



**Boxelder Sanitation District**

# **Rules and Regulations**

**Revised**

**August 19, 2021**

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## **PART 1: GENERAL PROVISIONS**

### **101: PURPOSE**

#### **Mission:**

We responsibly provide wastewater treatment to protect public health and our Poudre River.

#### **Vision:**

To be an innovative, economically responsible leader through outstanding service and effective communication.

These *Rules and Regulations* set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the Boxelder Sanitation District and enable the District to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The District shall require compliance with applicable Pretreatment Standards and requirements by Industrial Users.

The objectives of these *Rules and Regulations* are:

- A. To prevent the introduction of pollutant into the POTW that will interfere with its operation or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the POTW that will pass through the system, inadequately treated, into receiving waters or atmosphere, or otherwise be incompatible with the POTW;
- C. To prevent adverse impacts to worker health and safety due to the discharge of pollutants from users and to provide for and promote the general health, safety and welfare of the citizens residing within the District and connecting jurisdictions;
- D. To promote reuse and recycling of wastewater and sludge from the POTW.
- E. To enable the District to comply with its Colorado Discharge Permit System (CDPS) permit conditions.
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- G. To enable the District to control the right to any use of the District's sewage system by conditional grants of permission which are subject to future conditions, suspension, and revocation.

The District was formed to provide sanitary sewer service to residents, businesses and other facilities within the District's recorded service area. Inclusion into the District does not guarantee that sanitary sewer service will be immediately available nor that it will be available at a specific time or when requested by the property owner. The District is responsible for the collection and treatment of sewage from legally connected users within

the District, and the maintenance, repair and replacement of all facilities, except for service line and/or building drains owned by the dischargers, but shall not be liable for or responsible for an interruption of service brought about by circumstances beyond the District's control.

It is the goal of the District to:

- A. Consider for inclusion into the District all petitioning properties located within the service area.
- B. Build and maintain facilities to adequately supply service to all customers included in the District, provided that it is practical and feasible to do so, contingent upon the capacity of the District's facilities to provide such service.
- C. Provide sanitary sewer service in a cost-efficient manner, consistent with County, State and Federal laws to residential and non-residential customers of the District.

## **102: AUTHORITY**

Boxelder Sanitation District (District) is a quasi-municipal corporation and a political subdivision of the State of Colorado. The District was organized pursuant to state law for the purposes of providing sanitary sewer inside the District Boundary. In 1965, the Eighth Judicial District entered an order and decree creating the District. Organization of the District was preceded by the filing and subsequent approval of a service plan consisting of a financial plan, including proposed funding, and a preliminary engineering survey detailing the proposed improvements within the District, the filing of a petition for organization and the subsequent hearing thereon approving said petition, and the approval of the question of the District's organization at an election held for that purpose.

The current service area (208 Boundary) of the District can be found on the following websites:

[nfrwqpa.org](http://nfrwqpa.org)

[boxeldersanitation.org](http://boxeldersanitation.org)

The rights, powers, privileges, authorities, functions, and duties of the District are established by the laws of the State of Colorado, particularly Title 32, SECTION 1, C.R.S., which provides that the District has the power to enter into contracts and agreements, to sue and to be sued, to incur indebtedness with an election, to issue revenue obligations or refund outstanding indebtedness without an election, to fix and from time to time increase or decrease fees, rates, tolls, or charges for services, programs, or facilities furnished by or available from the District, and to pledge such revenue for the payment of any indebtedness of the District, to certify the levy and direct the collection of ad valorem property taxes, to acquire, dispose of, and encumber real and personal property, and any interest therein, including leases and easements, and to have the management, control, and supervision of all the business affairs of the District, and the construction, installation, operation, and maintenance of the District improvements therein.

The District is governed by a Board of Directors, which consists of five members. The

members must be electors in the District as defined by state law. Board members are elected to four-year terms.

### **103: MODIFICATION**

The Boxelder Sanitation District (District) reserves the right to adopt, modify, or rescind any provisions in these *Rules and Regulations*. Any modifications of these *Rules and Regulations* may be made only pursuant to formal action of the Board of Directors, reflected in the official records of the Board.

These *Rules and Regulations* may be amended by the Board of Directors at any regular or special meeting of the Board on the following conditions:

- A. Prior Public Notice stating that a revision to the *Rules and Regulations* is to be discussed, considered and voted on at the meeting.
- B. That said Public Notice is posted on the District web site no less than twenty-four (24) hours prior to the meeting per §24-6-402(2)(c) C.R.S.

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

**105: INTERPRETIVE RULES, ADOPTION OF:** The Manager may adopt interpretative rules consistent with the provisions of these *Rules and Regulations* for the administration of the wastewater system. Interpretive rules by the Manager pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards for wastewater lines and services and implementation of standards promulgated pursuant to the Clean Water Act. In establishing such rules, the Manager shall seek to establish standards that will assure safe, efficient operation of the wastewater system, that will limit wastewater discharges to the system in concentrations and quantities which will not harm either the wastewater system, wastewater treatment process or equipment, that will not have an adverse effect on the receiving water, or will not otherwise endanger persons or property or constitute a nuisance.

**106: DELEGATION OF AUTHORITY:** The Manager is empowered to delegate to other District employees such of the Manager's duties or tasks as the Manager in his discretion deems appropriate in the interest of the District.

## **PART 2: DEFINITIONS AND ABBREVIATIONS**

### **201: DEFINITIONS:**

Unless the context specifically indicates otherwise, the following items, as used in these *Rules and Regulations*, shall have the meanings hereinafter designated:

208 SERVICE AREA shall mean that territory identified as the service area for Boxelder Sanitation District in the regional water quality management plan of the North Front Range Water Quality Planning Association (the 208 agency) or its successor 208 agency, which plan was current at the time the District entered into recovery agreements.

APPROVAL AUTHORITY means the Region 8 Administrator of the Environmental Protection Agency (EPA), until such time as authorization is granted to the state of Colorado Department of Public Health and Environment.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER means:

- a. If the Industrial User is a corporation:
  1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c. If the user is a federal, state, or local government facility: A city or district or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
- d. The individuals described in paragraphs a through c, above, may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

BASIN CHARGE shall mean a one-time capital charge consisting of District Basin Charges and/or Recovery Agreement Charges, payable to the District, assessable on each applicable lot, parcel or dwelling unit that could receive sanitary sewer services on land within the District's 208 service area and located within a Wastewater Collection Service Basin or sub-basin, or by contract. The Basin Charge is in addition to the Plant Investment Fee and is collected at the time the Sewer Tap is purchased.

