaction, the Connector should send a written notice of disagreement, together with all facts pertinent to the disagreement, to the CEO within sixty days after receipt of the preliminary report. If the disagreement cannot be satisfactorily resolved by the CEO, the Connector may appeal the determinations in accordance with the procedures in Section 10 of these *Rules and Regulations*.
2. **Annual Summaries.** The determinations provided in the “Annual Summary of Flows and Loadings” reports will be used to determine each Connector’s Annual Charges for Service. These determinations will be deemed correct unless, within sixty days from the date the reports are mailed by Metro Water Recovery, a Connector files with Metro a written objection to the determinations. In such instance, if the objection cannot be satisfactorily resolved by the CEO, the Connector may appeal the determinations in accordance with the procedures in Section 10 of these *Rules and Regulations*.

- 4.6.4 **Notifications of Unusual Conditions.** If the Staff of Metro Water Recovery observes, at any time, any unusual conditions relating to the quantity or quality of Wastewater contributed to the Metro System by a Connector, they shall immediately notify the Connector of such conditions. Similarly, if a Connector observes any unusual conditions, or anticipates any changes in the quantity or quality of Wastewater to be discharged to the Metro System, the Connector shall immediately notify Metro.

It is the intent of this Section that the Staffs of Metro Water Recovery and its Connectors should work together to prevent any situations from arising that may cause problems in Metro's determining Annual Charges for Service fairly and accurately, and to solve any problems as quickly as possible while the facts involved are readily available.

4.7 COMPUTATION OF ANNUAL CHARGES FOR SERVICE

- 4.7.1 **Determination of Total Annual Charges for Service.** The total Annual Charges for Service to be assessed by Metro Water Recovery for any calendar year are determined by the Board of Directors. The Annual Charges so assessed shall be sufficient to pay the amounts estimated to be needed by Metro, as shown in its annual budget for such calendar year.
- 4.7.2 **Allocation of Annual Charges for Service to Charge Parameters.** Annual Charges for Service are based upon five charge parameters; Flow, BOD, SS, TKN, and CECUs. Metro Water Recovery shall annually review its total costs to determine the percentage of these costs associated with each charge parameter. These percentages will then be applied to the total Annual Charges for Service, to determine the amount of Annual Charges to be applied to each charge parameter.
- 4.7.3 **Calculation of Estimated Unit Charges.** Prior to September 1 of each year, for the following calendar year, the Board of Directors shall prepare a Certified Estimate of Unit Charges for each of the five charge parameters. The estimated unit charge for each parameter will be based on the total Annual Charges for Service applied to that parameter (Section 4.7.2), and the total quantity of that parameter estimated to be received or charged for by Metro Water Recovery:

$$\text{Unit Charge, Flow (\$/MG)} = \frac{\text{Total Annual Flow Charge}}{\text{Total Flow to System (MG)}}$$

$$\text{Unit Charge, BOD (\$/Ton)} = \frac{\text{Total Annual BOD Charge}}{\text{Total BOD to System (Tons)}}$$

$$\text{Unit Charge, SS (\$/Ton)} = \frac{\text{Total Annual SS Charge}}{\text{Total SS to System (Tons)}}$$

$$\text{Unit Charge, TKN (\$/Ton)} = \frac{\text{Total Annual TKN Charge}}{\text{Total TKN to System (Tons)}}$$

$$\text{Total Annual CECU Charge}$$

$$\text{Unit Charge, CECU (\$/CECU)} = \frac{\text{Total CECUs}}{\text{Total CECUs}}$$

4.7.4 Determination of Estimated Annual Charges for Service. Prior to September 1 of each year, for the following calendar year, the Board of Directors shall adopt and deliver to each Connector a Certified Estimate of Annual Charges for Service. This estimate shall be calculated by multiplying the estimated unit charge for each charge parameter (Section 4.7.3) by the quantity of that parameter estimated to be contributed by the Connector. The total for all charge parameters shall be the Connector's estimated Annual Charges. These charges are payable in the calendar year following the adoption of the Certified Estimate, that is, in the year for which the Certified Estimate is made (See Section 4.7.7).

4.7.5 Revised Estimate of Unit Charges and Annual Charges for Service. At any time following the adoption of the Certified Estimate of Unit Charges and Annual Charges for Service as described in Sections 4.7.3 and 4.7.4, the Board of Directors may adopt a Revised Estimate based on updated estimates of Connector contributions or other information. This shall generally be done during the calendar year for which the Revised Estimate is being made. Where the Revised Estimate is based on updated estimates of Connector contributions, the procedures followed in preparing the Revised Estimate are identical to those described in Sections 4.7.3 and 4.7.4, using the Revised Estimates of Connector contributions as the basis for the calculations.

When a Revised Estimate of Annual Charges for Service for any year is adopted by the Board of Directors, the difference in charges compared to the Certified Estimate shall be added to or subtracted from each Connector's Annual Charges payments in the calendar year for which the Connector prepares its next annual budget (see Section 4.7.7).

4.7.6 Final Adjustment of Unit Charges and Annual Charges for Service. On or before the last day of June of each year, Metro Water Recovery Board of Directors shall adopt a Final Adjustment of Unit Charges and Annual Charges for Service for the preceding calendar year. The procedures followed in preparing the Final Adjustment are identical to those described in Section 4.7.3 and 4.7.4, using the actual Connector contributions during the year as the basis for the calculations.

The difference in charges calculated in the Final Adjustment, compared to the most recent Revised Estimate or, if no Revised Estimate was adopted for the calendar year in question, the Certified Estimate, shall be added to or subtracted from each Connector's Annual Charges for Service payments in the calendar year following the Final Adjustment, that is, in the second year after the year for which the Final Adjustment is made (See Section 4.7.8).

4.7.7 Payment of Annual Charges for Service. Each Connector shall pay in any calendar year the Certified Estimate of Annual Charges for Service for that year as determined under Section 4.7.4. Each Connector shall also pay, or be credited for, any adjustments to the Annual Charges for prior years, as determined under Sections 4.7.5 and 4.7.6. Payment shall be in

four substantially equal quarterly installments, due on or before the 15th day of March, June, September, and December.

4.7.8 **Minimum Payment.** Notwithstanding the above determinations of Annual Charges for Service payments, in any calendar year in which Metro Water Recovery collects Annual Charges, each Connector shall pay a minimum of \$2,000.

4.7.9 **Disagreement over Annual Charges for Service.** Any disagreements with or inquiries concerning any estimates or adjustments to the Annual Charges for Service should be directed to the CEO of Metro Water Recovery. If a disagreement cannot be satisfactorily resolved, a Connector may appeal Metro's determinations in accordance with the procedures in Section 10 of these *Rules and Regulations*.

Prior to adopting the Final Adjustment of Annual Charges for Service, the Board of Directors shall hold, at a regular meeting no later than June next following the last day of that fiscal year, a hearing on the proposed final adjustment. Any Connector, or any holder of any security issued by Metro Water Recovery, may present objections to the adjustment at this hearing.

4.8 REQUIREMENT FOR USER CHARGE COMPLIANCE

All Municipal Connectors and Corporate Connectors which use the Metro Water Recovery System including, but not limited to, Member Municipalities, Special Connectors, Contracting Municipalities, and any Connector to or user of the sewer systems of these entities shall have a User Charge System as required by Title 40, Part 35 of the Code of Federal Regulations as amended, in particular Section 35.2140 thereof.

Revisions	11/90	10/99	01/01	04/03	06/14	07/18
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SECTION 5

HAULED WASTES

5.1 GENERAL

Discharge of liquid or solid wastes into an Interceptor and/or the Metro Water Recovery System is prohibited unless provided for within a Service Contract with Metro or authorized either by a special permit issued by Metro's Pretreatment Program or, in emergency circumstances, written authorization from the CEO, issued in accordance with these *Rules and Regulations*. Pursuant to Section 6.14.9, discharge of wastes under such a permit or written authorization will be allowed only at authorized points in the System. Any discharger of wastes under such permit or written authorization shall be subject to the requirements of this Section and Section 6 of these *Rules and Regulations* and consents to the enforcement of same by Metro.

5.2 PERMITS

- 5.2.1 **Application for Discharge Permits.** No person or company shall discharge hauled wastes into a Metro Interceptor or the Metro Water Recovery System until a discharge permit has been obtained in accordance with these *Rules and Regulations*. Such discharge permits will only be issued for the discharge of wastes from septic tanks, grease traps, lift stations that serve only domestic sewage and grease traps, privies, and sewer cleanings, and for the discharge of other non-hazardous materials and wastes which can be effectively and efficiently treated by Metro facilities. Individuals or companies desiring to discharge such wastes to the Metro System shall file an application with Metro for a discharge permit. A separate vehicle permit must be obtained in accordance with Section 5.2.3 for each vehicle which will be used to discharge wastes to the Metro System. Discharge permit application forms may be obtained from Metro's website or by writing or calling Metro. All waste grease transporters must be registered with the CDPHE.
- 5.2.2 **Discharge Permit Application Fee.** A one-time fee of \$25 shall be charged for each discharge permit application for the discharge of routine wastes from septic tanks, grease traps, lift stations that serve only domestic sewage and grease traps, privies, and sewer cleanings. A one-time fee of \$75 shall be charged for each discharge permit application for the discharge of other non-hazardous materials and wastes which can be effectively and efficiently treated by Metro Water Recovery. The discharge permit application fee, payable to Metro Water Recovery, must accompany the completed discharge permit application form. Application fees are non-refundable.
- 5.2.3 **Vehicle Permit Fee.** A fee of \$10, payable to Metro Water Recovery, shall be charged for each vehicle permit issued. This payment must accompany the completed application form. A separate vehicle permit must be obtained for each vehicle used to discharge wastes to the Metro System. Each permit will include the license plate number of the vehicle for which it is issued and cannot be transferred to another vehicle, unless it is a replacement vehicle and license plates from the previous vehicle are being transferred to the new vehicle.
- 5.2.4 **Vehicle Inspection.** Prior to the issuance of a vehicle permit, the vehicle for which the permit will be issued shall be inspected by Metro Water Recovery

Staff. The applicant may make an appointment for a vehicle inspection by calling the Environmental Services Department of Metro.

Vehicles for which permits have been issued are subject to subsequent inspection by Metro Water Recovery Staff. Any items of nonconformance regarding the vehicle's condition which have developed since the permit was issued may be noted by the inspector and a written notice of the need to correct the deficiency within a specific time limit will be provided to the permittee.

The issued permit must be displayed in a window of the vehicle during the discharge of wastes to the Metro Water Recovery System such that it can be seen from the outside of the vehicle by an inspector and will not obstruct the driver's view.

5.2.5 **Surety Bond (Escrow).** Each applicant for a discharge permit shall execute and deposit with Metro Water Recovery a surety bond in the sum of \$1,000, or in an amount equal to the anticipated Metro charges for an average sixty-day (60) period, whichever is greater. Alternatively, the applicant may place such monies in an escrow account, under terms and conditions acceptable to the CEO. The bond or escrow monies shall provide reimbursement to Metro for any work required for the elimination of any unsanitary conditions caused by the permittee on or around Metro facilities, for the repair of Metro facilities damaged by the permittee, or for any unpaid charges owed to Metro by the permittee. A suitable escrow account shall be established or bond received by Metro before a discharge permit will be issued. Escrow and bonding requirements may be revised by the CEO from time to time in consideration of changes in Metro charges or volume of business done with the permittee.

5.2.6 **Insurance.** Each permittee shall keep on file with Metro Water Recovery a current valid certificate of insurance for Workers Compensation and current valid certificates of insurance for auto liability and general liability coverage in the amounts as determined from time to time by the CEO. Such certificate(s) of insurance shall be received by Metro before a discharge permit is issued or renewed. Upon request of an owner of a company who is the sole operator/employee, Metro may waive, in writing, the requirement for Workers Compensation insurance.

5.2.7 **Discharge Permit Renewal.** Discharge permits for discharge of wastes shall be issued for a specified time period not to exceed five (5) years. The permittee shall apply for permit renewal a minimum of ninety (90) days prior to expiration of the permittee's existing permit. Applications for such permit renewals must be accompanied by a \$5 fee for each vehicle to handle the cost of renewal. If the renewal application is not received within the allotted time, the discharge permit will expire on the existing permit's expiration date. Once a permit has expired, a new application, along with the appropriate application fee, must be submitted to Metro Water Recovery before any new permit will be issued.

In addition, a vehicle inspection must be performed by Metro Water Recovery Staff on each vehicle to be renewed prior to issuance of a renewed discharge permit. The renewal applicant may make an appointment for such a vehicle inspection by calling Metro.

5.2.8 **Permit Suspension and Revocation.** Any discharge or vehicle permit(s) issued in accordance with these *Rules and Regulations* will be subject to

suspension or revocation by Metro Water Recovery, at its discretion, for failure to submit accurate monthly reports, failure to submit timely reports, failure to pay proper charges, failure to discharge at authorized disposal site(s), failure to meet sanitation standards, discharging of industrial sludges or other unacceptable wastes into the Metro System, for any other infraction of these *Rules and Regulations*, or if the CEO determines it is necessary to protect Metro's facilities.

5.3 MONTHLY REPORTS

Each permittee must submit a monthly report containing a list of all sources of waste material(s) discharged to Metro Water Recovery. This requirement may be waived by Metro for permittees hauling only portable toilet wastes. Failure to submit accurate or timely monthly reports shall be cause for suspension or revocation of the permit, at the discretion of Metro. Copies of the report form to be used may be obtained from Metro upon request. Section 6.27 of these *Rules and Regulations* applies to all reports submitted.

5.4 DETERMINATION OF QUANTITY BY METRO WATER RECOVERY

Metro Water Recovery will make determinations of the quantity of material discharged to Metro from all vehicles and will use these determinations for charges.

5.5 CHARGES

The unit charge for wastes from septic tanks, grease traps, privies, or other classes of hauled wastes to the permittee for discharging waste to the Metro Water Recovery System shall be established by resolution of the Executive Committee of the Board of Directors. The charges shall be based on the working tank capacity and Metro's determinations as to the strength of material discharged. Any permittees discharging wastes significantly higher in Pollutant concentration than anticipated by Metro may be charged additional fees.

For all other requests for disposal of hauled wastes, the CEO is authorized to determine a charge on a case-by-case basis if the amount of projected income is within the CEO's Board-approved spending authority per year or by the Executive Committee if the projected annual income is greater than the CEO's Board-approved spending authority. At the discretion of the CEO or the Executive Committee, the determination of such charges may be referred to the Board of Directors.

5.6 PAYMENT

Metro Water Recovery shall bill the permittee for all discharges, with payment due no later than thirty (30) days following the date of the billing. If any payment or any part thereof remains unpaid following the due date, Metro may charge and collect interest on the amount unpaid from its due date until paid at the rate of one per centum (1%) per month (or fraction thereof). Additionally, failure of the permittee to make full payment within the allotted time or to pay any interest due shall be cause for suspension or revocation of the permit, at the discretion of Metro.

5.7 AUTHORIZED DISPOSAL SITES

5.7.1 **Site Limitations.** Only those disposal sites which have been authorized by Metro Water Recovery and approved by the appropriate city, county, sanitation Metro, and health department and which are specifically authorized in these *Rules and Regulations* shall be used for the disposal of wastes under the permits granted by these *Rules and Regulations*.

5.7.2 **Approved Site Locations.** The authorized sites for the disposal of wastes by a permittee will be designated by Metro Water Recovery.

5.8 SANITATION AND SAFETY STANDARDS

Each permittee who discharges wastes to the Metro Water Recovery System shall be responsible for the cleanliness and safety practices at the points of disposal. It shall be the permittee's responsibility to have available the proper tools to remove and replace the manhole lids, where necessary, in a safe and proper manner. It shall be the responsibility of the permittee to discharge wastes in such a manner as to keep the area clean and free from spills or other debris. Any spills shall be promptly cleaned up. The permittee is also responsible for keeping its vehicle and related facilities clean and in good repair while being used for disposal to the Metro System. These sanitary and safety practices shall be carried out in a manner acceptable to Metro and to appropriate health departments. Failure to comply with these sanitation and safety standards shall be grounds for revocation of the permit.

