EXHIBIT "A"

PRETREATMENT/INDUSTRIAL WASTE
CONTROL RESOLUTION

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Resolution sets forth uniform requirements for direct and indirect contributors into the wastewater collection system for the Bear Creek Water and Sanitation District (the "District") and enables the District to comply with all requirements of the Metro Wastewater Reclamation District ("Metro"), applicable state laws and the General Pretreatment Regulations issued pursuant to the Clean Water Act of 1977.

The objectives of this Resolution are:

a) to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.

b) to prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.

c) to prevent the introduction of pollutants into the municipal wastewater system which may pose health or safety hazards to workers in the sewer system or at the treatment plant.

d) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

This Resolution provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting.

This Resolution shall apply to the District and to persons outside the District who are Users of the District POTW. Except as otherwise provided herein, the Office Manager of the District shall administer, implement, and enforce the provisions of this Resolution.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Resolution, shall have the meanings hereinafter designated:
1) **Act or the Act.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

2) **Administrator.** The Administrator of the Environmental Protection Agency.

3) **Approval Authority.** The Director of the Water Quality Control Division of the Colorado Department of Health, or the Regional Administrator of the EPA.

4) **Authorized Representative of Industrial User.** An authorized representative of an Industrial User may be: (1) a responsible officer if the Industrial User is a corporation, specifically the president, secretary, treasurer, or vice president in charge of principal business activity or any other person who performs similar policy or decision making functions for the corporation, or the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) a general partner if the Industrial User is a partnership, or by the proprietor if the Industrial User is a sole proprietorship; (3) the specific individual or position having responsibility for the overall operation of a governmental facility or overall responsibility for environmental matters for the facility; (4) a duly authorized representative of the individual designated in (1), (2) or (3) above having overall responsibility for the facility from which discharge originates if the authorization is made in writing.

5) **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

6) **Building Sewer.** A sewer conveying wastewater from the premises of a User.

7) **Categorical Standards.** National Categorical Pretreatment Standards or Pretreatment Standards.

8) **Colorado Discharge Permit System Permit or CDPS Permit.** A permit issued pursuant to the Colorado Water Quality Control Act (25-8-101 et. seq., CRS 1973 as amended).

9) **Cooling Water.** The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
10) **District.** The Bear Creek Water and Sanitation District or the Board of Directors of the Bear Creek Water and Sanitation District.

11) **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency.

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

13) **Industrial User.** Any non-domestic source discharging pollutants into a POTW.

14) **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources both: (1) inhibits or disrupts the POTW treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of Metro's NPDES or CDPS Permit(s) (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act, (33 U.S.C. 1345), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

15) **Metro.** The Metro Wastewater Reclamation District, a political subdivision of the State of Colorado.

16) **National Categorical Pretreatment Standard or Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) and set forth and defined in 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N which applies to a specific category of Industrial Users.

17) **National Pollutant Discharge Elimination System Permit or NPDES Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

18) **New Source.** Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(C) of the Act which will be applicable to such source provided that: (1) the building, structure, facility or installation is constructed at a site at which no other source is located; or (2) the building, structure, facility or installation totally replaces the process of production equipment that causes the
discharge of pollutants at an existing source; or (3) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

19) **Office Manager.** The person designated by the District to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article, or the Office Manager’s duly authorized representative.

20) **Pass Through.** A discharge which exits the facilities of the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES or CDPS permit(s) (including an increase in the magnitude or duration of violation).

21) **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, including any person or entity contracting with the District for sewage service. The singular shall include the plural where indicated by the context.

22) **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

23) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

24) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

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

26) **Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the District or Metro. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers, or
other conveyances not connected to a facility providing treatment. For the purposes of this Resolution, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, Users of the District's POTW.

27) **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.

28) **Significant Industrial User.** Any Industrial User who (1) is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (2) is designated as such by the District or Metro on the basis that the Industrial User has a reasonable potential for adversely affecting POTW operations or for violating any pretreatment standard or requirement; or (3) discharges an average of 25,000 gallons per day or more of process wastewater to the sanitary sewer system (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or (4) discharges a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant. Metro may delete a non-categorical Industrial User from the list of Significant Industrial Users if the Industrial User has no potential for adversely affecting the Metro District's operation or for violating any deleterious waste standards as set forth in this Resolution, provided, however, that the District, notwithstanding Metro's decision, may require the Industrial User to obtain a permit hereunder.