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 602 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods over a period of five (5) days at twenty degrees (20°) Celsius, expressed in terms of weight and concentration (milligrams per liter).

BOARD means the Board of Directors for the Boxelder Sanitation District.

CATEGORICAL INDUSTRIAL USER (CIU) means an Industrial User subject to a Categorical Pretreatment Standard.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARDS means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of industrial users and that appear in 40 CFR chapter I, subchapter N, Parts 405-471.

CHEMICAL OXYGEN DEMAND (COD) is the amount of oxygen consumed from a chemical oxidant expressed as milligrams per liter (mg/L) using a test method approved under 40 CFR Part 136.

CLEAN WATER ACT (ACT) means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq*

COLORADO DISCHARGE PERMIT SYSTEM (CDPS) means the State of Colorado program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to Section 25-8-101 *et seq.*, C.R.S., as amended and Section 402 of the Clean Water Act.

COLLECTION LINE means that portion of the POTW which collects and transmits wastewater from users to the wastewater treatment plant, excluding private service lines.

COLLECTION SYSTEM EXTENSIONS shall mean District designed and requested installation of wastewater collection system extensions that would allow the District to serve properties not associated with the Subdivision.

COMPOSITE SAMPLE means a representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the District where time-proportional samples are believed representative of the discharge.

CONSUMPTION means the technical determination of the volume of potable water purchased through the local water provider which is not discharged to the sanitary sewer.

CONTROL AUTHORITY means Boxelder Sanitation District (District) or its authorized representative and is directly responsible for administering and enforcing Pretreatment Standards and Requirements against Industrial Users.

CONVENTIONAL POLLUTANT means BOD<sub>5</sub>, TSS, pH, fecal coliform bacteria, oil and grease and other such additional pollutants as are now or may be in the future specified and controlled in the District's CDPS permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

#### COOLING WATER

- a. Contact. Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
- b. Noncontact. Water used for cooling purposes which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.

CROSS CONNECTION means any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains sewage and the other storm or infiltration of questionable safety, which is prohibited.

CUSTOMER means the property owner or authorized agent of the person designated on the records of the District as the person responsible for payment of charges incurred for the use of the District's POTW at the premises being served.

DAILY MAXIMUM means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

DOMESTIC WASTES or SANITARY WASTES means liquid waste:

- a. From the noncommercial preparation, cooking and handling of food, or



- b. Containing only human excrement and similar matter discharged into a collection line from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

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.

EXFILTRATION means wastewater that exits the sanitary sewer system through cracks and/or leaks in the sanitary pipes.

EXISTING SOURCE means a source of Indirect Discharge, the construction of which commenced prior to the publication of the proposed Categorical Pretreatment Standard which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act or as otherwise specified in the applicable Categorical Standard.

FATS, OIL AND GREASE (FOG) means non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in the 40 CFR Part 136.

GRAB SAMPLE means a sample which is taken from a waste stream on a one-time basis with no regard to the flow and over a period of time not to exceed 15 minutes.

HAZARDOUS WASTE means any waste designated as hazardous under the provisions of 40 CFR Part 261.

INDIRECT DISCHARGE means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act (including holding tank waste discharged into the system).

INDIVIDUAL WASTEWATER DISPOSAL SYSTEM means a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the wastewater treatment system of the District.

INDUSTRIAL USER (IU) means a non-domestic source of Indirect Discharge.

INDUSTRIAL WASTE means any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process or operational procedures of an Industrial User.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT is a permit issued to an Industrial User by the District that allows, limits, and/or prohibits the discharge of pollutants or flow to the POTW as set forth in Part 8 of these *Rules and Regulations*.

INDUSTRIAL WASTEWATER SURVEY means a survey used by the POTW to identify and locate all possible commercial/industrial users subject to the pretreatment program, and to identify the volume and character of the pollutants discharged by the users.

INFILTRATION is groundwater that enters the sanitary sewer system through cracks and/or leaks in the sanitary sewer pipes.

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

INTERCEPTOR LINE SYSTEM shall mean a sanitary sewer line, a wastewater pump station and force main, or a combination thereof, which receives wastewater flows from one or more tributary wastewater collection service basins. The District shall identify existing and proposed interceptor lines and the wastewater collection service basins currently served or proposed to be served through said interceptor lines.

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

LIFT STATION means a mechanical system used for pumping wastewater from a lower to higher elevation, particularly where the elevation of the source is not sufficient for gravity flow.

LOCAL LIMIT means specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

MANAGER shall mean the District Manager of the Boxelder Sanitation District.

MEDICAL WASTE means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MONTHLY AVERAGE means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MONTHLY AVERAGE LIMIT means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MULTIFAMILY RESIDENCE means a dwelling unit in a residential building having more than 2 units, served by one water service connection and one sewer service connection, on one non-divisible lot.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES) means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

NEW SOURCE means

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

NONCONTACT COOLING WATER means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER means an NSCIU is a CIU designated by the Control Authority as “non-significant.” To qualify as an NSCIU, the CIU must never discharge 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 categorical Pretreatment Standard). The CIU must also: Have consistently complied with all applicable Pretreatment Standards; Annually submit a certification statement (40 CFR 403.12(q)); and Never discharge any untreated concentrated wastewater.

NONRESIDENTIAL USER means a user that is not residential in nature and whose wastewater discharges are subject to the District’s Industrial Pretreatment Program.

OPERATOR IN RESPONSIBLE CHARGE or ORC means the person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these Rules and Regulations. The term also means a Duly Authorized Representative of the District Manager.

PASS THROUGH means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the District’s CDPS Permit (including an increase in the magnitude or duration of a violation).

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

pH means the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).