5.9 QUALITY OF WASTES

Wastes discharged to the Metro Water Recovery System under a permit granted by these *Rules and Regulations* shall conform to the requirements and limitations of any applicable *Rules and Regulations*, including but not limited to Section 6. In addition, the discharge of any Pollutants by the permittee shall be controlled and regulated in accordance with all applicable state and federal regulations. It shall be the responsibility of each permittee to be familiar with the provisions of these documents.

The permittee consents to Metro Water Recovery's right to sample and analyze the contents of any vehicle using the Metro System for the discharge of wastes. The purpose of such sampling and analysis will be to determine conformance with the *Rules and Regulations*. It shall be the responsibility of the permittee's driver or other personnel authorized by Metro to obtain any necessary samples required by Metro.

5.10 EMERGENCY HAULED WASTE DISCHARGE SERVICES

Emergency discharge of hauled wastes may be authorized in accordance with these *Rules and Regulations* if the quantity and quality of the discharge will have no material effect on Metro Water Recovery's operations, including the quality of its effluent or biosolids. Written approval from the CEO must be received before the discharge may commence, and discharge must take place at authorized points in the Metro System as provided for in Section 5.7 of these *Rules and Regulations* and must comply with Sections 5.8, 5.9, 6.13, and 6.14 of these *Rules and Regulations*. Approval of such a discharge is entirely at the discretion of Metro and shall not constitute approval of any additional or similar discharges. In the event a proposed emergency discharge is not approved by Metro, said decision shall not be subject to the appeal and hearing procedure set forth in Section 10 of these *Rules and Regulations*.

- 5.10.1 **Metro Water Recovery Authorization.** The requesting entity shall provide all information necessary for Metro to determine the existence of an emergency. If the request is verbal, the requesting entity shall provide written documentation within 24 hours. The CEO shall determine (1) whether an emergency condition exists; (2) whether the discharge will have any material effect on Metro's operations, including the quality of its effluent and biosolids; and (3) whether Metro chooses to provide such service under the Hauled Wastes program. After such determination, the requesting entity shall be notified of the decision. If the decision is to authorize the emergency service, Metro, in coordination with the entity involved, shall make those physical arrangements necessary for service to be provided by Metro. No physical arrangement for emergency service shall be undertaken and no emergency discharge shall occur by any entity without the written permission of the CEO.
- 5.10.2 **Form of Authorization and Written Notification.** The CEO shall notify the requesting entity in writing if the request has been granted or denied. If granted, the notification will specify the requirements of the *Rules and Regulations* and of any specific conditions or limitations on the approval.
- 5.10.3 **Vehicle Inspection.** Metro Water Recovery Staff shall have the right to inspect the vehicle used to discharge at any time before, during, or after the discharge.
- 5.10.4 **Insurance.** The requesting entity shall provide Metro Water Recovery a current valid certificate of insurance for Workers Compensation and current valid certificates of insurance for auto liability and general liability coverage in the amounts as determined by the CEO. Metro shall receive such certificate(s) of insurance before emergency discharge is allowed.
- 5.10.5 **Charges.** The requesting entity shall pay for each request for emergency hauled wastes discharge services. The charge for services shall be the sum of:
1. A deposit of \$1,000 applicable before discharge for each emergency service authorized, to be held by Metro Water Recovery for the purposes described in Section 5.2.5.
 2. A service fee of \$200 applicable upon approval of each emergency request by Metro Water Recovery.
 3. All direct costs (including applicable overhead costs) incurred by Metro Water Recovery related to providing emergency services.
 4. A charge for the hauled waste, based on Flow, BOD, TKN, and SS, equal to three (3) times the unit rates in the current Estimated Annual Charges for these parameters.
- 5.10.6 **Payment.** The charges for emergency service shall be payable within thirty (30) days after a bill is submitted to the requesting entity by Metro Water Recovery. Late payments shall be charged interest at a rate of eighteen percent (18%) per annum. Metro may bill for services rendered to date at any time after the initiation of emergency service.

Revisions	05/91	04/96	04/99	01/01	04/03	06/06	01/08	09/09	10/13	07/18
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SECTION 6

PRETREATMENT PROGRAM

6.1 GENERAL

The Pretreatment Program of Metro Water Recovery is designed to enable Metro to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), conditions of its National Pollutant Discharge Elimination System (NPDES) Permits or Colorado Discharge Pollutant System (CDPS) Permits, as applicable, Operating Permit (Air), and any other permit and applicable sludge disposal regulations, and to meet the following objectives:

1. To prevent the introduction of Pollutants into Metro System which will interfere with the operation of Metro System or contaminate the sludge.
2. To prevent the introduction of Pollutants into Metro System which will Pass Through Metro System, inadequately treated, into the receiving waters or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works.
3. To prevent the introduction of Pollutants into Metro System which might constitute a hazard to humans or to animals.
4. To ensure Metro's ability to recycle and reclaim Wastewater and sludge.
5. To enable Metro to comply with its NPDES or CDPS permit conditions, sludge use and disposal requirements, and any other applicable federal or state laws.

6.2 APPLICABILITY

Any Industrial User, the Sewage or Wastewater from which directly or indirectly enters or has the potential to enter Metro System from areas within or without the boundaries of Metro, shall be bound by these *Rules and Regulations*, Section 5, and this Section 6 as they now exist or may hereafter be amended. These *Rules and Regulations* may be enforced against any Industrial User.

6.3 COMPLIANCE WITH PROGRAM IMPLEMENTATION REQUIREMENTS

Where Pretreatment Program responsibilities are not delegated to Metro Water Recovery, the Connector or Contracting Municipality must design and administer a Pretreatment Program which is in accordance with Section 6 and will enable Metro to comply with all pretreatment and effluent limitation conditions of its NPDES or CDPS Permit, Federal Pretreatment Regulations, State Pretreatment Regulations, and applicable sludge disposal and air regulations. Where Pretreatment responsibilities have been delegated to Metro, Metro is required to design and administer its Pretreatment Program in accordance with this Section. Any Connector or Contracting Municipality which has delegated Pretreatment Program responsibilities to Metro must demonstrate, to Metro's satisfaction, compliance with this Section 6 prior to resuming any responsibilities of Metro's Pretreatment Program.

Each Connector or Contracting Municipality, or Metro Water Recovery, where Pretreatment Program authority has been delegated by the Connector or Contracting Municipality, will cause all Sewage at any time discharged directly or indirectly into Metro System by it or on its behalf, to comply with any requirements of Metro. In all cases where the application or the enforcement of said requirements involve technical or scientific analyses or determinations, Metro shall have final authority as to methods, standards, criteria, significance, evaluation, and interpretation of such analyses and determinations. Each Connector or Contracting Municipality will permit no new connections and will discontinue existing public connections and will require the discontinuance of existing private connections to its Municipal Sewer System or to Metro System which allow entrance therein of such Sewage as will cause the discharge at any time into its Municipal Sewer System or Metro System that does not comply with said requirements of Metro.

Metro Water Recovery may from time to time make a determination of the respects in which Sewage discharged or to be discharged into the Municipal Sewer System, or into Metro System by any Connector or Contracting Municipality, is not in compliance with said requirements and with the amendments thereof, if any, then in effect. If the Connector or Contracting Municipality currently has not delegated Pretreatment Program Responsibilities, a copy of said determination shall be mailed to the Connector or Contracting Municipality at its usual place of business and for all purposes of these *Rules and Regulations* shall be conclusively deemed to have been made in accordance with this Section and to be correct at the expiration of thirty (30) days after such mailing unless within said period of thirty (30) days the Connector or Contracting Municipality shall have filed with Metro an objection thereto stating that such determination is incorrect and stating the changes therein which should be made in order to correct such determination.

- 6.3.1. **Penalties.** Any Connector or Contracting Municipality found to have violated any provision of this Section 6, the Service Contract, Special Connectors Agreement, or Metro Water Recovery's Procedures for Implementing the Pretreatment Program or any other written requirement of Metro shall be subject to a penalty not to exceed, except as noted below, five thousand dollars (\$5,000) for such violation. Penalty amounts are determined in accordance with Metro's Pretreatment Enforcement Management System, as may be amended from time to time, up to the maximum amount allowed by this regulation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. Such penalty shall be in addition to any actual damages Metro may incur because of such violation.

In addition to the penalties provided here, Metro Water Recovery may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation against the Connector or Contracting Municipality found to have violated these *Rules and Regulations*.

Where a violation is found to have caused Interference or Pass Through, the maximum penalty of \$5,000 per violation described above may be increased as necessary to allow Metro Water Recovery to recover any fines or penalties paid by Metro for NPDES/CDPS permit violations due to the Interference or Pass Through.

6.4 LEGAL AUTHORITY REQUIREMENTS

6.4.1 **Ordinance/Resolution.** Except as provided in Subsection 6.4.3, each Connector or Contracting Municipality will enact and enforce an ordinance or resolution which conforms to 40 CFR §403.8(f)(1) Pretreatment Program Requirements, as from time to time amended, for legal authority and containing all other legal provisions mandated by these *Rules and Regulations*. Any proposed amendments to such ordinance or resolution, or any proposed actions which would serve to amend such ordinance or resolution with respect to any Pretreatment Program Requirements, must be submitted to Metro Water Recovery for review and must be approved in writing by the Chief Executive Officer prior to such enactment.

Each Connector or Contracting Municipality shall adopt and enforce in its ordinance or resolution provisions which are in conformance to the following provisions:

1. A provision requiring any Industrial User responsible for an accidental, unusual, or slug discharge to notify immediately both the Connector or Contracting Municipality and Metro Water Recovery, and a provision requiring any Significant Industrial User to notify Metro immediately of any changes at the facility affecting the potential for a slug discharge.
2. A provision precluding, except where authorized by Categorical Standards, the use of dilution to attain conformance to Pretreatment Standards and Requirements, and authorizing the Connector or Contracting Municipality to set mass limitations for any Industrial User using improper dilution.
3. A provision forbidding and where possible penalizing the knowing transmittal of false information by an Industrial User to the Connector or Contracting Municipality or Metro Water Recovery.
4. A provision requiring the installation of all necessary monitoring and pretreatment facilities by Industrial Users. This provision shall also authorize the Connector or Contracting Municipality to impose compliance schedules on Industrial Users for the installation of such facilities.
5. A provision applying civil or criminal penalties or, where permitted by 40 CFR §403.8(f)(1), assessing liquidated damages against Industrial Users which violate Pretreatment Standards or Requirements. Where possible, such penalties and liquidated damages shall be set at a level determined by Metro Water Recovery to provide a reasonable degree of deterrence to violations.
6. A provision adopting discharge limitations for Industrial Users at least as stringent as the corresponding limitations in this Section 6.
7. A provision requiring that Industrial Users agree to act and allow Metro Water Recovery to act as provided under the provisions of this Section 6.

8. A provision requiring that any Industrial User discharging any toxic Pollutants which cause an increase in the cost of managing the effluent or the sludge of Metro Water Recovery's treatment works shall pay for such increased costs.

6.4.2 **Attorney's Statement.** Except as provided in Subsection 6.4.3, each Connector or Contracting Municipality must submit to Metro Water Recovery an attorney's statement which conforms to the requirements of 40 CFR §403.9(b)(1) and which certifies the Connector or Contracting Municipality has adequate authority to carry out its Responsibilities under the Pretreatment Program. Where Pretreatment Program Responsibilities are delegated to Metro, Metro will maintain the attorney's statement which conforms to 40 CFR §403.9(b)(1).

6.4.3 **Legal Authority Exemption.** Any Connector or Contracting Municipality that does not serve any Industrial Users may submit a letter to Metro Water Recovery in lieu of enacting the ordinance or resolution and submitting the attorney's statement, as required by these *Rules and Regulations*. The letter must state the entity has no Industrial Users. Furthermore, any entity submitting such a letter shall (1) notify Metro at least fourteen (14) days in advance of the date that any Industrial User is granted a Sewer Connection and (2) fully comply with Metro's Pretreatment Program, including the requirements of these *Rules and Regulations*, and the National Pretreatment Standards and Requirements prior to allowing that Industrial User to connect to the Sewer System. Metro, at its own discretion, may require any Connector or Contracting Municipality to fully comply with these *Rules and Regulations* regardless of whether or not the aforementioned letter has been submitted and/or previously accepted by Metro.

Any Connector or Contracting Municipality that has delegated all Pretreatment Program Responsibilities to Metro Water Recovery is exempt from enacting (or updating) the pretreatment ordinance or resolution, submitting the attorney's statement, and the procedural requirements of these *Rules and Regulations*.

6.5 PROGRAM PROCEDURE REQUIREMENTS

6.5.1 **General.** Each Connector or Contracting Municipality must formulate, fund, and implement procedures which will enable Metro Water Recovery compliance with the "Procedures" and "Funding" requirements contained in 40 CFR §403.8(f)(2) and (3) of the National Pretreatment Standards and Requirements which will enable compliance with the requirements of these *Rules and Regulations*. Any Connector or Contracting Municipality that has delegated all pretreatment responsibilities to Metro is exempt from enacting (or updating) the pretreatment ordinance or resolution, submitting the attorney's statement, and the procedural requirements of these *Rules and Regulations*.

6.5.2 **Procedures Manual.** The Chief Executive Officer shall issue to all Municipalities which are Connectors or Contracting Municipalities a manual on Procedures for Implementing the Pretreatment Program of Metro Water Recovery (Procedures Manual). The Procedures Manual shall set forth Metro requirements on formulating, funding, and implementing Pretreatment Program procedures and shall provide guidance to Municipalities and Metro Staff on implementing the procedural requirements.

Where necessary to maintain continued compliance with applicable federal and state regulations, or these *Rules and Regulations*, or to facilitate the operation of the Pretreatment Program, the Chief Executive Officer or the Chief Executive Officer's designee may from time to time amend the Procedures Manual, and shall provide notice of such amendments to all Municipalities and Staff performing pretreatment duties under Metro Water Recovery's Pretreatment Program.

The following subsections highlight the procedural requirements as discussed more fully in the Procedures Manual.

6.5.3 **Industrial Waste Survey.** Each Connector or Contracting Municipality shall formulate and implement procedures for conducting ongoing, comprehensive industrial waste surveys to locate and identify all Industrial Users within the Municipal Sewer System which may be subject to Metro Water Recovery's Pretreatment Program.

6.5.4 **Notification to Industrial Users.** Each Connector or Contracting Municipality is responsible for notifying its Industrial Users of their obligations under the Pretreatment Program.

6.5.5 **Permitting of Industrial Users.** Each Connector or Contracting Municipality shall control, through permit, industrial waste discharges from each Significant Industrial User, and other Industrial Users as required by Metro Water Recovery, within its service area.

Metro Water Recovery shall make the final determination as to whether a particular Industrial User is a Significant Industrial User or otherwise requires permitting. To this end, Metro may require that a Connector or Contracting Municipality collect and forward to Metro all information necessary to make this determination.

In the event a Connector or Contracting Municipality fails to issue a suitable permit to an Industrial User upon notification to do so by Metro Water Recovery, Metro shall have full authority to issue such permit directly to the Industrial User. In this event, Metro may bill the Connector or Contracting Municipality for all costs incurred by Metro for issuance of the permit and for the administration of permit requirements.

6.5.6 **Monitoring of Industrial Users.** Each Connector or Contracting Municipality must sample, monitor, and inspect its Significant Industrial Users and other Industrial Users as required by Metro Water Recovery and, where appropriate, require industrial self-monitoring, at a frequency adequate to determine if such Industrial Users are in compliance with applicable Pretreatment Program Standards and Requirements.

6.5.7 **Slug Discharge Determinations.** Each Connector or Contracting Municipality must evaluate whether each Significant Industrial User needs a plan to control slug discharges. This evaluation must be conducted in accordance with 40 CFR 403.8(f)(2)(vi). If needed, the Slug Control Plan must contain the minimum elements listed at 40 CFR §403.8(f)(2)(vi).