29) **Significant Noncompliance.** An Industrial User whose violations meet one or more of the following criteria is considered to be in Significant Noncompliance with pretreatment standards and requirements:

(a) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC is 1.4 for BOD; TSS; and fats, oil and grease; and 1.2 for all other pollutants except pH. TRC for pH is one pH unit above the upper limit or one pH unit below the lower limit);

(c) Any violation of a pretreatment effluent limit (daily maximum or longer-term average) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including
endangering the health of POTW personnel or the general public);

(d) Any discharge that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under Section 4.1 of this ordinance to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the pretreatment program.

30) Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.


33) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

34) Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering according to standard laboratory procedure.

35) Toxic Pollutant. Including, but not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other acts.

36) User. Any person who contributes, causes, or permits the contribution of wastewater into the District's POTW.
37) Wastewater. The liquid and water-carried industrial and domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

38) Wastewater Contribution Permit. As set forth in Section 3.1 of this Resolution.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

- BOD - Biochemical oxygen demand
- CDPS - Colorado Discharge Permit System
- CFR - Code of Federal Regulations
- COD - Chemical oxygen demand
- EPA - Environmental Protection Agency
- L - Liter
- mg - Milligrams
- mg/L - Milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O&M - Operations and Maintenance
- POTW - Publicly owned treatment works
- SIC - Standard Industrial Classification
- USC - United States Code
- TSS - Total suspended solids
- TKN - Total Kjeldahl Nitrogen

SECTION 2 - REGULATIONS

2.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A User may not contribute the following substances to the POTW:

a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

c) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

d) Any wastewater having a temperature which will inhibit biological activity in the POTW Treatment Plant resulting in Interference, but in no case wastewater containing heat in such amounts that the temperature at the introduction into the POTW Treatment Plant exceeds 40°C (104°F).

e) Any wastewater containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Standard.

f) Any wastewater containing 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.

g) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause Pass Through or Interference. In no case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

h) Petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin, each in amounts that will cause interference or pass through.

i) Any trucked or hauled pollutants except at discharge points approved by the District and Metro.
j) Sewage of such a nature and delivered at such a rate as to impair the hydraulic capacity of the system, normal and reasonable wear, and usage excepted.

k) Sewage of such a quantity, quality or other nature as to impair the strength or the durability of the sewer structures, equipment, or treatment works, either by chemical or mechanical action.

l) Sewage having a flash point lower than 187°F, as determined by test methods specified in 40 CFR 261.21.

m) Any radioactive substance the discharge of which does not comply with Section RH 4.18 of the Colorado Rules and Regulations Pertaining to Radiation Control.

n) Any garbage other than that received directly into the POTW from domestic and commercial garbage grinders in dwellings, restaurants, hotels, stores, and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

o) Any night soil or septic tank pumpage, except by permit in writing from Metro at such points and under such conditions as Metro may stipulate in each permit.

p) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants, except such sludge or other material, the discharge of which to the POTW shall be governed by the provision of this Resolution or otherwise authorized by Metro.

q) Water which has been used for cooling or heat transfer purposes without recirculation, discharged from any system or condensation, air conditioning, refrigeration, or similar use.

r) Water accumulated in excavations or accumulated as the result of grading, water taken from the ground by well points, or any other drainage associated with construction.

s) Any water or wastes containing grease or oil and other substances that will solidify or become discernibly viscous at temperatures between 32°F and 150°F.

t) Any wastes that contain a corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, are capable of causing damage to the POTW, a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

u) Any wastes that contain concentrated dye wastes or other wastes that are either highly colored or could become highly
colored by reacting with other wastes, except by permission of Metro.

v) Any wastes which are unusual in composition, i.e., contain an extremely large amount of Suspended Solids or BOD; are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; contain substances conducive to creating tastes or odors in drinking water supplies; otherwise make such water unpalatable even after conventional water purification treatment; or are in any other way extremely unusual, without permission of Metro.

w) Any substance which may cause the POTW’s effluent or any other product of the POTW (such as residues, sludges or scums) to be unsuitable for reclamation processes. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

x) Any substance which will cause the POTW to violate its NPDES or CDPS permits or the receiving water quality standards.

When the Office Manager determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Office Manager shall: 1) Advise the User of the impact of the contribution on the POTW; and 2) Develop effluent limitations for such User to correct the interference with the POTW.