PLANT INVESTMENT FEE (PIF) shall mean a one-time capital charge assessed on an individual lot/parcel of real property that conveys a Sewer Tap to the lot/parcel in accord with standard District practices, procedures and the *Rules and Regulations* of the District. The Plant Investment Fee shall mean the dollar value of the fee as established by the District Board of Directors and is subject to change by Board action.

POLLUTANT means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) discharged into or with water.

PREMISES means a lot, parcel of land, building or establishment.

PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW from a source of Indirect Discharge. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. Any restrictions or requirements that are imposed as part of a zero-discharge permit shall be deemed to constitute pretreatment.

PRETREATMENT REQUIREMENT means any substantive or procedural requirement related to Pretreatment imposed on an industrial user other than a pretreatment standard.

PRETREATMENT STANDARDS, *National Pretreatment Standards, or Standards* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, that applies to the industrial users, including but not limited to, categorical pretreatment standards, prohibitive discharge standards, best management practices, and local limits established pursuant to 40 CFR 403.5.

PUBLICLY OWNED TREATMENT WORKS (POTW) is the treatment works as defined by Section 212 of the Act (33 U.S.C 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes or other conveyances which convey wastewater to the treatment plant. The term also means the district having jurisdiction over the Indirect Discharges to and the discharges from the treatment works.

RECEIVING WATER means lakes, rivers, streams or other watercourses which are designated as Waters of the State.

RESIDENTIAL UNIT (RU) means a single-family dwelling, duplex dwelling or multifamily dwelling as defined in this document.

SECTOR CONTROL PROGRAM is a program designed to control specific pollutants from industrial users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices.

SERVICE LINE or SERVICE LATERAL means the wastewater collector line extending from the tap to the wastewater disposal facilities of the premises up to and including the connection to the collection line.

SEWAGE means human excrement and gray water (household showers, dishwashing operations, etc.).

SEWER TAP (TAP) shall mean the connection appurtenant to the individual lot or unit on land included in the District and conveying District permission to discharge to the District wastewater system.

SIGNIFICANT INDUSTRIAL USER (SIU) means any Industrial User of the District's POTW who:

- a. Is subject to Categorical Pretreatment Standards; or
- b. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
- c. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- d. Is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

Upon finding by the District that an Industrial User does not meet these criteria the District may at any time, on its own initiative or in response to a petition received from an Industrial User, determine that such Industrial User is not a Significant Industrial User. Significant noncompliance criteria applicable to significant industrial users or industrial users are established in Section 1301 of these Rules and Regulations.

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

SINGLE FAMILY EQUIVALENT (SFE), is defined as an individual residential or nonresidential use serviced by a 3/4" water meter.

SLUG LOAD OR SLUG DISCHARGE shall include any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Part 602, any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge or a discharge which exceeds the hydraulic or design of an Industrial User's treatment system or any part of the treatment unit which have a reasonable potential to cause Interference or Pass Through, or in any other way violate an applicable Pretreatment Standard or Requirement or an Industrial Wastewater Discharge Permit issued by the District.

STANDARD INDUSTRIAL CODE (SIC Code or NAICS Code) means a numerical code indicating the classification of users pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987 and amendments thereof or supplemented by the District.

STORMWATER means water flowing or discharged as a result of rain, snow, or other precipitation.

TOTAL DISSOLVED SOLIDS (TDS) is a measure of the combined content of all inorganic and organic substances contained in the wastewater in molecular, ionized or micro-granular suspended form and which passes through a 0.2 µm filter and expressed in terms of milligrams per liter (mg/L).

TOTAL SUSPENDED SOLIDS (TSS) means the total suspended matter, expressed in mg/L, that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

TOXIC POLLUTANT is any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307 (a) of the Act or as otherwise listed at 40 CFR Part 122, Appendix D.

USER means any Person that discharges, causes or permits the discharge of wastewater into the POTW.

WASTEWATER means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT means the portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

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

## Abbreviations

ACT	Clean Water Act
BMP	Best Management Practice
BMR	Baseline Monitoring Report
BOD	Biochemical Oxygen Demand
°C	degrees Celsius
CDPHE	Colorado Department of Public Health and Environment
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
FOG	Fats, Oils and Grease
IU	Industrial User
mg/L	milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
§	Section
TSS	Total Suspended Solids
µm	micrometer
U.S.C.	United States Code



### **PART 3: WASTEWATER SERVICE**

**301: SERVICE; APPLICATION FOR:** Any person desiring to connect a service line to the wastewater treatment system of the District, or to add fixtures to an existing connection, shall make application to the District for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the District to determine compliance with all regulations or rules concerning the wastewater system.

- A. Prior to connection, the individual lot, parcel, or dwelling unit must be formally included into the District boundaries. The owner of parcels capable of being served by facilities of the District shall file a written petition on forms provided by the District along with the inclusion fee. The Board shall conduct a hearing, as provided by Colorado law, on whether the petition for inclusion should be granted or denied, in whole or in part.
- B. Connection to the District implies consent to these *Rules and Regulations* as a condition of the discharger's use of the wastewater system.
- C. Use of or connection to the wastewater treatment system of the District in force and effect on the effective date of these *Rules and Regulations* shall remain in full force and effect in accordance with the terms and conditions thereof.

**302: SERVICE; EXCAVATIONS FOR:** All excavations for installation or repair of wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards including OSHA, COSH and the Larimer County encroachment permit requirements so as to protect the public from hazard.

**303: SERVICE; OVERLAPPING DISTRICTS:** In the event a special district/metropolitan district is formed by an applicant inside or outside of this District for the purpose of financing sewer collectors and appurtenances, the applicant shall agree that such transfer by deed shall take place when the subject sewers and appurtenances are free of all liens and encumbrances incurred by said special district, and that in the interim period between acceptance for use and transfer to the District, the District shall be allowed to consider these sewers and appurtenances as though they had been transferred by deed or other instrument. That is, the District shall have, but not be limited to, the discretion to determine who may use the sewer, conditions of use, fees to be paid and maintenance.