- 6.5.8 **Compliance Activities.** Each Connector or Contracting Municipality is required to implement procedures for identifying violators of Pretreatment Program Standards and Requirements, and to diligently enforce such Standards and Requirements and provide suitable remedies for noncompliance.
- 6.5.9 **Industrial User Reporting/Confidentiality.** Each Connector or Contracting Municipality is required to receive and analyze self-monitoring reports and any other notices submitted by Industrial Users pursuant to the Requirements of the Pretreatment Program. Where an Industrial User claims confidentiality for any information transmitted, the Connector or Contracting Municipality must implement procedures to ensure that confidential information is treated in accordance with the procedures in 40 CFR Part 2.
- 6.5.10 **Public Participation.**
1. Each Connector or Contracting Municipality and Metro Water Recovery must comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards and Requirements.
 2. Each Connector or Contracting Municipality must make all information collected under the Pretreatment Program, except those documents legitimately classified as “confidential,” available for public review and copying to the extent required by 40 CFR §403.14 and the Colorado Open Records Act (C.R.S. 1973, Title 24, Article 72).
 3. Metro Water Recovery will publish an annual notice in a newspaper of general circulation that provides meaningful public notice within Metro’s service area, a list of Industrial Users found to be in significant noncompliance during the previous year with Pretreatment Standards or Pretreatment Requirements. For the purposes of this provision, “significant noncompliance” is as defined in 40 CFR §403.8(f)(2)(viii) and in Metro’s Procedures Manual.
- 6.5.11 **Information Transmittal.** Each Connector or Contracting Municipality shall transmit to Metro Water Recovery, in a timely manner, all documents as necessary to enable Metro to effectively administer the Pretreatment Program. Such documents shall include:
1. A certified copy of the Industrial Waste Discharge Ordinance or Resolution, and any amendments thereto, together with any *Rules and Regulations* issued pursuant to such ordinance or resolution.
 2. Copies of all Discharge, General, and Zero Discharge permits issued pursuant to the Requirements of the Pretreatment Program.
 3. Copies of all industrial survey, monitoring, and inspection reports.
 4. Any information needed to enable Metro Water Recovery to determine whether a particular Industrial User is subject to a particular Categorical Standard.

5. Notices of all compliance and enforcement activities, and all related correspondence.
6. An annual staffing, costs, and funding report, if requested by the Chief Executive Officer (see Subsection 6.5.12).

6.5.12 **Staffing, Costs, and Funding.** Each Connector or Contracting Municipality must provide sufficient resources and qualified personnel to carry out its responsibilities under the Pretreatment Program. Upon request of the Chief Executive Officer, a Connector or Contracting Municipality must submit to Metro Water Recovery a report describing personnel responsibilities, an itemization of program capital and operating costs, and a demonstration that adequate funds are available to support program activities.

6.6 EXTRA-JURISDICTIONAL INDUSTRIAL USERS

Except where delegated to Metro Water Recovery, each Connector or Contracting Municipality shall have the responsibility for those Industrial Users located outside its corporate limits which discharge industrial Wastewater directly into its Municipal Sewer System. Each extra-jurisdictional Industrial User shall be subject to an ordinance, resolution, or equivalent source of legal authority which contains 40 CFR §403.8(f)(1) minimum legal authorities and all legal provisions mandated by these *Rules and Regulations*. Each extra-jurisdictional Industrial User shall also be subject to all Requirements of Metro's Pretreatment Program.

6.7 EXEMPTIONS

A Connector or Contracting Municipality administering a Pretreatment Program, separate from that of Metro Water Recovery, which has been approved by the Approval Authority in accordance with §403.11 of the Federal Pretreatment Regulations, may be exempted from compliance with certain provisions of this Section 6, as determined by Metro.

6.8 PROGRAM REVIEW

Where a Connector or Contracting Municipality performs any responsibilities of Metro Water Recovery's Pretreatment Program, Metro shall review Municipal ordinances and amendments thereof for conformance to 40 CFR §403.8(f)(1) Pretreatment Requirements for minimum legal authorities and for the inclusion of all other legal provisions mandated by these *Rules and Regulations*. Metro shall participate in all enforcement efforts of Municipalities to ascertain whether Metro's approved Pretreatment Standards and Requirements are being diligently enforced.

Insofar as a Connector or Contracting Municipality participates in the administration of the Pretreatment Program, Metro Water Recovery shall periodically review the Connector or Contracting Municipality's procedures, including, but not limited to, procedures for updating the industrial waste survey, and for inspecting, sampling, and monitoring industrial waste discharges, to ensure each such Connector or Contracting Municipality is administering the Program in technical conformance to "Procedures" and "Funding" requirements under 40 CFR §403.8(f)(2) and (3) of the National Pretreatment Standards and Requirements and to the provisions of these *Rules and Regulations*. Any significant Program changes shall be subject to Metro approval prior to implementation.

6.9 REMEDIES

6.9.1 **Emergency Remedies.** Where a discharge to Metro System reasonably appears to present an imminent endangerment to the health or welfare of persons, or presents or may present an endangerment to the environment, or threatens to interfere with the operation of Metro Water Recovery, Metro shall immediately initiate investigative procedures to identify the source of the discharge and take any steps necessary to halt or prevent the discharge. If necessary, Metro shall seek injunctive relief against the violating Connector or Contracting Municipality and any Industrial User contributing significantly to the emergency condition.

6.9.2 **Routine Remedies.** If Metro Water Recovery determines that a Pretreatment Program as administered by a Connector or Contracting Municipality is not in compliance with Pretreatment Standards or Requirements, or that the discharge from a Connector or Contracting Municipality is not in compliance with Metro Standards, Metro shall issue a notice setting forth the Requirements and Standards not being complied with and directing the Connector or Contracting Municipality to attain conformance to these Requirements and Standards within a period of ten (10) days. Penalties may also be assessed in accordance with Section 6.3.1 of these *Rules and Regulations*.

If after ten (10) days, the Connector or Contracting Municipality has failed or refuses to comply with this notice, Metro Water Recovery may issue an additional notice setting forth remedial actions to be taken by the violating Connector or Contracting Municipality and a time schedule for attaining compliance with all Pretreatment Standards and Requirements. If after thirty (30) days' notice, the violating Connector or Contracting Municipality has not taken necessary steps to correct the violation, Metro may assume in whole or in part Pretreatment Program responsibilities in lieu of the violating Connector or Contracting Municipality. Metro may continue in this capacity until the violating Connector or Contracting Municipality agrees to the original terms of the notice and any additional terms which Metro feels are necessary to ensure ongoing compliance by the Connector or Contracting Municipality with all Pretreatment Standards and Requirements.

6.10 PROGRAM PREEMPTION

Where Metro Water Recovery preempts a Connector or Contracting Municipality in the execution of Pretreatment Program responsibilities, Metro shall directly enforce National Pretreatment Standards and Requirements, including Categorical Standards, and the provisions of Section 6 of these *Rules and Regulations* against the Industrial Users located within the service area of the Connector or Contracting Municipality. All industrial self-monitoring reports, including those required under 40 CFR §403.12, must be conveyed directly to Metro. Moreover, Metro shall carry out all inspection and sampling activities necessary to monitor compliance with Pretreatment Standards and Requirements. Where Program preemption occurs, Metro shall have the right to seek injunctive relief against the Connector or Contracting Municipality and any Industrial User in order to obtain full compliance with Pretreatment Standards and Requirements. Metro may bill the Connector or Contracting Municipality for costs incurred by Metro in conjunction with the administration of the Program in lieu of the Connector or Contracting Municipality. Metro shall have the right to require the cessation of any industrial wastewater discharge in violation of Pretreatment Standards or Requirements.

6.11 PROGRAM DELEGATION

Any Connector or Contracting Municipality may enter into an agreement delegating some or all technical and administrative procedures necessary to implement Metro Water Recovery's approved Pretreatment Program to Metro. These procedures may include, among others, updating the industrial waste survey, providing technical services relating to the issuance and review of industrial waste discharge permits, inspecting and monitoring industrial waste discharges, waste discharge facilities and operations of permittees, and providing technical assistance for local enforcement actions. The procedures do not include surcharge programs, grease trap/sand trap programs, or other similarly established local programs that are not part of Metro's approved Pretreatment Program, unless specifically identified in a delegation agreement. Where Program delegation occurs, the delegation agreement may contain provisions for Metro to recover the costs incurred by Metro in conjunction with the administration of the Program on behalf of the Connector or Contracting Municipality.

6.12 METRO WATER RECOVERY MONITORING

For the purpose of determining the quantity, quality, and other characteristics of any Sewage which shall be or may be delivered and discharged into Metro System by a Connector or Contracting Municipality, or into the Municipal Sewer System by any Industrial User, Metro Water Recovery shall have the right at all reasonable times to enter and to inspect the Municipal Sewer System or any industrial or commercial installations connected thereto or any other connections which contribute or have a potential to contribute Sewage or wastes to the Municipal Sewer System and to inspect and copy records, to take samples and to make tests, measurements, and analyses of Sewage or other wastes in, entering, or with a potential to enter, or to be discharged into such Municipal Sewer System; and to require the installation of facilities and equipment necessary to monitor such discharges or to ensure no discharge occurs. Metro will make and will keep records of tests, measurements, and analyses of such Sewage or other wastes entering such Municipal Sewer Systems and, where appropriate or requested, forward to each Connector or Contracting Municipality the results of such tests, measurements, and analyses appertaining thereto.

6.13 GENERAL REQUIREMENTS REGARDING DELETERIOUS WASTES

The following Sewage, water, substances, materials, or waste are prohibited from being discharged into Metro System or into the Municipal Sewer System by any Industrial User unless authorized through prior written permission by Metro Water Recovery. Written permission by Metro may include, but not be limited to, the imposition of site-specific limitations, Best Management Practices, and/or requirement to obtain a discharge permit pursuant to Section 6.22.1. These Requirements and prohibitions may be imposed directly on process Wastewaters prior to dilution by domestic or other Wastewaters discharged by Industrial Users.

Approval of such a discharge is solely at the discretion of Metro Water Recovery and shall not constitute approval of any additional or similar discharges. The conditions, site-specific limitations or Best Management Practices imposed by Metro or terms of any permit or approval issued in relation to such discharges by Metro shall not be subject to the appeal and hearing procedure set forth in Section 10 of these *Rules and Regulations*.

1. Any night soil or septic tank pumpage.
2. Sludge or other material from sewage or industrial waste treatment plants.

3. Water which has been used for cooling or heat transfer purposes without recirculation discharged from any system of condensation, air conditioning, refrigeration, or similar use.
4. Any wastes that contain concentrated dye wastes or other wastes are either highly colored or could become highly colored by reacting with any other wastes.
5. Stormwater, directly or indirectly, from surface drains, ditches, or streams, storm or combined sewers, roof, or from any other means, except as authorized in Section 301 of the Service Contract or by Metro's memorandum "Approval of Specific Categories of Outdoor Facilities with Incidental and Insignificant Amount of Stormwater where it is impracticable to Eliminate such Stormwater" dated January 7, 2015, and as it may be amended.
6. Any water or wastes potentially contaminated with (1) transmissible spongiform encephalopathy agents from diseases such as chronic wasting disease, bovine spongiform encephalopathy, scrapie, Creutzfeldt-Jakob disease; (2) foot-and-mouth disease agents; or (3) anthrax.
7. Any wastes which are unusual in composition (i.e., contain an extremely large amount of suspended solids or BOD); 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; otherwise make such waters unpalatable even after conventional water purification treatment; or are in any other way extremely unusual.
8. 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.
9. Any blood and other bodily fluids from hospitals, clinics, offices of medical doctors, medical laboratories, or other medical facilities that have not been rendered noninfectious.
10. Any garbage other than that received directly into the Municipal Sewer System from domestic and commercial garbage grinders in dwellings, restaurants, hotels, stores, and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.
11. Any water or wastes containing grease or oil and other substances that will solidify or become discernibly viscous at temperatures between 32°F and 150°F.
12. Water accumulated in excavations or accumulated as the result of grading, water taken from the ground by well points, or any other drainage associated with construction.
13. Groundwater, directly or indirectly from areaway, sumps and sump pumps, or foundation drains, or from any other means, including subsurface drainage.

14. Any Wastewater discharges to Metro System, except at locations approved by Metro.
15. Any waste stream not included in 6.13 or 6.14 that is regulated under one or more National Emissions Standards for Hazardous Air Pollutants (NESHAP) listed in the Code of Federal Regulations (C.F.R), Title 40 Parts 61 and 63 (40 CFR 61 and 40 CFR 63).
16. Brine or other concentrated waste streams from reverse osmosis or other membrane filtration processes from drinking water treatment plants.

6.14 PROHIBITED DISCHARGES

No Industrial User, whether or not subject to the National Categorical Pretreatment Standards or any other national, State, district, or local Pretreatment Standards and Requirements, shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Wastewater which will Pass Through or Interfere with the operation or performance of Metro Water Recovery. None of the following described Sewage, water, substances, materials, or wastes shall be discharged into Metro System or into the Municipal Sewer System by any Industrial User. These Requirements and prohibitions may be imposed directly on process Wastewater prior to dilution by domestic and other Wastewater discharged by Industrial Users. Site-specific limitations and/or Best Management Practices and/or requirements to obtain a discharge permit pursuant to Section 6.22.1 may be developed and imposed on Industrial Users to ensure compliance with the prohibitions of this Section.

1. 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 Metro System, any Municipal Sewer System, or to the operation of Metro Water Recovery. At no time shall any reading on an explosion hazard meter, at the point of discharge into Metro System or any Municipal Sewer System (or at any point in the Systems), or at any monitoring location designated by Metro in a Wastewater Discharge Permit, be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
2. Any solid or viscous material which could cause an obstruction to Flow in Metro System or in any way could interfere with the treatment process, including as examples of such materials but without limiting the generality of the foregoing, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, wipes, diapers, paper towels, napkins, toilet bowl scrub products, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice, and all other solid objects, material, refuse, and debris not normally contained in sanitary Sewage.
3. Any Wastewater having a pH less than 5.0 for discharges from Industrial Users or Wastewater having any other corrosive property capable of causing damage or hazard to any part of Metro System or any Municipal Sewer System.

4. Any Wastewater having a temperature which will inhibit biological activity at Metro Water Recovery's treatment plant, but in no case Wastewater containing heat in such amounts that the temperature at the introduction into Metro's treatment plant exceeds 40°C (104°F).
5. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a Flow rate and/or Pollutant concentration which cause Pass Through or Interference. In no case shall a slug load have a Flow rate or contain concentrations or qualities of Pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or Flow during normal operation.
6. Any water or wastes containing a toxic substance in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or to animals, or to create any hazard or toxic effect in the waters which receive the treated or untreated Sewage.
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, each in amounts that will cause Interference or Pass Through.
8. Pollutants which result in the presence of toxic gases, vapors, or fumes within Metro System or any Municipal Sewer System in a quantity that may cause acute worker health and safety problems.
9. Any trucked or hauled pollutants except at discharge points designated by Metro Water Recovery.
10. Any water or wastes containing Pollutant quantities or concentrations exceeding the limitations in Section 6.18 of these *Rules and Regulations* or the limitations in any applicable Categorical Standards.
11. Wastewater which alone or in conjunction with other sources causes Metro Water Recovery's effluent to fail toxicity testing.
12. Detergents, surface-active agents, or other substances which alone or in conjunction with other sources cause excessive foaming in Metro System or at the treatment plants.
13. Any solid wastes from hospitals, clinics, offices of medical doctors, medical laboratories, or other medical facilities, including, but not limited to, hypodermic needles, syringes, instruments, utensils, or other paper and plastic items.
14. Sewage of such a nature and delivered at such a rate as to impair the hydraulic capacity of Metro System, normal and reasonable wear and usage excepted.
15. Sewage of such a quantity, quality, or other nature as to impair the strength or the durability of Metro System including sewer structures, equipment or treatment works, either by chemical or by mechanical action.
16. Sewage having a flash point lower than 187°F, as determined by the test methods specified in 40 CFR §261.21.

17. Any radioactive substance, the discharge of which does not comply with Section RH 4.35 of the Colorado Rules and Regulations pertaining to Radiation Control (Volume 6 of the Code of Colorado Regulations, 6 CCR 1007-1, Part 4, et seq.).
18. Any wastes that contain a corrosive, noxious, or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to Metro System or to any part thereof, of creating a public nuisance, or a hazard, or of preventing entry into Metro Interceptor System for maintenance and repair.
19. Any substance which may cause Metro Water Recovery's effluent or any other product of Metro such as residues, 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 Metro System cause Metro to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Federal Water Pollution Control Act; any 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.
20. Any substance which may cause Metro Water Recovery to violate its NPDES or CDPS Permits or the receiving water quality standards.
21. Any waste or Wastewater associated with hydraulic fracturing (fracking) and drilling activities.
22. Any water or Wastewater from alkaline hydrolysis or other chemical decomposition processes of human or animal tissues, remains, or bodies.