2.2 National Categorical Pretreatment Standards

Upon the promulgation of a National Categorical Pretreatment Standard for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Resolution for sources in that subcategory, shall immediately supersede the limitations imposed under this Resolution. The Office Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

2.3 Specific Pollutant Discharge Standards

No user shall discharge into the system or into any sewer system, at any time or over any period of time, wastewater containing any of the following materials and substances in excess of the limitations provided herein:
<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Limit mg/L</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Arsenic</td>
<td>0.33</td>
</tr>
<tr>
<td>2. Cadmium</td>
<td>3.4</td>
</tr>
<tr>
<td>3. Chromium</td>
<td>3.6</td>
</tr>
<tr>
<td>4. Copper</td>
<td>6.1</td>
</tr>
<tr>
<td>5. Lead</td>
<td>2.2</td>
</tr>
<tr>
<td>6. Mercury</td>
<td>0.13</td>
</tr>
<tr>
<td>7. Molybdenum</td>
<td>0.14</td>
</tr>
<tr>
<td>8. Nickel</td>
<td>5.6</td>
</tr>
<tr>
<td>9. Selenium</td>
<td>0.66</td>
</tr>
<tr>
<td>10. Silver</td>
<td>2.9</td>
</tr>
<tr>
<td>11. Tetrachloroethene</td>
<td>1.5*</td>
</tr>
<tr>
<td>12. Zinc</td>
<td>15.6</td>
</tr>
</tbody>
</table>

* Notwithstanding this numeric limitation, the discharge of dry-cleaning process wastes, including new and used tetrachloroethene (perchloroethylene), still bottom oil, and separator water, is prohibited entirely. Where necessary, the Metro District may require that these wastes be physically prevented from discharging into the sanitary sewer system. (Amended March 14, 1994)
2.4 **State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Resolution.

2.5 **District's Right of Revision**

The District reserves the right to establish by resolution more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of this Resolution.

2.6 **Excessive Discharge**

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 the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District, Metro or State.

2.7 **Accidental Discharges**

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Resolution. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. In the case of any accidental or unusual discharge, it is the responsibility of the User to immediately telephone and notify the District and Metro of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

**Written Notice.** Within five (5) days following an accidental discharge, the User shall submit to the Office Manager a detailed written report describing the cause 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

**Notice to Employees.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.
Slug Discharge Determination. At least every two years, the District shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. If a slug plan is needed, the plan shall contain, at a minimum, the following elements:

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

(b) Description of stored chemicals.

(c) Procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under Section 2 of this Resolution, with procedures for follow-up written notification within five days.

(d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

2.8 Hazardous Waste Discharge Reporting

Industrial Users shall notify the District, Metro, the EPA regional waste management division director, and the state hazardous waste authorities in writing of any discharge into the POTW of any substance, which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. This notification does not apply to pollutants already reported under the reporting requirements in Section 3.2.2 of this Resolution. Specific information to be reported and the time frames in which it is to be reported are found at 40 CFR 403.12(p).

SECTION 3 - ADMINISTRATION

3.1 Wastewater Contribution Permits

3.1.1 General

All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW.

3.1.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete, and file with the District, an application on the form prescribed by the District. In support of the
application, the User shall submit, in units and terms appropriate for evaluation, the following information:

a) Name, address and location (if different from the address).

b) SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

c) Time and duration of wastewater discharge.

d) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.

e) Site plan, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.

f) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.

 g) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Resolution and any applicable State or National Pretreatment Standards, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

h) A statement regarding whether or not the discharge standards contained in Section 2 of this Resolution, and applicable State or National Pretreatment Standards, are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet the applicable standards.

i) If additional pretreatment and/or O&M will be required to meet the Pretreatment or discharge standards, the shortest schedule by which the User will provide such additional treatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment or discharge standards.
(e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.). In no case shall an increment of progress exceed nine months.

(2) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Office Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established.

j) Each product produced by type, amount, process or processes and rate of production.

k) Type and amount of raw materials processed (average and maximum per day).

l) Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

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

The Office Manager shall evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Office Manager may issue a Wastewater Contribution Permit subject to the terms and conditions provided herein.

The permit application shall be accompanied by an imprest account deposit in an amount to be determined by the District. All costs and expenses of the permitting process, including but not limited to, evaluation, legal, administration and engineering review, testing, sampling, compliance measures, issuance and enforcement of the permit shall be borne by the applicant.

3.1.3 Permit Issuance

The Office Manager shall issue a Wastewater Contribution Permit to the applicant if the Office Manager finds that all of the following conditions are met:

a) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Section 2 of this Resolution.
b) The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system.

c) The proposed discharge of the applicant would not result in a violation by Metro of the terms and conditions of its NPDES and/or CDPS permit.

If the Office Manager finds that the condition set out in subparagraph a) of this paragraph is not met, the Office Manager may issue a Wastewater Contribution Permit to the applicant if the conditions set out in paragraphs b) and c) of this paragraph are met and if the applicant submits, and the Office Manager approves, a schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with the provisions of this Resolution.