## **PART 4: CONNECTION AND INSTALLATION OF SEWER SYSTEM**

### SECTION:

- 401: Connection Required
- 402: Unauthorized Connections Prohibited
- 403: Connection to System; Inspection by District
- 404: Collection Lines; Manner of Extension
- 405: Service Line; Separate for Each Building; Exceptions
- 406: Service Line; Maintenance of
- 407: Disconnection
- 408: Individual Wastewater Pump Station

**401: CONNECTION REQUIRED:** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a collection line of the District, is hereby required at such owner's expense to install suitable wastewater facilities therein, and to connect such facilities directly with the proper collection line in accordance with the provisions of these Rules and Regulations within ninety (90) days after official notice to do so, provided that said collection line is within four hundred feet (400') (122 meters) of the property line. Under unusual circumstances such as unique topographical characteristics, the Manager, with Larimer County Department of Health and Environment approval, may waive the connection requirement herein stipulated. **SEE THE CURRENT STANDARDS AND SPECIFICATIONS FOR ALL CONNECTIONS AND SEWER CONSTRUCTION REQUIREMENTS.**

**402: UNAUTHORIZED CONNECTIONS PROHIBITED:** It shall be a violation of these *Rules and Regulations* for any unauthorized person to uncover, enter, insert equipment, make any connections with or openings into, use, alter or disturb any collection line or appurtenance thereof, without first obtaining written approval from the District

**403: CONNECTION TO SYSTEM; INSPECTION BY DISTRICT:** When inspections are required, the applicant shall notify the District when the inspection is ready. The connection and testing required by the District shall be made under the supervision of the Manager. The District shall not be subjected to any liability for any deficiency or defect which is not discovered by inspection nor shall the owner or developer of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

**404: COLLECTION LINES; MANNER OF EXTENSION:** The District may extend its facilities if service to the particular area is feasible, practical, and desirable. Sewer mains or collector lines required to service subdivision or other developments within the District shall be constructed at the sole discretion and direction of the District.

**405: SERVICE LINES; SEPARATE FOR EACH BUILDING; EXCEPTIONS:** A separate and independent service line shall be provided for every building. Waiver of this requirement for a separate and independent service line may be granted by the District upon plan review. Waiver may be granted upon showing that the service lines owned in common will be maintained by an entity of the owners of separate portions of a building or owner of separate buildings on the same lot. By interpretive rule, the Manager may provide for additional requirements to assure proper maintenance and repair of the common service lines and, if necessary, monitoring of effluent quality or quantity. The District does not assume any obligation nor acquire any liability for personal injury to any party or for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the wastewater system as aforementioned.

**406: SERVICE LINE; MAINTENANCE OF:**

- A. The owner of any premises connected to the District's wastewater treatment system shall be responsible for the maintenance of the service line and appurtenances thereto, from and including the connection to the collection line to the premises served. The owner shall keep such line in good condition and shall replace, at his expense, any portions thereof which, in the opinion of the District, have become so damaged or disintegrated as to be unfit for further use or permit excessive infiltration of groundwater or exfiltration of wastewater. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of-way and the street to acceptable District standards or to the applicable county or city standards.
- B. In the event that more than one premises are connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair requirements imposed by this Section.
- C. Owner shall notify the District prior to repair or alteration of any service line. An inspection fee may be imposed. The District shall not be subjected to any liability for any deficiency in the repair or alteration of such premises, and shall be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

**407: DISCONNECTION:**

- A. At user's expense the service line shall be abandoned at main sewer line/tap per District Standards and Specifications.

**408: INDIVIDUAL WASTEWATER PUMP STATION:** In areas where topographical, technical and/or economic considerations preclude a gravity flow sanitary sewer service lateral from the property to the nearest gravity or pressure sanitary sewer main, an engineered individual wastewater pump station may be appropriate. Sections 401 through 405 shall apply, in addition to the following set of criteria specific to Individual Wastewater Pump Station:

- A. The property owner is responsible for acquisition, ownership, installation, operation, and maintenance of the individual wastewater pump station.

- B. The District reserves the right to specify the type of pump station to be employed, and the location of such unit to the property to be served.
- C. The property owner retains ownership and operation and maintenance responsibility of the pressurized sewer service lateral and appurtenances thereto, up to connection with the sewer main.
- D. Installation of individual wastewater pump station shall be in accordance with the Boxelder Sanitation District Standards and Specifications.
- E. The *Agreement Concerning Individual Wastewater Pumping Stations* must be executed and filed with the appropriate County Clerk and Recorder in the county within which the property is located prior to sanitary sewer service being provided by the district.

## **PART 5: COSTS AND CHARGES**

### SECTION:

- 501: Wastewater Facilities; Allocation of Cost
- 502: Installation Cost
- 503: Inspection Charge
- 504: Sewer Tap, Plant Investment Fee, Basin Charges
- 505: Rates and Charges; Basis for
- 506: Rates and Charges; Special
- 507: Perpetual Lien

**NOTE:** All charges for cost of service, ordinary capital charges, inspection, permits, etc. are reviewed annually by the District's Board of Directors and adopted by board action. A copy of the current Costs and Charges schedule is available at the District administrative office.

### **501: WASTEWATER FACILITIES: ALLOCATION OF COST:**

THE FINAL MANNER OF EXTENSION OF WASTEWATER FACILITIES SHALL BE AT THE DISCRETION OF THE DISTRICT BOARD OF DIRECTORS.

- A. Collection System: A development property owner shall be responsible for the costs and construction of the Collection System in and through its property subsequent to acceptance of the plans and specifications by the District. The District shall inspect and accept the actual construction of the Collection System, prior to connection of structures.
  - 1. Collection System Easements: The development property owner shall grant, bargain, sell, transfer, convey and dedicate to District at no cost permanent easements for the Collection System.
- B. External Collection System: A development property owner shall be responsible for the costs of the External Collection System to its property.
  - 1. External Collection System easements or rights-of-way: The Development property owner and the District shall enter into a contract providing that the District shall acquire all easements and rights-of-way necessary to accommodate the External Collection System that is required to service the subject development property, to be fully paid for by the development property owner, or, if the owner so requests and the District in its discretion consents, providing that the owner acquire at its cost all such easements and rights-of-way.
- C. Pump Stations and Force Mains: Pump or lift stations and force main are typically considered External Collection Systems and shall be addressed by contract between the District and the development property owner.

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

**503: INSPECTION CHARGE:** An inspection charge may be assessed for connection to or disconnection from the wastewater treatment system of the District. Such charge shall be assessed and collected prior to connection or disconnection in amounts in accordance with the current Costs and Charges schedule.