6.15 SPECIFIC DISCHARGE LIMITATIONS – MUNICIPALITIES

No Connector or Contracting Municipality shall discharge to Metro System at any time or over any period of time Wastewater containing any of the following materials and substances in excess of the limitations provided herein:

	<u>Limit mg/L</u>
1. Cyanides (as HCN)	2
2. Oil and Grease (Hexane or approved solvent extractable)	75
3. Phenolic compounds (as Phenol)	10
4. Sulfides (as H ₂ S)	10

6.16 SECTOR CONTROL PROGRAMS

Metro Water Recovery may establish sector control programs based on Best Management Practices (BMP) to control specific pollutants as necessary to meet the requirements of this Section for industrial Users that engage in similar activities and discharge similar pollutants. Metro may establish policies for sector control programs as necessary to supplement the requirements included in this Section and Industrial Users subject to these sector control programs must comply with these policies. Industrial Users subject to these 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.

6.16.1 **Dental Amalgam Control Program.**

The requirements of Sections 6.16.1.1 through 6.16.1.5 apply to all Dental Facilities except for those Dental Facilities listed in Section 6.16.1.6. Dental Facilities listed in Section 6.16.1.6 must comply with the requirements listed in Sections 6.16.1.7 and 6.16.1.8.

1. By no later than July 14, 2020, Existing Source Dental Facilities shall implement BMPs according to the requirements contained below and shall install, and are required to maintain, and utilize an Amalgam Separator(s) that meet(s) the requirements specified in 40 CFR 441.30 or 441.40.
2. Operations and Maintenance (O&M) Plan. Except for Dental facilities that contract with a third-party service provider that performs all maintenance of the Amalgam Separators, each Dental Facility shall develop and implement an O&M Plan to ensure proper operation and maintenance of all Amalgam Separators and documentation of all maintenance activities. This Plan must be kept current and must address, at a minimum, the following:
 - (a) Required maintenance according to manufacturer recommendations.
 - (b) Visual inspection of separator(s) at least monthly and inspection log with dates and personnel signatures.
 - (c) Collection device replacement per manufacturer recommendation or when solids reach the full line; whichever comes first.
 - (d) Disposal of all amalgam wastes in accordance with regulatory requirements.
3. At a minimum, unless specifically waived in writing by Metro Water Recovery, the following BMPs shall be implemented and documented to verify compliance.
 - (a) Amalgam selection. The Dental Facility shall use pre-capsulated, single-use Amalgam.
 - (b) Equipment. All dental chairs at which dental amalgam may be present in the resulting wastewater shall be equipped with chair-side traps and all vacuum pumps shall be equipped with traps or filters. All equipment shall be cleaned and maintained in accordance with the manufacturer's instructions.
 - (c) Dental Facility staff shall be trained in the proper handling and disposal of Amalgam material and keep a log documenting such training.

- (d) The Dental Facility shall use non-chlorine or non-oxidizing disinfectants and neutral cleaners. When cleaning filters or collecting scrap Amalgam, the Dental Facility shall not rinse screens, filters, traps, or Amalgam Separators, or any other Amalgam-containing equipment over sinks or drains. Spilled Amalgam must be cleaned up immediately. Each Dental Facility must provide protection from accidental discharges.
 - (e) All contact and non-contact Amalgam scrap shall be salvaged and stored in structurally sound, tightly closed, and appropriately labeled containers.
 - (f) The Dental Facility shall recycle all Amalgam waste by transferring the waste to an offsite recycling facility or shall manage and dispose of the waste in accordance with applicable federal, state, and local hazardous waste laws and regulations.
 - (g) At no time shall Amalgam waste be disposed or flushed down the drain or toilet.
4. Record Keeping. Excluding the One-Time Compliance Report, which must be maintained as long as a Dental Facility is in operation or until ownership is transferred, the following documentation shall be established and maintained in either physical or electronic format for no less than three (3) years and must be made available for Metro Water Recovery review upon request:
- (a) Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
 - (b) Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3) including copies of receipts, manifests, and other documents that include the date(s) of the amalgam waste collection and the name of the permitted or licensed treatment, storage, or disposal facility receiving the amalgam retaining containers.
 - (c) Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
5. Compliance Reporting.
- (a) For Existing Source Dental Facilities that have not previously submitted a Compliance Certification to Metro Water Recovery, a One-Time Compliance Report must be submitted to Metro by no later than October 12, 2020. If a Dental Facility transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to Metro no later than 90 days after the transfer.

- (b) For New Source Dental Facilities, a One-Time Compliance Report must be submitted to Metro Water Recovery no later than 90 days following the commencement of discharge to Metro.
- (c) The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(l).
- (d) The One-Time Compliance Report must include the following information:
 - i. The facility name, physical address, mailing address, and contact information.
 - ii. Name(s) of the operator(s) and owner(s).
 - iii. A description of the operation at the Dental Facility including: the total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, and year of installation.
 - iv. Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in 40 CFR 441.30 or 441.40.
 - v. Certification that the Dental Facility is implementing BMPs specified in Section 6.16.1.4, 40 CFR 441.30(b) or 441.40(b) and will continue to do so.
 - vi. The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the Dental Facility, if applicable. Otherwise, a copy of the O&M Plan required under Section 6.16.1.2, which must explain the practices employed by the facility to ensure proper operation and maintenance in accordance with 40 CFR 441.30 or 441.40.
 - vii. Other information deemed necessary by Metro Water Recovery to confirm compliance with the requirements of this Section 6.16.1.

6. Exempt Dental Facilities include the following:

- a. Dental Facilities that exclusively practice one or more of the following: oral pathology, oral and maxillofacial radiology, oral

and maxillofacial surgery, orthodontics, periodontics, and prosthodontics.

- b. Mobile Dental Facilities.
 - c. Dental Facilities that do not place any amalgam.
 - d. Dental Facilities whose removal of teeth with amalgam comprises less than 5 percent of the Dental Facility's business.
7. Exempt Dental Facility Reporting Requirements. For Existing Dental Facility Sources, a One-Time Compliance Report must be submitted to Metro Water Recovery no later than October 12, 2020, or 90 days after a transfer of ownership. For New Dental Facility Sources, a One-Time Compliance Report must be submitted to Metro no later than 90 days following the commencement of discharge to Metro. The One-Time Compliance Report must:
- a. Be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(l).
 - b. Include the following information:
 - i. Facility name.
 - ii. Physical address.
 - iii. Mailing address.
 - iv. Contact information.
 - v. Name of the operator(s) and owner(s).
 - vi. Identification of the basis for Exemption under Section 6.16.1.6.
 - vii. A certification statement that the Dental Facility does not place dental amalgam; or for Dental Facilities exempted under Section 6.16.1.6. a certification statement that removal of teeth with amalgam comprises less than 5 percent of its business.
8. Exempt Dental Facility Recordkeeping Requirements. As long as an Exempt Dental Facility is in operation, or until ownership is transferred, the Exempt Dental Facility, or an agent or representative of the Exempt Dental Facility, must maintain the One-Time Compliance Report required in Section 6.16.1.7 and make it available for inspection in either physical or electronic form.

6.18 SPECIFIC DISCHARGE LIMITATIONS – LOCAL LIMITS

6.18.1 **Metro Water Recovery Limitations.** No Industrial User shall discharge into Metro System or into any Municipal Sewer System at any time or over any period of time, Wastewater containing any of the following materials and substances in excess of the limitations provided herein. These limitations may also be imposed directly on process Wastewaters prior to dilution by domestic and other Wastewaters discharged by the Industrial User:

	<u>Limit mg/L</u>
1. Arsenic	0.33
2. Cadmium	3.4
3. Chromium	3.6
4. Copper	6.1
5. Lead	2.2
6. Mercury	0.13
7. Molybdenum	0.43*
8. Nickel	5.6
9. Selenium	0.66
10. Silver	2.9
11. Tetrachloroethene	1.5**
12. Zinc	15.6

* Notwithstanding this numeric limitation, discharge from cooling towers, boilers, closed-loop heat transfer systems, and any other cooling/heating system treated with molybdenum-containing water treatment chemicals is prohibited entirely. Where necessary, Metro Water Recovery may require that these wastes be physically prevented from discharging into the Municipal Sewer System.

** Notwithstanding this numeric limitation, the discharge of dry-cleaning process wastes, including new and used tetrachloroethene (perchloroethylene), still bottom oil, and separator water, is prohibited entirely. Where necessary, Metro Water Recovery may require that these wastes be physically prevented from discharging into the Municipal Sewer System.

6.18.2 **Site-Specific Metro Water Recovery Limitations.** Metro Water Recovery may develop site-specific limits on an as-needed basis. Industrial User compliance with site-specific limits is additional to all other applicable limits specified in this Section 6.18.

6.18.3 **National Pretreatment Standards and Requirements.** Once promulgated, Categorical Standards for a particular industrial subcategory, if more stringent, shall supersede all conflicting discharge limitations contained in this Section 6, as they apply to that industrial subcategory. All Industrial Users must comply with all applicable National Pretreatment Standards and Requirements.

6.18.4 **State 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 elsewhere in this Section 6.

6.18.5 **Dilution Prohibited.** Except where permitted by Categorical Standards, no Industrial User may increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to attain compliance with the limitations contained in National Categorical Pretreatment Standards or any other specific discharge limitations contained in this Section 6. Metro Water Recovery may set or require a Connector or Contracting Municipality to set mass limitations or alternate concentration-based limitations for those Industrial Users which are using improper dilution to meet these limitations.

6.19 **RESERVED**

6.20 **NOTIFICATION/REPORTING OF POTENTIAL PROBLEM DISCHARGES**

6.20.1 **Accidental, Unusual, or Slug Discharges.** An accidental or unusual discharge is a discharge which differs significantly in quantity or quality from discharges under normal conditions and may disrupt Metro System treatment processes or operations, Pass Through Metro System into the receiving waters or the atmosphere, damage Metro System facilities, cause an NPDES/CDPS Permit violation at a Metro Water Recovery treatment plant, degrade sludge quality, or constitute a hazard to humans or to animals. A Slug Discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate Metro's *Rules and Regulations*, local limits, or permit conditions.

6.20.1a **Accidental Discharge Protection.** Each Industrial User shall provide protection from accidental or unusual discharges of prohibited materials or other substances regulated by these *Rules and Regulations*. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense.

6.20.1b **Notification Requirements.**

1. **Telephone Notification.** In the case of any accidental, unusual, or Slug Discharge, it is the responsibility of the Industrial User to immediately telephone and notify Metro Water Recovery of the incident. The notification shall include the caller's name and contact information, date and time of the call, date and start and end times of the discharge, location of discharge, type of waste, concentration and volume, and corrective actions taken.
2. **Written Notice.** Within five (5) days following an accidental, unusual, or Slug Discharge, the Industrial User shall, unless this requirement is waived by Metro Water Recovery, submit to Metro a detailed written report describing the cause 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these *Rules and Regulations* or other applicable law.

3. **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, unusual, or Slug Discharge. Employers shall ensure all employees who may cause or suffer such an accidental, unusual or slug discharge to occur are advised of the emergency notification procedure.
4. **Slug Notification.** Significant Industrial Users are required to notify Metro Water Recovery immediately of any changes at its facility affecting the potential for Slug Discharge.

6.20.2 **Slug Discharge Plan Requirements.** In accordance with 40 CFR §403.8(f)(2)(vi), Metro Water Recovery shall evaluate whether each Significant Industrial User needs a plan to control Slug Discharges. If a Slug Discharge plan is needed, it shall be submitted to Metro for review and approval as directed by Metro and shall contain, at a minimum, the following elements:

1. A description of discharge practices, including non-routine batch discharges.
2. A description of stored chemicals.
3. Procedures for immediately notifying Metro Water Recovery of Slug Discharges, including any discharge that would violate any prohibition or limitation under Sections 6.13, 6.14, or 6.18 of these *Rules and Regulations*, with procedures for follow-up written notification within five (5) days.
4. If necessary, procedures to prevent adverse impact from accidental spills, including 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.

6.20.3 **Discharge Violation/Repeat Sampling and Reporting**

If sampling performed by an Industrial User indicates a violation of these *Rules and Regulations* or any permit or any other pollutant limits established pursuant thereto, the Industrial User must notify Metro Water Recovery within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis for any Pollutants in violation and submit the results of the repeat analysis to Metro within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User may not be required if Metro performs sampling at the Industrial User's facility at least once a month, or if Metro performs sampling at the Industrial User's facility between the time the initial sampling was conducted and the time the Industrial User or Metro receives the results of this sampling, or if Metro performed the sampling and analysis which showed the violation(s) in lieu of the Industrial User.

Metro Water Recovery may also require additional sampling and analysis upon a finding of a discharge violation based on sampling performed by Metro, the Industrial User, or any other entity.

Unless waived by Metro Water Recovery, within five (5) working days of becoming aware of any violation from self-monitoring, Metro monitoring, or other agency monitoring events, the Industrial User shall submit to Metro a detailed written report describing the cause of the violation and the measures taken or 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these *Rules and Regulations* or other applicable laws or regulations.

6.20.4 **Notification/Reporting Of Changed Conditions**

Each Industrial User must notify Metro Water Recovery in advance of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its Wastewater, or any substantial change in the volume of flow or in the volume or character of Pollutants in its discharge. Metro may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition.

6.21 **HAZARDOUS WASTE DISCHARGE NOTIFICATION**

Industrial Users shall notify Metro Water Recovery, the EPA Regional Waste Management Division Director, and the state hazardous waste authorities in writing of any discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. Each Industrial User shall notify Metro in advance of any substantial change to such discharge. This notification requirement does not apply to Industrial Users subject to Categorical Pretreatment Standards already being reported under the reporting requirements contained in Section 6.23 of these *Rules and Regulations*. The specific information required to be reported and the time frames in which it is to be reported are found at 40 CFR §403.12(p). The Industrial User is responsible for ensuring compliance with the *Rules and Regulations Pertaining to Hazardous Waste* issued by the CDPHE (Volume 6 of the *Code of Colorado Regulations* 1007-3, Part 260, et seq.).

6.22 **WASTEWATER DISCHARGE PERMITS/GENERAL PERMITS/ZERO DISCHARGE PERMITS**

- 6.22.1 **Applicability.** All Significant Industrial Users and other Industrial Users as required by Metro Water Recovery, discharging to, proposing to discharge to, or with a potential to discharge to Metro or engaging in certain industrial processes shall obtain a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit. Such permit shall either be issued by Metro or co-issued by the Connector or Contracting Municipality providing sewage services and Metro.

Requirements pertaining to permits co-issued with Municipalities or issued solely by Metro Water Recovery are contained in Metro's *Rules and Regulations*. Permits co-issued with Municipalities may also contain requirements contained in the various municipal codes, ordinances, resolutions, and rules and regulations.

- 6.22.2 **Permit Application.** Industrial Users required to obtain a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit shall complete and file with Metro Water Recovery an application on the form prescribed by Metro, and accompanied by a fee, as determined, pursuant to Section 6.29 of these *Rules and Regulations*.

Applications are due:

For new dischargers, at least one hundred eighty (180) days prior to beginning discharge to Metro Water Recovery.

For existing dischargers who become subject to a newly promulgated Categorical Standard, at least one hundred-eighty (180) days prior to the effective date of such Standard.

For existing dischargers who, because of process changes or additions, will become subject to an existing Categorical Standard, at least ninety (90) days prior to beginning discharge from the categorical process.

For existing dischargers subject to Categorical Standards as of the effective date of these *Rules and Regulations*, who have not previously obtained a Wastewater Discharge Permit or General Permit, in a time frame specified per notice from Metro Water Recovery not later than thirty (30) days of the effective date of these *Rules and Regulations*.

For renewal of Wastewater Discharge Permits, General Permits, and Zero Discharge Permits, at least one hundred-eighty (180) days prior to the expiration date of the current permit.

For all other Industrial Users, in a time frame as specified per notice from Metro Water Recovery.

In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the information identified below.