3.1.4 Permit Conditions

Wastewater Contribution Permits shall be expressly subject to all provisions of this Resolution and all other applicable regulations, User charges and fees established by the District. Permits will contain, at a minimum, the following:

a) Statement of duration (in no case, more than five years).

b) Statement of non-transferability without the prior written approval of the District, which approval may be withheld for any reason, and provision of a copy of the existing permit to the new owner or operator. Approval will not be granted unless the transferee agrees in writing to be fully bound by the terms and conditions of the permit.

c) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law.

d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling, frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law.

e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not extend the compliance date beyond federal deadlines.

Permits may also contain the following:
f) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer.

g) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.

h) Requirements for installation and maintenance of inspection and sampling facilities;

i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

j) Requirements for notification of slug discharges as per Section 2.7 of this Resolution.

k) Other conditions as deemed appropriate by the District to insure compliance with this Resolution.

3.1.5 **Permit Modifications**

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such Standard shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 3.1.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Office Manager within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by paragraphs (h) and (i) of Section 3.1.2.

3.1.6 **Permit Duration**

Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. Any application for reissuance shall be made a minimum of ninety (90) days prior to the expiration of the User’s existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
3.2 Reporting Requirements for Permittee - Pretreatment Standards

3.2.1 Initial (90-day) Compliance Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Office Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for those process units in the User’s facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

3.2.2 Periodic Compliance Reports

a) Any User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Office Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Office Manager, a report covering the preceding six (6) months and indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes. At the discretion of the Office Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Office Manager may agree to alter the months during which the above reports are to be submitted.

b) Significant Noncategorical Industrial Users shall submit to the District at least once every six months (on dates specified by the District), a description of the nature, concentration, and flow of the pollutants required to be reported by the User.

c) The Office Manager may impose mass limitations on Users which are suspected of using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the reports required by subparagraphs a)
and b) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Office Manager of pollutants contained therein which are limited by the applicable Pretreatment Standards.

d) All reports submitted pursuant to this section shall be based on analyses performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

3.3 Monitoring Facilities

The User may be required to install and operate at the User’s own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User’s premises, but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District’s requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

3.4 Inspection and Sampling

The District may inspect the facilities of any User to ascertain whether the purpose of this Resolution is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representatives, or representatives of Metro, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying in the performance of any of their duties. The District, Metro,
the Colorado Department of Health and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements with the security guards so that upon presentation of suitable identification, personnel from the District, Metro, the Colorado Department of Health, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the District, Metro, the Colorado Department of Health or the EPA upon request.

3.5 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Resolution and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense.

3.6 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the 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 of the User.

When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this Resolution, the National Pollutant Discharge Elimination System (NPDES) Permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency, excepting Metro, or to the general public by the District until and unless a ten (10) day notification is given to the User.
SECTION 4 - ENFORCEMENT

4.1 Administrative Enforcement Remedies

4.1.1 Notification of Violation

Whenever the District finds that any User has violated or is violating this Resolution, Wastewater Contribution Permit, or any prohibition, limitation or requirement contained herein, the Office Manager may serve upon such person a written notice stating the nature of the violation. Where directed to do so by the notice, a plan for the satisfactory correction of the violation shall be submitted by the User.

4.1.2 Consent Orders

The Office Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial User responsible for noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Sections 4.1.3 and 4.1.4 below and shall be judicially enforceable.

4.1.3 Compliance Orders or Schedules

When the Office Manager finds that a User has violated or continues to violate the Resolution, wastewater discharge permits or orders issued hereunder, or any other pretreatment standards or requirement, he/she may issue a compliance order to the User responsible for the discharge directing that the User come into compliance within a specified period of time. If the User does not come into compliance within this time period, sewer service may be discontinued. Compliance orders may also 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 Federal pretreatment standard or requirement, nor does a compliance order release the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the User.

4.1.4 Suspension of Service

The Office Manager may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Office Manager or Metro in order to stop an actual or threatened discharge which presents or may present an imminent or substantial
endangerment to the health or welfare of persons, to the environment, causes Pass Through or Interference or causes Metro to violate any condition of its NPDES or CDPS Permit.

Any Person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the Person to comply voluntarily with the suspension order, the Office Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Office Manager shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge and payment of all fees and charges due the District in regard of the disconnection and reconnection of the service. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Office Manager within fifteen (15) days of the date of occurrence.