**504: SEWER TAP, PLANT INVESTMENT FEE:**

- A. The Sewer Tap (TAP) refers to the connection appurtenant to the individual lot or unit on land included in the District, the right being District permission to discharge to the District wastewater system.
- B. A PLANT INVESTMENT FEE must be paid for each connection to the wastewater system of the District to partially defray the costs of capital improvement of such system. Payment of the PIF for the Sewer Tap shall be collected prior to issuance of a building permit for new construction or, for pre-existing buildings, prior to receiving service from Boxelder Sanitation District, in amounts as shown in the current Costs and Charges schedule.
- B. The PLANT INVESTMENT FEE is set by the Board of Directors and is subject to change by Board action.
- D. CREDITS: Credit for a Sewer Tap purchased for prior developments may be given for reuse of existing connections or new connections to a land parcel which has previously had wastewater service. Credits will be based on the prior category and the associated water meter size. Credits for multi-dwelling units and non-residential uses must be determined by inspection by the District before remodel, moving or demolition of the structure. No refund for excess credits will be given.
- E. REFUNDS: Requests for a refund of Plant Investment Fees paid under this Section for connections not constructed shall be made in writing. The Board of Directors, in its discretion, may elect to refund the paid PIF less any outstanding account balances or fees. Plant Investment Fees paid that are associated with a separate contract with the District are not eligible for refund.
- F. BASIN CHARGE: The Basin Charge is assessed on each applicable lot, parcel, or dwelling unit that could receive sanitary sewer services on land within the District's 208 service area, located within a wastewater collection service basin or sub-basin and/or subject to a Recovery Agreement.

The District shall collect the Basin Charge(s) per applicable lot, parcel, or dwelling unit from the affected property owner(s)/developer(s) within the wastewater collection service basin or sub-basin in conjunction with the payment of the Plant Investment Fee to the District. Individual lots may be subject to multiple Basin Charges.

- G. CREDITS AND REFUNDS: No credits or refunds shall be made for Basin Charges or their components.

**505: RATES AND CHARGES; BASIS FOR:**

The owner, and their successors and assigns, obtain a property right to discharge to the sanitary sewer system upon payment of the Plant Investment Fees for a Sewer Tap (TAP). Owner is subject to all rules and regulations of the District. This TAP transfers with the property upon sale of the property.

Owners that rent or lease property with discharge rights to tenants still retain the rights and responsibilities of discharge ownership. The rights and responsibilities of the discharge ownership include, but are not limited to, timely payment of all applicable rates, charges, fees, service charges and penalty charges of the District, as approved by the Board of Directors of the District. If not paid, the referenced premises will be subject to termination of service.

A commercial tenant of the owner assumes a secondary position to the owner. The District will bill the tenant for service as a courtesy to the owner, but if payment is not received from the tenant, the owner assumes the tenant's position in regards to District charges.

A. WASTEWATER TREATMENT CHARGES FOR QUANTITY FLOWS:

1. RESIDENTIAL USER CHARGES:

Basic charge for quantified flows per month.

- a. A base monthly charge for the treatment of wastewater (see current Costs and Charges schedule) will be billed monthly for each residential unit, each duplex unit, each townhouse or townhouse unit, each multi-family unit and each recreational vehicle space or mobile home space, occupied or unoccupied.
- b. A monthly usage charge for metered water use (in 1,000-gallon increments) will be charged (see current Costs and Charges schedule).
- c. The monthly surcharge for metered water use is based upon the average winter water consumption for the months December, January and February, shall be implemented each year for the 12-month period of May through April. In the event inclement weather prevents water meter reading and the water district/departments supply the District with estimates, the District may choose to include additional months water usage in the winter average calculation.

2. COMMERCIAL/INDUSTRIAL USER CHARGES:

There are two classifications of nonresidential facilities: single unit/single use and multiple space/multiple use. The following are monthly charges applicable to each classification.

- a. SINGLE UNIT/SINGLE USE SITE:
  - 1. Base monthly charges will be billed based on the water meter size. (see the current Costs and Charges schedule).
  - 2. A monthly usage charge will be billed for metered water use in 1,000-gallon increments (see current Costs and Charges schedule).
  
- b. MULTIPLE SPACE/MULTIPLE USE:
  - 1. The property owner will be billed a base monthly charge per building based on the water meter size (see current Costs and Charges schedule).
  - 2. The property owner will be billed a usage charged for metered water use in 1,000-gallon increments (see current Costs and Charges schedule).
  - 3. A monthly Commercial Unit Administrative Charge will be billed to all nonresidential users with a controlled discharge point (aka unit).
  
- c. IRRIGATION METER FOR COMMERCIAL/INDUSTRIAL USERS:

Commercial and Industrial customers may be eligible and benefit from participating in the Irrigation Meter Program for the measurement of the non-wastewater flows for the nine-month period of March through November. Facilities with a minimum of 1,000 sq. ft. irrigated property, or non-discharge activities such as evaporative cooling systems may apply for an “irrigation” or sub-meter to measure non-discharge consumption. The purchase, installation and maintenance of a direct read water meter is the customer’s responsibility. The District will adjust flow surcharges based on monthly metered usage as measured by the difference between primary service water meter and the irrigation submeter reading. (See the current Costs and Charges Schedule).



**506: RATES AND CHARGES; SPECIAL:**

- A. Discounts: None
- B. Termination of Service: In addition to other available remedies, the District may enforce its collection policies by terminating service after proper notice and an opportunity for the user to have a formal hearing. Cost of terminating service will be charged to the property, parcel or unit. Receipt of sanitary sewer service from the District shall in all cases imply the grant of a license to the District to inspect the service lateral, and to disconnect and connect sanitary sewer service for the subject property; reasonable access over and across each subject property shall also be implied.

**507: PERPETUAL LIEN:** Until paid, all charges imposed by this Part 5 shall constitute a perpetual lien on and against the property connected to or served by the wastewater treatment system of the District. Recordation of such lien shall not be a prerequisite to foreclosure thereof by the District.