1. Name, mailing address, and facility location.
2. SIC number(s) according to the Standard Industrial Classification (SIC) Manual, Office of Management and Budget, 1987, as amended or the 1997 North American Industrial Classification System (NAICS), as amended.
3. Time and duration of Wastewater discharges.
4. Average daily and thirty (30) minute peak Wastewater flow rates, including daily, monthly, and seasonal variations, if any.

5. Site plan, floor plans, mechanical and plumbing plans, and details to show all sewers, Sewer Connections, and appurtenances by the size, location, and elevation.
6. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.
7. Wastewater constituents and characteristics including, but not limited to, those limited by Sections 6.13 and 6.14 of these *Rules and Regulations*, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
8. A statement regarding whether or not the discharge standards and Pollutant limitations contained in Sections 6.13, 6.14 and 6.18 of these *Rules and Regulations*, including any applicable State or National Pretreatment Standards, are being met on a consistent basis and, if not, whether additional Operational Changes and/or installation of new or additional treatment is required for the Industrial User to meet the applicable standards.
9. If additional Pretreatment and/or Operational Changes will be required to meet the discharge standards and pollutant limitations, the shortest schedule by which the Industrial User will provide such additional treatment. For state or National Pretreatment Standards and Requirements, the completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. 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 discharge standards and Pollutant limitations (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction). In no case shall an increment of progress exceed nine (9) months.
10. Each product produced by type, amount, process or processes, and rate of production.
11. The type and amount of raw materials processed (average and maximum per day).
12. The number and type of employees, hours of operation of the plant, and proposed or actual hours of operation of the Pretreatment system.
13. Any other information deemed necessary by Metro Water Recovery to characterize and evaluate the potential and/or actual discharge from the facility and to support associated permitting decisions.

14. Information regarding each waste stream generated by the Industrial User that is regulated under one or more NESHAPs listed in the Code of Federal Regulations (C.F.R), Title 40 Parts 61 and 63 (40 CFR 61 and 40 CFR 63). For each identified waste stream, the waste stream composition, volume generated (per-day/month/year), specific method(s) of disposal and method(s) of compliance with the NESHAPs must be included. If the Industrial User does not generate any waste streams regulated under the above-referenced NESHAPs, the Industrial User must include the following statement:

Based upon my inquiry of the person or persons directly responsible for managing compliance for this facility, including the NESHAPs listed in 40 CFR 61 and 40 CFR 63, I certify that, as of (today's date), to the best of my knowledge and belief (facility name) does not generate any waste streams that are subject to one or more of the NESHAPs listed in 40 CFR 61 and 40 CFR 63.

15. Other conditions as deemed appropriate by Metro Water Recovery to ensure compliance with these *Rules and Regulations*.

6.22.3 **Permit Issuance.** Metro Water Recovery shall issue a Wastewater Discharge Permit or General Permit to the applicant if Metro finds all of the following conditions are met:

1. The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Sections 6.13, 6.14, and 6.18 of these *Rules and Regulations*;
2. The proposed discharge of the applicant would permit the normal and efficient operation of Metro System;
3. The proposed discharge of the applicant would not result in a violation by Metro Water Recovery of the terms and conditions of its NPDES/CDPS Permit; and
4. As a result of receiving the proposed discharge of the applicant, the POTW will not be used or considered as the means for the applicant to comply with the requirements of any NESHAPs listed 40 CFR 61 and 40 CFR 63 that are applicable to waste streams generated by the applicant. The proposed discharge of the applicant meets all compliance requirements of all applicable NESHAP(s) using treatment and controls at the applicant's facility, prior to discharge.
5. All SIUs that will be covered under a specific General Discharge Permit must also meet the following criteria pursuant to 40 CFR 403.8(f)(1)(iii)(A)(1):
 - a. Is not subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day.
 - b. Is not subject to limits that are based on the Combined Wastestream Formula or Net/Gross calculations.

- c. Involve the same or substantially similar types of operations.
- d. Discharge the same types of wastes.
- e. Require the same effluent limitations.
- f. Require the same or similar monitoring.
- g. In the opinion of Metro Water Recovery, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

If Metro Water Recovery finds the condition set out in Paragraph 1 of this subsection is not met, Metro may issue a Wastewater Discharge Permit or General Permit to the applicant if the conditions set out in Paragraphs 2-4 of this subsection are met and if the applicant submits, and Metro approves, a schedule setting out the measures to be taken by the applicant and the dates such measures will be implemented to ensure compliance with the provisions of these *Rules and Regulations*.

Metro Water Recovery may issue a Zero Discharge Permit that requires specific controls and/or process configurations to prevent the discharge from specified process operations, or of specified Pollutants, to the POTW.

- 6.22.4 **Permit Denial: Appeal and Hearing.** In the event an application for a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit is denied, Metro Water Recovery shall notify the applicant in writing of such denial. Such notification shall state the grounds for denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit.

An applicant denied a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit may request the Chief Executive Officer review the denial and issue a permit. If the Chief Executive Officer reaffirms the denial, the applicant may appeal this decision pursuant to the terms and conditions of Metro's appeal and hearing procedure as set forth in Section 10 of these *Rules and Regulations*.

- 6.22.5 **Permit Conditions.** Wastewater Discharge Permits, General Permits, or Zero Discharge Permits shall be expressly subject to all provisions of these *Rules and Regulations*. Wastewater Discharge Permits and General Permits must contain, but is not limited to, the following:

- 1. A statement of duration (in no case more than five [5] years).
- 2. A statement of non-transferability without, at a minimum, prior notification to Metro Water Recovery and provision of a copy of the existing permit to the new owner or operator.
- 3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards and Requirements, Categorical Pretreatment Standards, specific discharge limitations, as cited in these *Rules and Regulations*; site-specific discharge limitations; and other federal, state, and local law and regulations. Metro Water Recovery

reserves the right to establish in permits more stringent Standards or Requirements on discharges consistent with the purpose of these *Rules and Regulations*.

4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the Pollutants to be monitored (including the process for seeking a waiver for a Pollutant neither present nor expected to be present in the discharge in accordance with 403.12[e][2], or a specific waived Pollutant in the case of an individual control mechanism), sampling locations, sampling frequencies, and sample types. These requirements shall be based on applicable general Pretreatment Standards and Requirements at 40 CFR §403; categorical Pretreatment Standards; specific discharge limitations; state and local law and regulations; and Metro Water Recovery determinations as to the type, quantity, quality, and frequency of information needed to adequately determine compliance with conditions of the permit.
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards or Requirements, and any applicable compliance schedules. Such schedules may not extend compliance dates beyond federal deadlines.
6. Requirements to control Slug Discharges, if determined by Metro Water Recovery to be necessary.
7. Requirements for notification of Slug Discharges and any changes at the facility affecting the potential for Slug Discharges.

Wastewater Discharge Permits and General Permits may also contain the following:

1. A Schedule of Industrial User Charges and Fees pursuant to Section 6.29 of these *Rules and Regulations*.
2. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
3. Requirements for installation and maintenance of pretreatment equipment; pollution controls or containment devices to reduce, eliminate or prevent the discharge of Pollutants to Metro Water Recovery; and/or inspection and sampling facilities.
4. Requirements for notification to Metro Water Recovery of any new introduction of Wastewater constituents or any substantial change in operations or in the volume or character of the Wastewater constituents being introduced into Metro.
5. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.

6. Other conditions as deemed appropriate by Metro Water Recovery to ensure compliance with these *Rules and Regulations*.

Zero Discharge Permits may contain the following:

1. A statement of duration (not to exceed five [5] years).
2. Discharge prohibition requirements for specific controls and/or process configurations to prevent the discharge from specified process operations, or of specified Pollutants, to the POTW.
3. Reporting, notification, and record-keeping requirements.
4. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards or Requirements.
5. Requirements for notification of discharges of prohibited Wastewater or any accidental, unusual, or Slug Discharges.
6. Other conditions as deemed appropriate by Metro Water Recovery to ensure compliance with these *Rules and Regulations*.

6.22.6 **Permit Modifications**

1. The terms and conditions of a Wastewater Discharge Permit, General Permit, or Zero Discharge Permit may be modified by Metro Water Recovery during the term of the permit as limitations or Requirements identified in these *Rules and Regulations* are modified or other just cause exists. 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. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
2. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit, General Permit, or Zero Discharge Permit of Industrial Users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.

- 6.22.7 **Permit Duration; Reapplication.** Permits shall be issued for a specified time period, not to exceed five (5) years. The Industrial User shall apply for permit reissuance a minimum of one hundred-eighty (180) days prior to the expiration of the Industrial User's existing Permit.

6.23 **REPORTING REQUIREMENTS FOR SIGNIFICANT INDUSTRIAL USERS**

- 6.23.1 **Baseline Monitoring Report for Industrial Users subject to National Categorical Pretreatment Standards.** Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR §403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to Metro Water Recovery shall submit to Metro a report which contains the information required by 40 CFR §403.12(b)(1)–(7).

At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to Metro a report which contains the information required by 40 CFR §403.12(b)(1)–(7). New Sources shall also be required to include in this report information on the method of Pretreatment the source intends to use to meet applicable Pretreatment Standards and Requirements. New Sources shall give estimates of the anticipated flow and quantity of Pollutants to be discharged.

In cases where the Categorical Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the CIU must submit documentation required by Metro Water Recovery to determine compliance status of the Industrial User. New Sources can provide estimates of the information since discharge cannot commence until a permit is issued.

- 6.23.2 **Initial Compliance Report For Industrial Users Subject To National Categorical Pretreatment Standards.** Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the Municipal Sewer System, or as specified by Metro Water Recovery, any CIU shall submit to Metro a report which contains the information required in 40 CFR 403.12(d). In cases where the Categorical Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the CIU shall submit documentation required by Metro to determine the compliance status of the CIU.

Where applicable Categorical Pretreatment Standards contain limitations on the mass of Pollutants discharged per unit of production, the report shall also contain the Pollutant mass and production information necessary to determine compliance with such Categorical Pretreatment Standards. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the CIU into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an Authorized Representative of the CIU, and certified to by a qualified professional.

- 6.23.3 **Periodic Compliance Reports.**

1. Except in the case of Nonsignificant Categorical Users, any CIU, after the compliance date of such Categorical Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the Municipal Sewer System, shall submit to Metro Water Recovery during the months of July and January, unless required more frequently in the Categorical Pretreatment Standard or by Metro, a report covering the preceding six (6) months and indicating the nature and concentration of Pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes. In cases where the Categorical Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the CIU shall submit documentation required by Metro to determine the compliance status of the CIU.

Where applicable Categorical Pretreatment Standards contain limitations on the mass of Pollutants discharged per unit of production, the report shall also contain the Pollutant mass and production information necessary to determine compliance with such Categorical Pretreatment Standards. At the discretion of Metro Water Recovery and in consideration of such factors as local high or low flow rates, holidays, and budget cycles, Metro may agree to alter the months during which the above reports are to be submitted.

2. SIUs not subject to National Categorical Pretreatment Standards shall submit to Metro Water Recovery at least once every six (6) months (on dates specified by Metro), unless required more frequently by Metro, a description of the nature, Pollutant concentrations, flows, and, where requested, Pollutant masses, of the discharges required to be reported by Metro. In cases where a Local Limit requires compliance with a BMP or pollution prevention alternative, the SIU must submit the documentation required by Metro to determine the compliance status of the SIU.
3. All reports submitted pursuant to this Section shall be based on analyses performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

6.23.4 **Annual Certification by Nonsignificant Categorical Industrial Users**

A facility determined to be a Nonsignificant CIU pursuant to 40 CFR 403.3(v)(2) must annually submit the certification statement contained in 40 CFR 403.12.q, signed in accordance with the signatory requirements in 40 CFR 403.12(l). This certification must accompany any alternative report required by Metro Water Recovery.

6.23.5 **Annual Certification by Zero Discharge Facilities.** A facility issued a Zero Discharge Permit must annually submit a statement certifying the facility has or has not discharged any prohibited process Wastewater or Pollutants to the Municipal Sewer System. The statement must be signed in accordance with the signatory requirements in 40 CFR 403.12(l).

6.24 **MONITORING FACILITIES/REQUIREMENTS**

Metro Water Recovery may require to be installed and operated at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of any discharges as necessary to determine compliance with the provisions of these *Rules and Regulations*.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling representative of the discharge and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User. All devices shall be calibrated in accordance with manufacturers' specifications to ensure their accuracy, unless a waiver is obtained from, or an alternative method specified by, Metro Water Recovery.

The sampling and monitoring facilities shall be provided in accordance with Metro Water Recovery's requirements and all applicable local construction standards and specifications. Construction shall be completed within such a time frame as Metro shall specify by written notification.

Unless specifically stated otherwise, all samples must be preserved, handled, and analyzed according to 40 Part 136 of the *Code of Federal Regulations* (40 CFR 136), *Guidelines Establishing Test Procedures for the Analysis of Pollutants* under the Clean Water Act, and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the Pollutant(s) in question, or where the Administrator of the EPA determines the Part 136 sampling and analytical techniques are inappropriate for the Pollutant(s) in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures specified by Metro Water Recovery.

6.25 INFORMATION SUBMITTAL, INSPECTION AND SAMPLING, RECORD KEEPING REQUIREMENTS

Metro Water Recovery may require any Industrial User to submit information as necessary to determine compliance with the Requirements of these *Rules and Regulations*. All information required by these *Rules and Regulations*, or a permit or order issued hereunder, must be signed and certified for accuracy by an Authorized Representative of the Industrial User.

Metro Water Recovery shall have the right to enter and inspect the facilities of any Industrial User to ascertain compliance with the Requirements of these *Rules and Regulations* and any permit or order issued hereunder. Persons or occupants of premises where Wastewater is created or discharged shall allow Metro or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties.

Metro Water Recovery, CDPHE, and EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where an Industrial User has security measures in force which would require proper identification and clearance before entry into the Industrial User's premises, the Industrial User shall make necessary arrangements with security guards so that upon presentation of suitable identification, Staff from Metro, the CDPHE, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing Metro access to the Industrial User's premises shall be a violation of these *Rules and Regulations*.

All records relating to compliance with Pretreatment Standards and Requirements shall be maintained for at least three (3) years and made available to officials of Metro Water Recovery, the CDPHE, and EPA upon request. The period of retention may be extended by Metro during the course of any unresolved enforcement proceedings or at the request of Metro.

6.26 WASTEWATER TREATMENT

Industrial Users shall provide Wastewater treatment as required to comply with the requirements of these *Rules and Regulations* and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat Wastewater to a level acceptable to Metro Water Recovery shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Metro for review and shall be acceptable to Metro before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of

modifying such facilities as necessary to produce a discharge acceptable to Metro under the provisions of these *Rules and Regulations*.

6.27 **CONFIDENTIAL INFORMATION**

Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without restriction unless the Industrial User specifically designates and is able to demonstrate to the satisfaction of Metro Water Recovery that the release of such information would divulge sales or marketing data, processes, or methods of production entitled to protection as "Confidential Business Information" of the Industrial User. Wastewater constituents and characteristics will not be recognized as confidential information. It shall be the Industrial User's obligation to stamp each page, which has been demonstrated to Metro's satisfaction to contain trade secrets, with the words "Confidential Business Information," "Confidential Information," or "Confidential." A failure by the Industrial User to designate and identify any document in this manner may result in the document losing its protection from disclosure as confidential business information.

Except as required by law, Confidential Business Information shall not be made available for inspection by the public. Such information shall be made available upon request to governmental entities or agencies for uses related to these *Rules and Regulations*, Metro Water Recovery's NPDES/CDPS Permit and/or the Pretreatment Program in accordance with 40 CFR Part 2. Confidential Business Information shall not be transmitted to any governmental agency or entity for other uses by Metro except upon written request and after a ten (10) day notification and right to object is given to the Industrial User. Such notification shall not be required in certain circumstances provided for in 40 CFR Part 2. If after a request for public inspection, a person or entity challenges the determination of any record to protection as Confidential Business Information, the Industrial User shall cooperate, to the fullest extent possible and at the Industrial User's own expense, with Metro in the defense of the determination. At the request of Metro the Industrial User shall, at the Industrial User's expense, provide a defense to such challenge.