4.1.5 Revocation of Permit

Any permitted User who violates any conditions of this Resolution, or applicable state and federal regulations, is subject to having the permit revoked. Grounds for permit revocation include, but are not limited to:

 a) Failure of a User to factually report the wastewater constituents and characteristics of the discharge;

 b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;

 c) Refusal of reasonable access to the User’s premises for the purpose of inspection or monitoring; or,

 d) Violation of conditions of the permit.

4.1.6 Administrative Penalties

Notwithstanding any other section of this Resolution, any User that is found to have violated any provision of this Resolution, its Wastewater Contribution Permit, orders issued hereunder, or any other pretreatment standard or requirement shall be assessed penalties in an amount not to exceed $1000. Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge violations, penalties shall be assessed for each day during the period of violation.
Assessments may be added to the User's next scheduled sewer service charge and the Office Manager shall have such collection remedies as may be available for other service charges and fees.

Unpaid charges, fines, and penalties shall, after (30) calendar days, be assessed an additional penalty of (1%) percent of the unpaid balance and interest shall accrue thereafter at a rate of (1%) per month. A lien against the individual User's property may be sought for unpaid charges and penalties.

4.1.7 Hearings

Users desiring to dispute penalties or any other Administrative Enforcement Remedies must file a written request for the Board of Directors to reconsider the remedy within 10 days of being notified of the remedy. The Office Manager shall convene a hearing on the matter within (30) days of receiving the request from the User.

4.1.8 Show-Cause Hearing

Upon a finding by the Office Manager that a Person has caused or permitted an unauthorized discharge or that any such unauthorized discharge has not been corrected by timely compliance with a correction schedule, whether with or without a meeting, the District may order any person who causes or allows such unauthorized discharge to show cause before the Board of Directors why an enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Board of Directors regarding the violation, the proposed enforcement action, and directing the offending party to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Board of Directors may conduct the hearing and take the evidence, or may designate a representative to:

a) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;

b) Take the evidence;

c) Transmit a report of the evidence and hearing to the Board of Directors, including transcripts and other evidence, together with recommendations for action thereon.
At any public hearing, testimony taken before the hearing authority or any person designated by it, shall be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

Upon review of the evidence by the Board of Directors it shall make written findings of fact. Thereupon the Board of Directors may:

a) Issue an order stating that no unauthorized discharge has occurred and directing that service shall not be terminated therefor;

b) Issue an order stating that an unauthorized discharge has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:

(1) Adequate treatment facilities, devices or other appurtenances shall have been installed, or

(2) Existing treatment facilities, devices or other appurtenances are properly operated or maintained; or

c) Issue such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the District may appeal such order to the District Court in and for the County of Jefferson, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

4.2 Legal Enforcement Remedies

If any person discharges sewage, industrial wastes or other wastes into the District’s wastewater disposal system contrary to the provisions of this Resolution, federal or state Pretreatment Requirements or any order of the District, the District’s Attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this county.

4.3 Publication of Significant Noncompliance

The District, or Metro on behalf of the District, shall annually publish in the newspaper with the largest daily circulation within the District, a list of the Users which were in significant noncompliance with applicable Pretreatment Standards or Requirements during the previous twelve (12) months.
SECTION 5 - FEES

5.1 Purpose

It is the purpose of this section to provide for the recovery of costs from Users of the District's POTW for the implementation of the program established herein.

5.2 Charges and Fees

The District's charges and fees may include:

a) Fees for reimbursement of all costs of setting up, operating and enforcing the program described herein, including legal, engineering and administrative costs;

b) Fees for monitoring, inspections, and surveillance procedures;

c) Fees for reviewing accidental discharge procedures and construction;

d) Fees for permit applications;

e) Fees for filing appeals;

f) Other fees as the District may deem necessary to carry out the requirements contained herein.

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

SECTION 6 - SEVERABILITY

If any provision, paragraph, word, section or article of this Resolution is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 7 - CONFLICT

All other Resolutions and parts of other Resolutions inconsistent or conflicting with any part of this Resolution are hereby repealed to the extent of such inconsistency or conflict.
SECTION 8 - DELEGATION OF AUTHORITY

Metro shall have full authority to act and perform such functions as are provided for in Article IV of the Service Contract between the District and Metro.

SECTION 9 - EFFECTIVE DATE

This Resolution shall be in full force and effect on the 9th day of November, 1992.

APPROVED THIS 9th DAY OF NOVEMBER, 1992.

BEAR CREEK WATER AND SANITATION DISTRICT

By: ________________________
    Chairman

ATTEST:

____________________ (Seal)
    Secretary