## **PART 6:**

### **SECTION:**

- 601 General Sewer Use Requirements
- 602 Prohibited Discharge Standards
- 603 National Categorical Pretreatment Standards
- 604 State Pretreatment Standards
- 605 Local Limits
- 606 District's Right of Revision
- 607 Dilution

## **SECTION 601—GENERAL SEWER USE REQUIREMENTS**

### **602: Prohibited Discharge Standards**

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions and specific prohibitions in 602 B apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - 2. Wastewater having a pH less than 5.0 or greater than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
  - 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than two (2) inch(es) in any dimension];
  - 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  - 5. Wastewater having a temperature greater than [104 degrees F (40 degrees C)], or which will inhibit biological activity in the treatment plant resulting in Interference.
  - 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants.
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the District's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, recreational water feature i.e., splash pond, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the District;
  - a. Swimming Pool/ recreational water feature i.e., splash pond drainage and floor drainage from enclosed and covered areas may be connected to the wastewater collection system only by a special permit from the District. See Part 8 (Individual Wastewater Discharge Permits) for further information. Also, please visit:
 

<http://sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=375>
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
15. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

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

### **603: National Categorical Pretreatment Standards**

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

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with Section 603 D.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the District shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the District. The District may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in this Section, found below.

To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the District whenever production rates are expected to vary by more than 20 percent from its baseline production rates. Upon notification of a

revised production rate, the District will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs in subsection a. of this Section so long as it discharges under an equivalent mass limit.

When developing equivalent mass limits, the District:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with Section 1604 regarding the prohibition of bypass.

#### **604: State Pretreatment Standards**

Users must comply with State of Colorado Pretreatment Regulations, Regulation 63, codified at 5 CCR 1002-63.

#### **605: Local Limits**

- A. The District is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. No SIU shall discharge wastewater containing in excess of the following (*Daily Maximum Limit in mg/L or PPM*)

[N/A ]	mg/l Total Ammonia
[0.44 ]	mg/l Total Arsenic
[N/A ]	mg/l BOD <sub>5</sub>
[0.64 ]	mg/l Total Cadmium
[3.0 ]	mg/l Total Chromium
[N/A ]	mg/l Total Trivalent Chromium
[0.84 ]	mg/l Total Hexavalent Chromium
[2.32 ]	mg/l Total Copper
[N/A ]	mg/l Total Cyanide

[3.5 ]	mg/l Total Lead
[0.0016]	mg/l Total Mercury
[1.3 ]	mg/l Total Molybdenum
[N/A ]	mg/l Total Nitrogen (total)
[2.3 ]	mg/l Total Nickel
[N/A ]	mg/l Total oil and/or grease
[0.09 ]	mg/l Total Selenium
[0.45 ]	mg/l Total Silver
[N/A ]	mg/l Total Phenols
[N/A ]	mg// Total Phosphorus
[N/A ]	mg/l Total Suspended Solids
[19.5 ]	mg/l Total Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. The District may impose mass limitations in addition to the concentration-based limitations above.

- C. The District may develop Best Management Practices (BMPs), by Rules and Regulations or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 602. Such BMP's shall be considered local limits and Pretreatment Standards for the purpose of this part and section 307(d) of the Act.

**606: District’s Right of Revision**

The District reserves the right to establish, by Rules and Regulations or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of these Rules and Regulations.

**607: Dilution**

No User shall ever 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 achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

**PART 7:**

SECTION:

- 701 PRETREATMENT OF WASTEWATER
- 702 Pretreatment Facilities
- 703 Additional Pretreatment Measures
- 704 Accidental Discharge/Slug Discharge Control Plans

**701—PRETREATMENT OF WASTEWATER**

**702: Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in 602 of these Rules and Regulations within the time limitations specified by EPA, the State, or District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to District for review, and shall be acceptable to District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.

### **703: Additional Pretreatment Measures**

- A. Whenever deemed necessary, the District may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.
- B. The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the District, shall comply with District FOG Policy Manual and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the District FOG Policy Manual by the User at their expense.
- D. Sand/Oil interceptors shall have the same requirements as set forth in Part 7, Section 703.C of these *Rules and Regulations*, except Sand/Oil interceptor location and installation shall be reviewed on a case by case basis. As a general rule, ALL Sand/Oil interceptors are required to be inside a building, or structure and not susceptible to weather conditions which may result in storm water discharge to the POTW.
- E. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **704: Accidental Discharge/Slug Discharge Control Plans**

The District shall evaluate whether each industrial user needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The District may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An

accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or Slug Discharge, as required by Section 1007 of these Rules and Regulations; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling 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.

## **PART 8:**

### **SECTION:**

- 801 INDIVIDUAL WASTEWATER DISCHARGE PERMITS
- 802 Wastewater Analysis
- 803 Individual Wastewater Discharge Permit Requirement
- 804 Individual Wastewater Discharge Permitting: Existing Connections
- 805 Individual Wastewater Discharge Permitting: New Connections
- 806 Individual Wastewater Discharge Permit Application Contents
- 807 Application Signatories and Certifications
- 808 Individual Wastewater Discharge Permit Decisions

## **801—INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

### **802: Wastewater Analysis**

When requested by the District, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The District is authorized to prepare a form for this purpose and may periodically require Users to update this information. District or his designee may collect samples and submit samples to certified laboratory from industrial user to determine nature and characteristics of its wastewater at the cost to the industrial user.

### **803: Individual Wastewater Discharge Permit Requirement**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the District, except that a Significant Industrial User that has filed a timely application pursuant to Section 804 of these Rules and Regulations may continue to discharge for the time period specified therein.



- B. The District may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of these Rules and Regulations.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Parts 14 and 15 of these Rules and Regulations. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

#### **804: Individual Wastewater Discharge: Existing Connections**

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the District for an individual wastewater discharge permit in accordance with Section 806 of these Rules and Regulations, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of these Rules and Regulations except in accordance with an individual wastewater discharge permit issued by the District.