6.28 **REMEDIES FOR NONCOMPLIANCE; ENFORCEMENT**

- 6.28.1 **Notice Of Violation.** Whenever Metro Water Recovery determines any Industrial User has violated or is violating any provision of these *Rules and Regulations* or a permit or any directives or orders issued hereunder, Metro may serve upon such Industrial User a verbal or written notice stating the nature of the violation(s). Where directed to do so by the notice, a plan for the satisfactory correction of the violation(s) shall be submitted to Metro by the Industrial User, within a time frame as specified in the notice.
- 6.28.2 **Administrative Orders.** Whenever Metro Water Recovery determines any Industrial User has violated or is violating any provision of these *Rules and Regulations*, or any directives, orders, or permits issued hereunder, Metro may serve upon such Industrial User a written order stating the nature of the violations(s), and requiring that the Industrial User correct the violation(s) within a specified period of time; perform such tasks as Metro determines are necessary for the Industrial User to correct the violations; or perform such tasks and submit such information as is necessary for Metro to evaluate the extent of noncompliance or to determine appropriate enforcement actions to be taken.
- 6.28.3 **Compliance Orders; Compliance Schedules.** Whenever Metro Water Recovery determines any Industrial User has violated or is violating any

provision of these *Rules and Regulations*, or any directives, orders or permits issued hereunder, Metro may serve upon the Industrial User a written order requiring that the Industrial User submit, within a time frame as specified in the notification, a plan (compliance schedule) for the satisfactory correction of such violation(s).

The compliance schedule must represent the shortest schedule by which the Industrial User will provide additional treatment or perform such other tasks as will enable the Industrial User to consistently comply with applicable requirements. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to compliance (e.g., hiring an engineer, completing preliminary plans for pretreatment systems, completing final plans, executing contracts for major components, commencing construction, completing construction). In no case shall an increment of progress exceed nine (9) months.

Upon approval by Metro Water Recovery, the compliance schedule will be issued to the Industrial User as an administrative order which contains the approved schedule milestones and any applicable reporting requirements. Issuance of a compliance schedule by Metro does not release the Industrial User of liability for any violations.

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 Metro Water Recovery including, at a minimum, information on whether or not the Industrial User 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(s) for delay, and the steps being taken by the Industrial User to return to the schedule established.

- 6.28.4 **Consent Orders.** Metro Water Recovery may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Industrial User responsible for non-compliance. Such documents will include specific action to be taken by the Industrial User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 6.28.2 of these *Rules and Regulations* and shall be judicially enforceable. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.
- 6.28.5 **Show Cause Hearings.** Metro Water Recovery may order an Industrial User which has violated or is violating any provision of these *Rules and Regulations*, or any directives, orders, or permits issued hereunder, or any other pretreatment standard or requirement, to appear before Metro and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why the proposed enforcement action should not be taken. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.
- 6.28.6 **Suspension of Service.** Metro Water Recovery may suspend the Wastewater treatment service and/or a permit when such suspension is necessary, in the opinion of Metro, 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 Metro to violate any condition of its NPDES/CDPS Permit. Service may also be suspended in accordance with Metro's Pretreatment Enforcement Management System. If necessary, Metro may seek injunctive relief against the violating Connector or Contracting Municipality and any Industrial User contributing significantly to the emergency condition.

Any Industrial User notified of a suspension of the Wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial User to comply voluntarily with the suspension order, Metro Water Recovery shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to Metro System or endangerment to any individuals or the environment. Metro shall reinstate the 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 measures taken to prevent any future occurrence shall be submitted to Metro within fifteen (15) days of the date of occurrence.

6.28.7 **Permit Revocation.** Any Industrial User who has violated or is violating any provision of these *Rules and Regulations*, or any orders or permits issued hereunder, is subject to having its permit revoked. Grounds for permit revocation include, but are not limited to:

1. Failure of an Industrial User to factually report the Wastewater constituents and characteristics of its discharge.
2. Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics.
3. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring.
4. Violation of conditions of the permit.

6.28.8 **Penalties.** Any Industrial User found to have violated any provision of these *Rules and Regulations*, or any written requirements, orders, or permits issued hereunder, shall be subject to a penalty not to exceed, except as noted below, five thousand dollars (\$5,000) for such violation. Penalty amounts shall be determined in accordance with procedures and/or policies developed to support implementation of Metro Water Recovery's Pretreatment Enforcement Management System, as may be amended from time to time, up to the maximum amount allowed by this regulation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In the case of violations of monthly or other long-term average discharge limitations, penalties may be assessed for each day in the period covered by the violations.

In addition to the penalties provided herein, Metro Water Recovery may recover reasonable attorney's fees, court costs, expert fees, court reporter's fees, and other expenses of litigation against the Industrial User found to have

violated these *Rules and Regulations*, or any written requirements, orders, or permits issued hereunder. Such penalties shall be in addition to any actual damages Metro may incur because of such violations. In addition, any Industrial User discharging toxic Pollutants which cause an increase in the cost of managing the influent, effluent, biosolids, or solid wastes of Metro's treatment facility, shall pay for such increased costs.

Where a violation is found to have caused Interference or Pass Through, the maximum penalty of \$5,000 per violation as described above may be increased as necessary to allow Metro Water Recovery to recover any fines or penalties paid by Metro for NPDES/CDPS Permit violations due to the Interference or Pass Through.

6.28.9 **Legal Action.** If any person discharges Sewage, industrial wastes or other wastes into Metro System contrary to the provisions of these *Rules and Regulations*, or any orders or permits issued hereunder, or any other Pretreatment Standard or Requirement, Metro Water Recovery's attorney may commence an action for appropriate legal and/or equitable relief in Metro Court. When Metro finds an Industrial User has violated, or continues to violate, any provision of these *Rules and Regulations*, or any written requirements, orders or permits issued hereunder, or any other Pretreatment Standard or Requirement, Metro may petition the Court for the issuance of a temporary restraining order or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by these *Rules and Regulations* on the activities of the Industrial User. Metro 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.

6.28.10 **Federal Penalties for Falsification of Reports.** Sections 309(c)(4) and 309(c)(6) of the Clean Water Act, as amended, published at Title 33 of the *United States Code*, Section 1251, et seq. [33 U.S.C. §1251]), at 33 U.S.C. §1319, and 18 U.S.C. §1001, provide that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Section 6, including monitoring reports or reports of compliance or noncompliance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Section 6 shall, upon conviction, be punished by a monetary fine, or by imprisonment for not more than two years, or by both, for the first such conviction. Subsequent convictions under this Section shall be punished by monetary fines, or by imprisonment of not more than four (4) years, or by both. Maximum civil monetary fine amounts that may be assessed, upon conviction, for falsification of reports are prescribed in the most current Civil Monetary Penalty Adjustment Rule, 40 C.F.R., Part 19 as amended.

- 6.28.11 **Appeal and Hearing Procedure.** Any Industrial User who is aggrieved by any enforcement action taken by Metro Water Recovery pursuant to this Section 6.28 may within thirty (30) days of the receipt of notice of the determination, order, or finding being appealed request in writing via mail or electronic mail, receipt confirmed, that the Chief Executive Officer review the enforcement action. The request (Letter of Appeal) shall state all points of disagreement and objection to the determination, order, or finding. If the Chief Executive Officer reaffirms the action, the Industrial User may appeal this decision following the provisions of Article 10, of these *Rules and Regulations*. It shall not be a defense for a permittee in an enforcement action to claim it would have been necessary to halt or reduce the regulated activity to maintain compliance with the conditions of these *Rules and Regulations*, a permit or directive, order issued hereunder, or any other Pretreatment Standard or Requirement.

6.29 CHARGES AND FEES

Charges and fees to be assessed against Industrial Users will be determined by the Chief Executive Officer and, where instituted, will be set at a level to allow Metro Water Recovery to recover its costs for administering elements of the Pretreatment Program. Program elements for which charges and fees may be assessed include, but are not limited to, permit applications; monitoring, inspection, and surveillance activities; and general program administration.

6.30 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

6.30.1 Upset

- A. For the purposes of this Section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C) below are met.
- C. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The Industrial User has submitted the following information to Metro Water Recovery within twenty-four (24) hours of becoming aware of the Upset [if this information is provided orally, a written submission must be provided within five (5) days]:

- (a) A description of the discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected at the time of the submission, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. Industrial Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Pretreatment Standards or Requirements.
- F. An Industrial User shall control production of all discharges to the extent necessary to maintain compliance with National Pretreatment Standards and Requirements, including Categorical Pretreatment Standards, upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

6.30.2 **Bypass**

- A. For the purposes of this Section,
 - (1) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. An Industrial User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. **Bypass Notifications**
 - (1) If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to Metro Water Recovery at least ten (10) days before the date of the Bypass, if possible.
 - (2) An Industrial User shall submit oral notice to Metro Water Recovery of an unanticipated Bypass that results in an exceedance of applicable Pretreatment Standards or Requirements within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the 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, or, if the Bypass has not been corrected at the time of the submission, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. Metro may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Prohibition of Bypass

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

03/94 04/96 04/99 01/01 03/01 04/03 06/06 01/08 09/09 09/10 10/13 06/14 07/18

SECTION 7

SEWER CONNECTION CHARGE SYSTEM

7.1 GENERAL

Metro Water Recovery has established a Sewer Connection Charge system for the purpose of distributing a portion of the capital costs of new facilities to those requiring the new facilities. Except as provided in Section 7.10, for each new or altered Sewer Connection served directly or indirectly by the Metro System, a Sewer Connection Charge shall be paid to Metro. The amount due shall be based upon the number of Single Family Residential Equivalents (SFRE) attributable to each connection and the Sewer Connection Charge at the rate set forth in Schedule C of the Service Contract. From time to time, this charge may be adjusted by the Board of Directors. Each Connecting Municipality and Special Connector has the obligation to pay the Sewer Connection Charge to Metro. This obligation includes any Associated Municipality or Contracting Municipality receiving service through such Connecting Municipality or Special Connector of Metro. Each Connecting Municipality and Special Connector is required to report and pay the Sewer Connection Charges due Metro pursuant to these *Rules and Regulations*. The method of collecting funds for payment of Sewer Connection Charges is at their discretion.

7.2 GEOGRAPHICAL AREA OF APPLICATION AND RESPONSIBILITY

- 7.2.1 **Area of Application.** The Sewer Connection Charge is applicable for all new or altered sewer connections in the entire service area from which Wastewater Flow enters the Metro Water Recovery System. Each Connecting Municipality and Special Connector is responsible for meeting the obligations of the Sewer Connection Charge System for all sewer connections within its service area and those areas it serves by contract. A map of each Servicing Municipality's geographical service area and political boundaries showing street numbers and names at boundaries shall be furnished to Metro. Maps shall be of legible standard size and to a scale of not less than 1 inch equals one-half mile. All changes to the service area shall be reported to Metro and new maps furnished annually if changes are made. The map showing any changes must be submitted within sixty (60) days after the end of the calendar year.
- 7.2.2 **Overlap Area.** When the service area boundaries of a Servicing Municipality extend into the political boundaries of another Municipality, the area shall be known as an overlap area. Overlap areas shall be the responsibility of the Servicing Municipality. Where there are disputes concerning such responsibility, the CEO or designated representative shall assign responsibility and transmit this assignment in writing to the affected Municipalities involved.

- 7.2.3 **Service Area Extensions.** After January 1, 1983, if a Connecting Municipality or Special Connector extends service to an area with an existing sewer system or to an area with existing structures, each individual existing connection is considered a new Sewer Connection. The Sewer Connection Charge is applicable to each new sewer connection in the service area extension, with the exception that for any connection which was served directly or indirectly by Metro Water Recovery on January 1, 1983, there shall be no charge.
- 7.2.4 **Service Area Codes.** All applications for new or altered connections required pursuant to these *Rules and Regulations* shall include a preassigned service area code for control and location purposes to identify the associated drainage basin, Connecting Municipality or Special Connector, and Associated Municipality or Contracting Municipality. A listing of service area codes may be obtained from Metro Water Recovery.

7.3 APPLICATION FOR CONNECTION TO SEWER

- 7.3.1 **Standard Forms.** The Connecting Municipality or Special Connector is responsible for providing all relevant information regarding connections within its service area and the service area of any Associated Municipality and Contracting Municipality served by it to Metro Water Recovery. Copies of suggested report forms may be obtained from Metro.
- 7.3.2 **Disposition of Application.** The Connecting Municipality or Special Connector shall receive and retain all completed forms and file such forms in a systematic order for review by Metro Water Recovery.

7.4 SINGLE FAMILY RESIDENTIAL PROPERTY

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

Residential Unit means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and nontransient basis. Notwithstanding the above, a room or group of rooms shall not be considered a Residential Unit if it contains Wastewater-generating fixtures other than or in addition to those used or intended to be used in normal residential activities. For example, a group of rooms that includes a residence and a doctor's office, or a residence and a restaurant, in which separate fixtures serve the nonresidential uses, will be considered "other than single family residential property."

7.5 OTHER THAN SINGLE FAMILY RESIDENTIAL PROPERTY

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

The following table determines the SFREs for other than single family residential property for each Water Service Tap size:

<u>Water Service Tap Size, Inches</u>	<u>Number of SFREs</u>
3/4	2.0
1	4.8
1-1/2	11
2	20
3	43
4	86
6 or larger	See Below

New connections served by multiple new Water Service Taps with a combined number of SFREs greater than or equal to 218 shall have the number of SFREs determined as for connections with Water Service Taps 6 inches or larger.

For Water Service Taps 6 inches or larger, waste discharge not typically domestic in character, and waste discharge with expected strength exceeding domestic strength, the number of SFREs for calculating the Sewer Connection Charge shall be determined from the formula below.

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

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

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

AND

Where: F = Fraction of Metro Water Recovery's capital investment used to treat flow
B = Fraction of Metro's capital investment used to treat BOD
S = Fraction of Metro's capital investment used to treat SS
T = Fraction of Metro's capital investment used to treat TKN

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

Tap Size	Flow	BOD	SS	TKN
6 inches	32,264	68.62	69.96	10.76
8 inches	48,396	102.92	104.94	16.14
10 inches	76,516	162.73	165.92	25.53

Metro Water Recovery shall make the final determination of the estimated Flow, BOD, SS, and TKN used to determine the number of SFREs for each new connection which is subject to the above formula.

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

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

7.5.3 **Multiple Water and/or Sewer Taps.** When a building, structure, or premise is served by more than one Water Service Tap, the SFRE shall be the sum of equivalents of each Tap. Where a building, premise, or structure has more than one physical Sewer Connection, the Sewer Connection Charge shall be determined by the Water Service Tap size serving the premise.

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

- 7.5.5 **Water Supplied by a Water Distribution System Behind a Water Tap to a Municipal System.** This Section applies to any new or altered, direct or indirect, sewer connection with a separate water distribution system serving a multi-building development with one or more taps to the Municipal Water System. If a Sewer Connection Charge has been paid to Metro Water Recovery based on the size of the Water Service Tap(s) to the Municipal Water System, no additional Sewer Connection Charge will be due unless the size of a Water Service Tap is increased or new Water Service Taps are needed. If a Sewer Connection Charge was not paid to Metro based on the Water Service Tap(s), then each building shall be evaluated individually. A new or altered, direct or indirect, connection will result in a Sewer Connection Charge being due. The SFRE assignment will be based upon the size of the new or altered water service line serving the building or structure.
- 7.5.6 **Exemptions.** Water Service Taps installed solely for fire protection purposes (i.e., fire hydrant branches, fire sprinkler systems, standpipes), irrigation purposes, redundant systems for public safety, or other purposes which do not discharge to the Municipal Sewer System or the Metro Water Recovery System are excluded from the assignment of SFREs and payment of a Sewer Connection Charge. Plans and specifications for all redundant systems must be approved by Metro prior to installation and any change whereby both systems can operate simultaneously will void the exemption. This exemption shall only apply to these excluded functions. Any use of any water through an exempted tap which will result in discharges to a sewer will void the exemption and shall require payment of a Sewer Connection Charge for the tap at the then-current charge. The CEO reserves the right to judge whether a Water Service Tap qualifies for this exemption, based upon such documentation as may be provided in requesting such exemption. The form requesting exemption or reduction shall be filled out by each applicant. Copies of the required form may be obtained from Metro.
- 7.5.7 **Reduction in Assignment of SFRE.** An applicant for a Sewer Connection requesting a reduction in the assignment of the SFRE for water which will be used for an exempt use as defined in Section 7.5.6 and which cannot be discharged to a sewer shall request such reduction from its Servicing Municipality by completing the appropriate form. Copies of the required form and all supporting materials documenting the volume of water which will be used for an exempt purpose and cannot be discharged to a sewer, as well as the volume of water which can be used by all fixtures installed which will discharge to the sanitary sewer, will be submitted to the Connecting Municipality or Special Connector for its consideration based on the following:
1. If the Servicing Municipality is a connector to a Connecting Municipality or Special Connector of Metro Water Recovery, said Connecting Municipality or Special Connector shall approve or disapprove the request for a reduction.