#### **805: Individual Wastewater Discharge: New Connections**

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of these Rules and Regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

#### **806: Individual Wastewater Discharge Permit Application Contents**

- A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The District may require Users to submit all or some of the following information as part of a permit application:
  - 1. Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises;
  - 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  - 3. Description of Operations

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications and/or NAICS code of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
  5. The location for monitoring all wastes covered by the permit;
  6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 603 D (40 CFR 403.6(e)).
  7. Measurement of Pollutants.
    - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the District, of regulated pollutants in the discharge from each regulated process.
    - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 1011 of these Rules and Regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

- e. Sampling must be performed in accordance with procedures set out in Section 1012 of these Rules and Regulations.
  - 8. Any other information as may be deemed necessary by the District to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

**807: Application Signatories and Certifications**

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 1015.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to these Rules and Regulations definitions must annually submit the signed certification statement in Section 1015.

**808: Individual Wastewater Discharge Permit Decisions**

The District will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the District will determine whether to issue an individual wastewater discharge permit. The District may deny any application for an individual wastewater discharge permit.

**PART 9:**

SECTION:

- 901 INDIVIDUAL WASTEWATER DISCHARGE
- 902 Individual Wastewater Discharge Permit Duration
- 903 Individual Wastewater Discharge Permit Contents
- 904 Permit Modification
- 905 Individual Wastewater Discharge Permit Transfer
- 906 Individual Wastewater Discharge Permit Revocation
- 907 Individual Wastewater Discharge Permit Reissuance
- 908 Regulation of Waste Received from Special Districts within Boxelder Sanitation Service Area

## **901—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

### **902: Individual Wastewater Discharge Permit Duration**

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

### **903: Individual Wastewater Discharge Permit Contents**

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

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 5.5 of these Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
6. Requirements to control Slug Discharge, if determined by the District to be necessary.

B. Individual wastewater discharge permits may contain, but need to be limited to the following conditions:

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

#### **904: Permit Modification**

A. The District may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the District POTW, District personnel, or the receiving waters;
5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

### **905: Individual Wastewater Discharge Permit Transfer**

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the District and the District approves the individual wastewater discharge permit transfer. The notice to the District must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

### **906: Individual Wastewater Discharge Permit Revocation**

The District may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;

- B. Failure to provide prior notification to the District of changed conditions pursuant to Section 6.5 of these Rules and Regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District, or delegated staff timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

### **907: Individual Wastewater Discharge Permit Renewal**

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit renewal by submitting a complete permit application, in accordance with Section 4.5 of these Rules and Regulations, *a minimum of ninety (90) days prior to the expiration* of the User's existing individual wastewater discharge permit.

### **908: Regulation of Waste Received from Special Districts within Boxelder Sanitation Service Area**

- A. If another special District, including Metropolitan District's, or User located within Boxelder Sanitation District Service Area, contributes wastewater to the POTW, the District shall enter into an intergovernmental agreement or resolution with the contributing District.

B. Prior to entering an agreement required by paragraph A, above, the District shall request the following information from the contributing entity:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;
2. An inventory of all Users located within the contributing entity that are discharging to the POTW; and
3. Such other information as the District may deem necessary.

C. An intergovernmental agreement or resolution, as required by paragraph A, above, shall contain the following conditions:

1. A requirement for the contributing District to submit a revised User inventory on at least an annual basis;
2. A requirement for the contributing District to provide the District with access to all information that the contributing District obtains as part of its pretreatment activities;
3. Requirements for monitoring the contributing District's discharge;
4. A provision ensuring District access to the facilities of Users located within the contributing District's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by District and;
5. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

## **PART 10:**

### SECTION:

- 1001 REPORTING REQUIREMENTS
- 1002 Baseline Monitoring Reports
- 1003 Compliance Schedule Progress Reports
- 1004 Reports on Compliance with Categorical Pretreatment Standard Deadline
- 1005 Periodic Compliance Reports
- 1006 Reports of Changed Conditions
- 1007 Reports of Potential Problems
- 1008 Reports from Unpermitted Users
- 1009 Notice of Violation/Repeat Sampling and Reporting
- 1010 Notification of the Discharge of Hazardous Waste
- 1011 Analytical Requirements



- 1012 Sample Collection
- 1013 Date of Receipt of Reports
- 1014 Recordkeeping
- 1015 Certification Statements

## **1001—REPORTING REQUIREMENTS**

### **1002: Baseline Monitoring Reports (BMR)**

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the District a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  - 1. All information required in Section 806 of these Rules and Regulations.
  - 2. Measurement of pollutants.
    - a. The User shall provide the information required in Section 806(7) (a) through (d).
    - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
    - d. Sampling and analysis shall be performed in accordance with Section 1011;
    - e. The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides

- information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
3. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 201 a-d and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 1101 of these Rules and Regulations.
  5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 1002 of these Rules and Regulations and signed by an Authorized Representative as defined in Section 201.
  6. Authorized Representative of Industrial User.

### **1003: Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 1002 (B)(3) of these Rules and Regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason

for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

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

#### **1004: Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 806 (6 and 7) and 1002 (B)(2) of these Rules and Regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 603, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 1015 of these Rules and Regulations. All sampling will be done in conformance with Section 1012.

#### **1005: Periodic Compliance Reports**

- A. Except as specified in Section 1005.B, all Significant Industrial Users must, at a frequency determined by the District submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. The District may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
  - 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  - 2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no

case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 806A(8).

3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  4. The request for a monitoring waiver must be signed in accordance with Section 201 – Authorized Representative of Industrial User, and include the certification statement in Section 1015 (40 CFR 403.6(a)(2)(ii)).
  5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by the District must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the District for 3 years after expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the User's permit by the District, the Industrial User must certify on each report with the statement in Section 1015, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
  8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 1005 A, or other more frequent monitoring requirements imposed by the District, and notify the District.
  9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- C. If an Industrial User subject to the reporting requirement in Section A-B of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

### **1006: Reports of Changed Conditions**

Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 903 of these Rules and Regulations.
- B. The District may issue an individual wastewater discharge permit under Section 907 of these Rules and Regulations or modify an existing wastewater discharge permit under Section 904 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.

### **1007: Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **1008: Reports from Unpermitted Users**

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the District as the District may require.

## **1009: Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if District performs sampling at the User's facility at least once a month, or if the District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the Industrial User.

## **1010: Notification of the Discharge of Hazardous Waste**

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 1006 of these Rules and Regulations. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 1002, 1004, and 1005 of these Rules and Regulations.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the District, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued thereunder, or any applicable Federal or State law.