2. The Connecting Municipality or Special Connector shall submit to Metro Water Recovery all approved applications, supporting data provided therewith, and reports of actions taken concerning the application for reduction.
3. The CEO or designated representative shall review all requests for reductions and shall promptly approve or modify the actions taken by the Connecting Municipality or Special Connector.
4. Within thirty (30) days of the receipt of the notice of the CEO's decision, a dissenting Connecting Municipality or Special Connector may request a hearing in writing. Any such hearing shall be held within thirty (30) days from the date of such request. Such hearing shall be held under the Appeal Procedure as set forth in Section 10 herein, as it may from time to time be amended.
5. Under no circumstances will a reduction of more than one tap size be authorized. Partial Tap size reductions shall not be granted.
6. An increase in the amount of discharge through a connection for which a reduction in the assignment of SFRE was approved, such that the reduction would not have been approved with the increased discharge, will render the approval null and void, and a Sewer Connection Charge at the then-current SFRE charge will be due to Metro Water Recovery. Credit will be given for all previously charged SFREs.

7.6 ALTERED CONNECTION

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

Where redevelopment of a tract of land involves a multi-building development served by a separate water distribution system with one or more Water Service Tap(s) to a Municipal Water System, calculation of the previously existing SFREs will depend upon whether a Sewer Connection Charge was paid to Metro Water Recovery. If a Sewer Connection Charge was paid to Metro based on the SFRE assignment for the Water Service Tap(s) to the municipal water line, a credit will be given based upon the current

SFRE assignment for a Water Service Tap(s) of that size. If a Sewer Connection Charge was not paid to Metro based on the size of the Water Service Tap(s) to the Municipal Water System, credits will be given for the SFREs of individual buildings or structures based upon the water service lines serving the buildings or structures being redeveloped.

If a Sewer Connection Charge was paid to Metro Water Recovery for an SFRE assignment based on Wastewater Loadings as well as Flow, credit for the previously existing SFREs will be given based upon the current SFRE assignment for a Water Service Tap(s) of that size. The values for Flow, BOD, SS, and TKN used in the original determination of SFREs, and Metro's current Capital Investment fractions, will be used to calculate the SFRE credit in accordance with Section 7.5.1.

If a Sewer Connection Charge was paid to Metro Water Recovery for an SFRE assignment based only on Water Service Tap size without regard to wastewater Loadings, the credit will be limited to the number of SFREs determined similarly.

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

7.7 REPORTING AND PAYMENT

- 7.7.1 **Sewer Connection Permits.** The amount of payment and the obligation for payment of Sewer Connection Charges to Metro Water Recovery shall be based on the date of the issuance of a Sewer Connection Permit by a Connecting Municipality or Special Connector.
- 7.7.2 **Quarterly Reports.** Each Connecting Municipality or Special Connector shall submit a written report to Metro Water Recovery listing all Sewer Connecting Permits which were issued for New and Altered Connections in its service area during the preceding quarter. Reporting forms required by Metro shall be used and shall include all relevant information requested. Quarterly reports shall be submitted within fifteen (15) days from the last day of each quarter by each Connecting Municipality or Special Connector, including a listing of or attachment of reports from all Associated Municipalities or Contracting Municipalities, even if there were no New or Altered Sewer Connections during the quarter.

7.7.3 **Quarterly Payment.** Accompanying the quarterly report, the Connecting Municipality or Special Connector shall submit payment to Metro Water Recovery for all Sewer Connection Permits issued for New and Altered Sewer Connections during the preceding quarter. The payment will reflect the total number of SFREs reported during the quarter multiplied by the Sewer Connection Charge for that quarter. The payment shall also reflect any credits for canceled New or Altered Sewer Connections (Section 7.7.5) and any adjustments previously authorized by the CEO. Where payments are not made on time as required herein, interest in the amount set forth in Section 610 of the Service Contract shall be charged by Metro and paid by the Connecting Municipality or Special Connector.

7.7.4 **Expiration of Authorization to Connect.** The use of the Sewer Connection Permit date as the date of obligating the Sewer Connection Charge is based on the timely construction and physical connection of the project. If construction is not initiated within one year of the date the Municipality issued the Sewer Connection Permit, the Sewer Connection Charge due to Metro Water Recovery shall be revised. The revised amount due shall be that amount which would be due on the day a replacement permit is issued or, if no replacement permit is issued, on the date construction is initiated. Credit shall be allowed for amounts previously paid.

Connecting Municipalities and Special Connectors may administer this one-year limitation by terminating and reissuing Sewer Connection Permits or by certifying the date that construction was initiated. Where multiple structures are authorized under a single Sewer Connection Permit, initiation of construction shall be determined for each separate structure for the purposes of this Section. Termination and reissue of permits shall not be used to avoid an increase in the Sewer Connection Charge rates.

7.7.5 **Credit or Refund for Canceled Sewer Connection Permits.** When a Sewer Connection Permit is canceled by the Connector because a Sewer Connection is no longer desired by the permittee or because the time limit for use of the permit has expired, a credit for the Sewer Connection Charges paid to Metro Water Recovery will be allowed on the next quarterly report submitted by the Connector. No credit shall be allowed for a canceled permit more than five (5) years after the date of issuance of the permit. Metro will not pay interest on credits. Under special circumstances at the CEO's discretion, a cash refund may be authorized without interest. Such a credit or refund may only be authorized when a New or Altered physical connection has not been made and will not be made as determined by the Connector. When a credit or refund has been requested and granted, any and all rights related to the canceled permit are terminated.

7.7.6 Record-Keeping. Each Connecting Municipality and Special Connector shall establish and maintain a system to:

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

This documentation shall be maintained by the Connecting Municipality or Special Connector, but reports to Metro Water Recovery are not required unless specifically requested by Metro.

7.7.7 Permit and Sewer Connection Charges Revisions. If the scope of a project changes after the original sewer connection permit is issued, the Municipality shall revise the permit. Based on the revised permit, the Connecting Municipality or Special Connector shall adjust the Sewer Connection Charges due to Metro Water Recovery on the next quarterly report. Where there is a decrease in the total number of SFREs, the credit shall be calculated based on the original rate paid. Where there is an increase in the total number of SFREs, the amount due shall be calculated by multiplying the rate per SFRE in effect on the date of the permit revision by the increased number of SFRE units. Discrepancies between the permit and the number of SFREs actually connected, as determined under the procedures of Subsection 7.7.6., shall be revised in accordance with this subsection; the Date of Connection shall be considered the date of permit revision.

7.8 RIGHT TO AUDIT

Metro Water Recovery shall have the right to audit the records of each Connecting Municipality or Special Connector to verify the accuracy of all Sewer Connection Charges reported to Metro. In regard thereto:

1. Each Connecting Municipality or Special Connector shall maintain at its principal place of business all records and application forms pursuant to these *Rules and Regulations* to allow Metro to verify the accuracy of all Sewer Connection Charges reported and submitted to Metro.
2. Metro will give a ten (10) working day written notice of its intent to audit such records.
3. If in the opinion of Metro the records are not sufficient to allow audit without extensive correction, the Municipality may be permitted to update the records. If the Municipality does not update the records within thirty (30) days of the notice from Metro that the records are not in proper order, Metro shall employ an accountant to reconstruct and update such records, the cost of which shall be charged to the Connecting Municipality or Special Connector involved.

4. Upon completion of Metro's audit, a copy of the audit findings and recommendations shall be furnished to the Connecting Municipality or Special Connector.
5. If within sixty (60) days of the receipt of the audit the Connecting Municipality or Special Connector and Metro cannot agree upon the Sewer Connection Charges to be paid, Metro will bring action to collect the amount due under Section 610 of the Service Contract.

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

7.9.1 CEO's Approval/Disapproval. If, in the opinion of the CEO, the number of SFREs reported and Sewer Connection Charges paid on a quarterly report is not accurate for any reason, the CEO may disapprove same and the Connector shall be notified of such action in writing. Where the CEO disapproves an SFRE assignment or Sewer Connection Charge payment, the corrected amount and the reasons for the action of the CEO shall be included in the written notification. Where the CEO determines the corrected amount would result in additional payment to Metro Water Recovery, the corrected amount shall be added to the next quarter's payment. In addition, interest in the amount set forth in Section 610 of the Service Contract shall be due from the date the payment should have been made, but the interest charged is limited to a maximum of twelve (12) months. Notwithstanding the above, should a Connector fail to pay an amount owing for a previous quarter with the next following quarter's payment, the payment shall be considered delinquent and interest shall be due from the time the payment should have been made without time limitation on interest charged. Where the CEO determines the corrected amount would result in a refund or credit to the Connector, the Connector may request either a cash refund to be paid as soon as practicable or credits to be applied to the next quarter's (or quarters') payment(s). No interest shall be due in such cases, except where Metro was the sole cause of such inaccurate payment. Metro shall invoke the provisions of Section 610 of the Service Contract to bring an action to collect the amount due.

7.9.2 Appeal of Disapproval Notice. If a Connector disagrees with a disapproval notice of the CEO, that Connector may file a letter of appeal to the CEO. The letter of appeal must be sent to Metro Water Recovery within thirty (30) days after receipt of the CEO's disapproval notice. The letter of appeal must state all points of disagreement by the Connector. An appeal will be heard as determined by Metro's Appeal Procedures as outlined in Section 10 herein. Pending hearing of the appeal, the Connector shall owe and shall pay Sewer Connection Charges based on the CEO's original determination. The action in approving or disapproving the CEO's determination shall be considered the final action of Metro. Should the hearing result in a total amount differing from the CEO's determination, the adjustment of charges shall be made on the next quarterly payment report.

7.10 CAPITAL RECOVERY CHARGE IN LIEU OF SEWER CONNECTION CHARGE

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

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

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

Revisions	1986	03/94	04/96	10/98	10/99	01/01	04/03	03/06	06/14	07/18
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SECTION 8

SPECIAL CONNECTOR SERVICE AREA

8.1 GENERAL

Under Section 303 of the Special Connectors Agreement, a Special Connector may only provide Wastewater service outside its corporate limits or enlarge the geographic area of its Wastewater service with the prior approval of Metro Water Recovery. This Section describes the procedures for requesting approval of an expanded Wastewater service area. The service area for each Special Connector shall include the area within its corporate boundaries as of January 1, 1984, and shall also include specific areas outside its boundaries which were served as of January 1, 1984, unless a larger area is specifically approved by Metro.

8.2 REQUEST FOR APPROVAL

8.2.1 **REQUEST.** When a Special Connector wishes to provide Wastewater service to any area outside the service area previously approved by Metro Water Recovery, the Special Connector shall submit a request in writing to the CEO. The request shall include, at least, the following:

1. A map of the area showing the boundaries of the enlarged area and showing the existing and proposed major sewers which will serve the area. The map shall show which existing connection point(s) will serve the additional area and if a new connection point(s) will be required.
2. Information on the projected land use, zoning, residential densities, and commercial/industrial nature of the area.
3. The estimated average and peak quantity of Flow expressed in MGD. This data shall be in the form of a Flow versus time curve projected to the ultimate development of the area or any other form determined by Metro to adequately reflect the ultimate development of the area.
4. The estimated quality of Flow expressed in BOD,SS, and TKN, plus any additional pertinent information regarding the quality of flow expected, particularly from industrial sources.

The Special Connector shall supply other information concerning the proposed additional service area when Metro Water Recovery determines the information is necessary to make a proper decision. It is necessary that requests be submitted and approved prior to proceeding with construction of facilities to serve the area.

8.2.2 **Approval Procedures.** When the additional service area requested by the Special Connector is within Metro Water Recovery 's Expected Service Area and the projected ultimate flow from the area is less than or equal to ten (10) MGY, the CEO may act on the request. The CEO shall provide an annual report to the Board of Directors summarizing any actions on service area requests from Special Connectors. Where the future projected

ultimate Flow from the additional service area is greater than ten (10) MGY and/or the requested service area addition lies partially or completely outside Metro's Expected Service Area, the Board of Directors must act on the request. Special Connectors are advised that a minimum of twenty (20) days is required for consideration of the request by the CEO and a minimum of sixty (60) days is required for consideration of the request by the Board.

8.3 MAPPING

8.3.1 **Standards.** Maps furnished to Metro Water Recovery under Sections 303 and 801 of the Special Connectors Agreement shall conform to standards established by Metro.

8.3.2 **Updating.** Updated maps of the boundaries and service area of each Special Connector as required under Section 801 of the Special Connectors Agreement shall be furnished annually to Metro Water Recovery between January 1 and March 31. The updated maps shall include all changes in service area previously approved by Metro.

Revisions	01/93	03/06	07/18
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SECTION 9

EMERGENCY SERVICES

9.1 GENERAL

In compliance with the Colorado Disaster Emergency Act, C.R.S. 24-33.5-701 et. seq., Metro Water Recovery may render emergency wastewater services to areas not presently served by the facilities of Metro when Metro has the capacity and capability to do so.

9.2 PROCEDURES

9.2.1 **Direct Emergency Service.** An entity (Requesting Entity) desiring direct emergency service from Metro Water Recovery through a connection to the Metro System shall submit the request to the CEO.

9.2.2 **Indirect Emergency Service.** An entity desiring emergency service from Metro Water Recovery where the wastewater flow enters the Metro System after passing through the Municipal Sewer System of a Direct Connector shall submit its request for emergency service to that Direct Connector. The Direct Connector, if it agrees to provide emergency services through its facilities, shall submit a request for emergency services to the CEO. In all cases of indirect emergency service, the requesting Direct Connector shall assume the responsibilities to Metro of acting for the entity receiving the emergency service and shall be the Requesting Entity for the purposes of this Section.

9.2.3 **Metro Water Recovery Authorization.** The Requesting Entity shall provide all information necessary for Metro to determine the existence of an emergency. If the request is verbal, the Requesting Entity shall provide written documentation within 24 hours. The CEO or his/her designee will contact the Chairman of the Board or his/her designee, who will, based on the information presented, determine (1) whether an emergency condition exists; (2) whether Metro has capacity and capability to alleviate the emergency; and (3) whether Metro chooses to provide such service. If the Chairman is not available the determination will be made by the CEO or his/her designee. After such determination, the CEO or his/her designee shall notify the Requesting Entity of the decision. If the decision is to authorize the emergency service, the CEO or his/her designee, in coordination with the entities involved, shall make those physical arrangements necessary for service to be provided by Metro. No physical arrangement for emergency service shall be constructed or activated by any entity without the permission of Metro.

In compliance with CRS 24-33.5-709, any emergency service extending beyond seven (7) days must have approval of the Board of Directors.

- 9.2.4 **Form of Authorization and Written Notification.** In rendering emergency Wastewater service under this Section 9, there will not be a Sewer Connection Charge.

Upon authorization of the emergency service, the CEO or his/her designee shall notify in writing the Requesting Entity of the requirements of the *Rules and Regulations* and of any specific conditions or limitations on the approval. The Requesting Entity shall agree in writing to abide by all provisions of the *Rules and Regulations* and to abide by any specific conditions or limitations required by Metro Water Recovery. If Metro determines the request should be denied, the CEO shall notify the Requesting Entity in writing.

- 9.2.5 **Termination of Service.** Metro Water Recovery, at its discretion, reserves the right, with or without notice, to terminate its authorization for emergency service.

- 9.2.6 **Report on Emergency.** Within 24 hours after emergency service is initiated, the Requesting Entity shall provide a written report to Metro Water Recovery describing the current status of the emergency, efforts to alleviate the emergency, and the projected schedule to correct the situation.