### **1011: Analytical Requirements**

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

### **1012: Sample Collection**

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

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District or designated District staff. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 1002 and 1004 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data

do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by paragraphs Section 1005 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

### **1013: Date of Receipt of Reports**

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

### **1014: Recordkeeping**

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 605 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or District, or where the User has been specifically notified of a longer retention period by the District.

### **1015: Certification Statements**

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 807; Users submitting baseline monitoring reports under Section 1002 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 1004; Users submitting periodic compliance reports required by Section 1005 A–B, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 1005B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 201 Authorized Representative of Industrial User:

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



***submitting false information, including the possibility of fine and imprisonment for knowing violations.***

- A. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the District pursuant to 201 and 807 C must annually submit the following certification statement signed in accordance with the signatory requirements in 201. This certification must accompany an alternative report required by the District:

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

(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 201;

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

- B. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 1005 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 1005 A.

## **PART 11:**

### SECTION:

1101 COMPLIANCE MONITORING

1102 Right of Entry: Inspection and Sampling

### **1101—COMPLIANCE MONITORING**

#### **1102: Right of Entry: Inspection and Sampling**

The District and/or District designee shall have the **full authority** to enter the premises of any User to randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by the Industrial Users, as required in 40 CFR 403.8(f)(2)(v) of the Pretreatment Regulations, to determine whether the User is complying with all requirements of these Rules and Regulations and any individual wastewater discharge permit or order issued hereunder. Users shall allow the District and/or District designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District and/or District designee shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The District and/or District designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The District and/or District designee may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated and/or verified at minimum once per year (12 months) or at frequency determined by the District to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District and/or District designee and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the District and/or District designee access to the User's premises shall be a violation of these Rules and Regulations.
- F. The District or their designee may implement the use of digital photographs during the inspection and monitoring process.

## **PART 12:**

### **1201—CONFIDENTIAL INFORMATION**

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

## **PART 13:**

### **1301—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE(SNC)**

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in 40 CFR 403.3(I).
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 40 CFR 403.3(I) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the District determines has caused, alone or in combination with other

discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

## **PART 14:**

### SECTION:

- 1401 ADMINISTRATIVE ENFORCEMENT REMEDIES
- 1402 Notification of Violation
- 1403 Consent Orders
- 1404 Show Cause Hearing
- 1405 Compliance Orders
- 1406 Cease and Desist Orders
- 1407 Administrative Fines
- 1408 Emergency Suspensions
- 1409 Termination of Discharge

## **1401—ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **1402: Notification of Violation**

When the District finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the District. Submission of such a plan in no way relieves the User of liability for any

violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **1403: Consent Orders**

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 1405 and 1406 of these Rules and Regulations and shall be judicially enforceable.

### **1404: Show Cause Hearing**

The District may order a User which has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 201 and required by Section 807 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **1405: Compliance Orders**

When the District finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **1406: Cease and Desist Orders**

When the District finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past

violations are likely to recur, the District may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

#### **1407: Administrative Fines**

- A. When the District finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may fine such User in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the District may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **1408: Emergency Suspensions**

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

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The

District may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 1409 of these Rules and Regulations are initiated against the User.

- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 1404 or 1409 of these Rules and Regulations.

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

### **1409: Termination of Discharge**

In addition to the provisions in Part 6 of these Rules and Regulations, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Part 6 of these Rules and Regulations.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 1404 of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **PART 15:**

### **SECTION:**

- 1501 JUDICIAL ENFORCEMENT REMEDIES
- 1502 Injunctive Relief
- 1503 Civil Penalties
- 1504 Criminal Prosecution
- 1505 Remedies Nonexclusive

### **1501—JUDICIAL ENFORCEMENT REMEDIES**

## **1502: Injunctive Relief**

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

## **1503: Civil Penalties**

- A. A User who has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a maximum civil penalty of \$5,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

## **1504: Criminal Prosecution**

- A. A User who willfully or negligently violates any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000.00 per violation, per day, or imprisonment.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000.00 or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in



addition to any other cause of action for personal injury or property damage available under State law.

- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to these Rules and Regulations, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction, be punished by a fine of not more than \$5,000.00 per violation, per day, or imprisonment for not more than six (6) months, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$5,000.00 per violation, per day, or imprisonment for not more than six (6) months, or both.

### **1505: Remedies Nonexclusive**

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

## **PART 16:**

### **SECTION:**

- 1601 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS
- 1602 Upset
- 1603 Prohibited Discharge Standards
- 1604 Bypass

## **1601—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **1602: Upset**

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and the User can identify the cause(s) of the upset;
  2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  3. The User has submitted the following information to the District within twenty-four (24) hours of becoming aware of the upset;
  4. A description of the indirect discharge and cause of noncompliance;
  5. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  6. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **1603: Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 602 (A) of these Rules and Regulations or the specific prohibitions in Sections 602 (B)(3) through (16) of these Rules and Regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

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

- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

**1604: Bypass**

- A. For the purposes of this Section,

- 1. Bypass means the intentional diversion of waste streams from any portion of a 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. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

- C. Bypass Notifications

- 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the bypass, if possible.
- 2. A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- D. Bypass

- 1. Bypass is prohibited, and the District may take an enforcement action against a User for a bypass, unless
- 2. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

3. 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
4. The User submitted notices as required under paragraph (C) of this section.
5. The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

### **PART 17:**

#### **1701—WASTEWATER TREATMENT RATES – See Industrial Pretreatment Program Charges**

### **PART 18:**

#### SECTION:

- 1801 MISCELLANEOUS PROVISIONS
- 1802 Pretreatment Charges and Fees
- 1803 Severability

#### **1801—MISCELLANEOUS PROVISIONS**

#### **1802: Pretreatment Charges and Fees**

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 1701) associated with the enforcement activity taken by the District to address IU noncompliance; and
- F. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules

and Regulations and are separate from all other fees, fines, and penalties chargeable by the District.

### **1803: Severability**

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

## **PART 19:**

### **1901—EFFECTIVE DATE**

These Rules and Regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

EFFECTIVE DATE: **August 19, 2021**