- 9.2.7 **Termination of Emergency and Severance of Service.** The Requesting Entity shall notify Metro Water Recovery as soon as the emergency conditions are over. The Requesting Entity and Metro shall act to immediately terminate service and act to return the physical system to a configuration whereby Flow can no longer directly or indirectly (through a Direct Connector) enter the Metro System.

- 9.2.8 For purposes of this Section 9.2, the CEO or Chairman of the Board may also include his/her respective designees.

9.3 CHARGES FOR EMERGENCY SERVICE

- 9.3.1 **Charges.** The Requesting Entity shall pay for each request for emergency Wastewater services. The charge for services shall be the sum of:

1. A service fee of \$2,000 applicable upon approval of each emergency request by Metro Water Recovery, whether services are rendered or not.
2. All direct costs (plus applicable overhead costs) incurred by Metro Water Recovery related to the provision of the emergency services.
3. A charge for sewage actually received based on rates for the Flow, BOD, SS, and TKN equal to three (3) times the Unit Rates in the current Estimated Annual Charges for these parameters.

- 9.3.2 **Payment.** The charges for emergency service are not Annual Charges under the Service Contract and payment for these services shall be payable within thirty (30) days after a bill is submitted to the Requesting Entity by Metro Water Recovery. Late payments shall be charged interest at a rate of eighteen percent (18%) per annum. Metro may bill for services rendered to date at any time after the initiation of emergency service.

9.3.3 Metering and Sampling. Metro Water Recovery will meter and sample or otherwise estimate the Flows and Loadings received under these emergency provisions. The Requesting Entity and any other entities involved in the emergency service shall cooperate with Metro in performing the metering and sampling. The information collected by Metro will be gathered with reasonable care as to its accuracy. If the Requesting Entity has any concerns about the data, it may submit information to Metro, but Metro will make the final determination.

Revisions	11/84	04/96	03/06	01/08	07/18
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SECTION 10

APPEAL AND HEARING PROCEDURE; REMEDIES FOR VIOLATIONS

10.1 APPEAL AND HEARING PROCEDURE

- 10.1.1 Any Connector may seek a formal determination, order, or finding under these *Rules and Regulations* or under the Service Contract or Special Connectors Agreement by submitting a request for same in writing to the CEO. The CEO shall respond in writing to such requests in a timely manner [in no more than twenty-eight (28) days unless further information is needed to complete the review] and shall report such response to the Board of Directors.
- 10.1.2 (a) Except for conditions of permits or approvals of discharges issued pursuant to Section 6.13 of these *Rules and Regulations*, or as provided for otherwise in the *Rules and Regulations*, any Connector who is aggrieved by, or disagrees with, any determination, order, or finding (under these *Rules and Regulations* or under the Service Contract or Special Connectors Agreement) shall have the right to appeal to Metro Water Recovery (such Connector being referred to as an "Appellant"). No appeal may be filed until the Connector has obtained a determination, order, or finding as set forth in Section 10.1.1 herein. The Appellant shall notify the CEO by sending a letter of appeal, within twenty-eight (28) days of the receipt of notice of the determination, order, or finding being appealed, except in the case of annual summaries of Flows and Loadings. These summaries shall be appealed in accordance with the requirements of the Service Contract or Special Connectors Agreement. The letter of appeal shall state all points of disagreement and objection to the determination, order, or finding.
- (b) Upon receipt of a letter of appeal, the CEO shall forward a copy of the determination, order, or finding and the letter of appeal to the Chairman of the Board who shall, within fourteen (14) days from receipt of same, appoint a Hearing Committee comprising three or five Directors and designate the Chairman of such Committee. The Chairman of the Board shall provide the Committee with a copy of the determination, order, or finding and letter of appeal. The CEO shall advise the Appellant of the choice of the Chairman and the names of the Committee and its Chairman. A staff member designated by the CEO shall coordinate arrangements for the hearing, prepare Metro Water Recovery's evidence, and arrange for the attendance of Metro's witnesses at the hearing.
- (c) The Chairman of the Hearing Committee shall set a time and place for the hearing which shall be no later than twenty-eight (28) days from the date of the appointment of the Hearing Committee and notify the CEO. The CEO shall thereafter send a letter notifying the Appellant of the date for hearing as soon as possible thereafter.

- (d) No later than fourteen (14) days before the hearing date, the CEO and the Appellant shall exchange a factual and objective written summary of the issues raised in the Letter of Appeal and any pertinent exhibits. Copies of the summaries and documents shall be submitted to the Hearing Committee at that time.
- (e) If Metro Water Recovery or the Appellant intend to be represented at the hearing by legal counsel, notice shall be given to the other party at least fourteen (14) days before the hearing. If any party provides such notice, all parties may be represented by legal counsel without further notice. Unless notice is given, no party shall be represented by counsel.
- (f) In special situations where appointment of a Board Committee is not the most effective way to facilitate the process, the Chairman of the Board may appoint a third-party Hearing Officer to hear the Appeal. All other rules herein shall apply to such hearings and in such cases the Hearing Officer shall assume the duties of the Committee and the Hearing Committee Chairman.

10.1.3 All hearings pursuant to the right of appeal under these *Rules and Regulations* shall be conducted as follows:

- (a) The Hearing Committee shall receive and consider evidence presented by the appealing party and by Metro Water Recovery; may take notice of general, technical, or scientific facts within their knowledge; and shall be the judge of the relevance or materiality of the evidence offered. The Hearing Committee Chairman shall have the sole authority to conduct the hearing and its procedures. With approval of the Hearing Committee Chairman, both parties may make opening statements and may cross-examine witnesses.
- (b) Conformity to the legal rules of evidence shall not be necessary.
- (c) If a party wishes to have a stenographic record made of the hearing, the party shall, at its own expense, arrange for such a record.
- (d) When all evidence is presented and the arguments, if any, are concluded, the Hearing Committee Chairman shall declare the hearing closed. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the Hearing Committee Chairman for the receipt of briefs. Unless for good cause shown, all hearings shall be concluded within twenty-one (21) days from the opening of the hearings.
- (e) The Hearing Committee shall render a decision within fourteen (14) days after the hearing is closed and shall send a notice, by first class mail postage prepaid, of the decision to the Appellant, the Chairman of the Board, and the CEO.
- (f) The decision of the Hearing Committee shall be final and binding as to Metro Water Recovery. The Appellant shall be entitled to seek

judicial review of the ruling providing such review is filed with the Court within the time provided for by applicable law after the date of the ruling. All parties shall bear their own expenses and costs relating to the Appeal and Hearing process. A prevailing party shall not be entitled to fees or any costs related to the hearing.

- (g) For a period of three (3) years after the close of the hearing, Metro Water Recovery shall maintain a file of the names of all witnesses and of all written materials submitted at the hearing.

- 10.1.4 Metro Water Recovery and the Appellant will constitute the primary parties in an appeal hearing. Other Connectors who may be affected by the hearing decision may submit their positions in writing to the Hearing Committee Chairman on or before the date the hearing begins. Non-Connectors may not appeal directly to Metro.
- 10.1.5 Any notice, submission, determination, or other document required to be served under these *Rules and Regulations* may be served by electronic mail (with confirmed receipt) or Certified Mail return receipt requested.
- 10.1.6 Any date set forth herein which falls on a holiday or weekend shall be deemed to be moved to the first following working weekday.

10.2 **VARIANCE REQUESTS**

Any Connector may seek a formal variance (Variance) from the application of these *Rules and Regulations* by submitting a request for same and all materials supporting such request in writing to the CEO. Only the Rules listed in Appendix A are eligible for a Variance. No decision which has been appealed by a Connector and has resulted in a decision by the Hearing Committee or Hearing Officer as provided under these Rules may be the subject of a Variance request by that Connector. In the event a Connector has filed an appeal under Section 10.1 of the *Rules and Regulations* and no decision has been rendered, the Connector must withdraw its Appeal prior to filing any Variance request related to the subject of the appeal.

- 10.2.1 **Procedure**—The CEO shall promptly refer such requests to the Executive Committee. The Executive Committee shall review and provide a hearing for Variance requests. The Chairman of the Board, in his or her discretion, may appoint additional Directors to sit on the Committee for the purpose of hearing the Variance request. Upon receipt of the request for Variance, the Executive Committee shall set a hearing date for the first Executive Committee meeting scheduled to take place after twenty-eight (28) days of receipt of the request, or sooner in cases of emergency as deemed by the Chairman of the Board. The Committee shall require any written materials to be presented at the hearing by the requestor and/or staff be submitted to the Executive Committee no later than fourteen (14) days prior to the hearing.

- 10.2.2 **Hearing**—The Hearing Procedure shall be governed by the terms of Rule 10.1.3 (a)-(e), 10.1.3(g), 10.1.4, 10.1.5 and 10.1.6. The Hearing shall be presided over by the Chairman of the Board.
- 10.2.3 **Decision**—The Executive Committee, after the hearing, shall make a report and recommendation to the full Board of Directors as to whether the Variance request should be granted. The Board shall consider and vote on such recommendation at the first scheduled Board meeting after receipt of the report and recommendation. Variances from these Rules may be granted only in those circumstances where the Board finds that application of the *Rules and Regulations* would constitute a substantial and unusual hardship on the Connector and where the Variance would not (1) violate Metro Water Recovery's Service Contract or governing statute (C.R.S. 32-4-501 et seq); (2) be harmful to the entity's operations or to ability of the other Metro Members or Connectors to make permit; or (3) constitute a risk to the health, safety, and welfare of Metro employees or the public.
- 10.2.4 **Decision**—Any decision by the Board of Directors as to the granting or denial of a Variance shall be final and not appealable under these *Rules and Regulations*. Any decision as to the granting of a variance shall not act as a waiver or precedent of any kind or result in any rights to other parties seeking variances. All costs relating to such request and hearing shall be borne individually by the parties to the hearing.

10.3 **REMEDIES FOR VIOLATIONS**

Subject to applicable law, any user or Connector who violates any provision of these *Rules and Regulations* shall be liable for any costs, penalties, and damages incurred or suffered by Metro Water Recovery as a result of such violation including, but not limited to, reimbursement of any fines or penalties adjudicated against or assessed against Metro under any permit or state or federal law or regulation and attorney's fees and legal costs. The remedies provided in this subsection are in addition to any other remedies available to Metro, including those in Section 6 of these *Rules and Regulations* as well as any other applicable remedies provided by law.

Appendix B sets forth all fees, fines, penalties, and/or interest set forth in these *Rules and Regulations*.

Revisions	07/18
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APPENDIX A VARIANCE REQUESTS

SECTION

- 3 METRO INTERCEPTOR SYSTEM
- 7 SEWER CONNECTION CHARGE SYSTEM
- 8 SPECIAL CONNECTOR SERVICE AREA
- 9 EMERGENCY SERVICES

APPENDIX B

FEES, PENALTIES, FINES, AND INTEREST CHARGES

Section	Page
5	HAULED WASTES
5.2.2	Discharge Permit Application Fee 5-1
	<ul style="list-style-type: none"> ▪ A one-time fee of \$25 for routine wastes. ▪ A one-time fee of \$75 for other non-hazardous materials and wastes which can be effectively and efficiently treated by Metro Water Recovery.
5.2.3	Vehicle Permit Fee 5-1
	<ul style="list-style-type: none"> • \$10 fee per vehicle permit.
5.2.7	Discharge Permit Renewal 5-2
	<ul style="list-style-type: none"> • \$5 renewal fee.
5.5	Charges 5-3
	<ul style="list-style-type: none"> • As determined by Metro Water Recovery and/or CEO
5.6	Payment 5-3
	<ul style="list-style-type: none"> • One (1) payment interest per month on unpaid payments.
5.10.5	Charges 5-5
	<ul style="list-style-type: none"> • Fees for emergency hauled wastes discharge services: • A deposit of \$1,000 • \$200 service fees • All direct costs • Charge for hauled wastes
5.10.6	Payment 5-6
	<ul style="list-style-type: none"> • Eighteen (18) percent interest per annum on late payments
6	PRETREATMENT PROGRAM
6.3.1	Penalties 6-2
	<ul style="list-style-type: none"> • Not to exceed \$5,000 per day and per violation as determined by Metro Water Recovery legal fees and expenses. • The \$5,000 maximum may be increased as necessary for Metro Water Recovery to recover fines and penalties paid by Metro for permit violations due to Interference or Pass Through.
6.4.1.5	Ordinance/Resolutions 6-3
	<ul style="list-style-type: none"> • A provision applying civil or criminal penalties or, where permitted by 40 CFR §403.8(f)(1), assessing liquidated damages as determined by Metro Water Recovery.
6.9.2	Routine Remedies 6-8
	<ul style="list-style-type: none"> • Penalties may be assessed in accordance with Section 6.3.1

Section	Page
6.20.1.2.B Notification Requirements –Written Notice	6-19
<ul style="list-style-type: none"> Fines, civil penalties, or other liability which may be imposed by these <i>Rules and Regulations</i> or other applicable law. 	
6.20.3 Discharge Violation/Repeat Sampling and Reporting	6-20
<ul style="list-style-type: none"> Fines, civil penalties, or other liability which may be imposed by these <i>Rules and Regulations</i> or other applicable law. 	
6.22.2 Permit Application	6-21
<ul style="list-style-type: none"> Fee as determined pursuant to Section 6.29 	
6.22.5 Permit Conditions	6-24
<ul style="list-style-type: none"> Wastewater Discharge Permits and General Permits will contain a statement of applicable civil and criminal penalties for violation of Pretreatment Standards or Requirements, and any applicable compliance schedules. 	
6.28.8 Penalties	6-32
<ul style="list-style-type: none"> Not to exceed \$5,000 per day and per violation as determined by Metro Water recovery legal fees and expenses, increased costs, and the \$5,000 maximum may be increased as necessary for Metro to recover fines and penalties paid by Metro. 	
6.28.10 Federal Penalties for Falsification of Reports	6-33
<ul style="list-style-type: none"> Upon conviction, punishment by a fine of up to \$10,000, or by imprisonment for not more than two years, or by both, for the first such conviction. Subsequent convictions under this Section shall be punished by fines of up to \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both. 	
6.29 Charges and Fees	6-34
<ul style="list-style-type: none"> Charges and fees to be assessed will be determined by the CEO. Program elements for which charges and fees may be assessed include, but are not limited to, permit applications, monitoring, inspection, and surveillance activities; and general program administration. 	
7 SEWER CONNECTION CHARGE SYSTEM	
7.7.5 Credit of Refund for Canceled Sewer Connection Permits	7-7
<ul style="list-style-type: none"> A credit for the Sewer Connection Charges paid to Metro Water Recovery will be allowed on the next quarterly report submitted by the Connector. No credit shall be allowed for a canceled permit more than five years after the date of issuance of the permit. Metro will not pay interest on credits. 	
7.9.1 CEO's Approval/Disapproval	7-9
<ul style="list-style-type: none"> Where the CEO determines the corrected amount of SFREs would result in additional payment to Metro Water Recovery, the corrected amount shall be added to the next quarter's payment. In addition, interest in the amount set forth in Section 610 of the Service Contract shall be due from the date the payment should have been made, but the interest charged is limited to a maximum of twelve months. 	

Section		Page
9	EMERGENCY SERVICES	
9.3.1	Charges	9-2
	<ul style="list-style-type: none"> • Service fee of \$2,000 for each request for emergency services. • All direct costs. • A charge for sewage actually received. 	
9.3.2	Payment	9-3
	<ul style="list-style-type: none"> • Eighteen (18) percent per annum on late fees. 	
10	APPEAL AND HEARING PROCEDURE; REMEDIES FOR VIOLATIONS	
10.1.2.6	Decision of the Hearing Committee	10-2
	<ul style="list-style-type: none"> • All parties shall bear their own expenses and costs relating to the Appeal and Hearing process. A prevailing party shall not be entitled to fees or any costs related to the hearing. 	
10.3	Remedies for Violations	10-4
	<ul style="list-style-type: none"> • Any user or Connector who violates any provision of these <i>Rules and Regulations</i> shall be liable for any costs, penalties, and damages incurred or suffered by Metro Water Recovery as a result of such violation including, but not limited to, reimbursement of any fines or penalties adjudicated against or assessed against Metro under any permit or state or federal law or regulation and attorney's fees and legal costs. 	