

**AMENDMENT
TO THE RULES AND REGULATIONS
OF THE
HAVANA WATER AND SANITATION DISTRICT**

**CONCERNING PRETREATMENT AND INTERCEPTOR REQUIREMENTS AND
VIOLATIONS AND ENFORCEMENT**

WHEREAS, Havana Water and Sanitation District (the "District") is a special district organized and existing pursuant to section 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District is permitted to adopt, amend, and enforce rules and regulations; and

WHEREAS, the Board of Directors of the District (the "Board") has adopted rules and regulations of the District (the "Rules and Regulations"); and

WHEREAS, pursuant to Article I, Section 1.6 of the Rules and Regulations, the Board may amend the Rules and Regulations at any time and whether the amendment is contained in the Rules and Regulations or declared in the minutes of a meeting of the Board the amendment shall be in full force and effect from the date of such declaration; and

WHEREAS, the Board finds it necessary for the protection of its customers and the sanitary sewer system it operates for the benefit of these customers to adopt more detailed regulations regarding pretreatment, interceptors and inspection and enforcement of sewage discharge regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District hereby approves the following:

Section 1. Pretreatment and Interceptor Requirements. A new Appendix of the Rules and Regulations is hereby added and reads as follows:

PRETREATMENT AND INTERCEPTOR REQUIREMENTS.

- 1.1 Pretreatment: General Requirements. Where deemed necessary by the District, whose determinations shall be final, the Customer or Developer shall provide, at his expense, such preliminary treatment (hereafter, "pre-treatment") as may be necessary. Where pre-treatment facilities are provided for any waste or waters, they shall meet any applicable District, state, or federal specifications or design standards, and, once built, shall be maintained continuously in satisfactory and effective operation by the Customer or Developer.
- 1.2 Requirement for Grease, Oil and Sand Interceptors. Interceptors (including, but not limited to, grease, oil and sand interceptors) shall be provided for the proper handling of liquid wastes containing grease or oil in excessive amounts, any flammable wastes, sand, solids, acid or alkaline substances or other constituents

harmful to the District's sanitary sewer system or which detrimentally affect the sewage treatment process. In addition to the circumstances set forth herein, interceptors shall be provided when, in the opinion of the District, they are necessary. All costs associated with interceptors are the sole cost and expense of the Customer or Developer.

1.3 Grease Interceptors: Specific Requirements.

- a. Grease interceptors are required on the discharge lines of every fixed receptacle or plumbing fixture designed, intended or used for the purpose of washing dishes or cooking utensils on all premises, other than residential properties, where food is prepared or processed or where necessary to prevent the discharge of amounts of grease or grease-containing liquids into the District's sanitary sewer system, or when an industrial process produces organic waste.
- b. Without limiting the generality of the foregoing provision, all drains from the kitchen, food preparation, and dishwashing areas shall be connected to the grease interceptor. The discharge from garbage grinders shall not be connected to the grease interceptor. Garbage grinders shall not be used for disposal of grease.

1.4 Interceptors: Design Standards.

- a. Notwithstanding anything herein to the contract, interceptors shall have two compartments and have a minimum capacity of 750 gallons unless the District approves a deviation from this requirement. Interceptors shall be concrete with the wall and floors being a monolithic concrete pour.
- b. Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be watertight, and, if necessary as determined by the District Engineer, gastight and vented.
- c. Sizing criteria for grease interceptors are as follows:
 1. *Parameters.* The parameters for sizing a grease interceptor are hydraulic loading and grease storage capacity, for one or more fixtures.
 2. *Sizing Formula.* The size of the grease interceptor shall be determined by the following formula:

Number of meals per peak hour^(a) multiplied by waste flow rate^(b) multiplied by retention time^(c) multiplied by storage factor^(d) equals interceptor size (liquid capacity).

(a) Meals Served at Peak Hour

(b) Waste Flow Rate

- (1) With dishwashing machine
..... 6 gallon (22.7L) flow
- (2) Without dishwashing machine
..... 5 gallon (18.9L) flow
- (3) Single service kitchen
.....2 gallon (7.6L) flow
- (4) Food waste disposer
.....1 gallon (3.8L) flow

(c) Retention Times

- (1) Commercial kitchen waste
Dishwasher 2.5 hours
- (2) Single service kitchen
Single serving 1.5 hours

(d) Storage Factors

- (1) Fully equipped commercial kitchen
..... 8 hour operation: 1
..... 16 hour operation: 2
..... 24 hour operation: 3
- (2) Single Service Kitchen 1.5

d. Interceptors shall be of a design conforming to the International Plumbing Code (edition utilized by the local building permitting agency). Location of all building interceptors shall be shown on the approved building plan.

e. All interceptors shall be located outside the building on private property, unless otherwise approved by the District Engineer. They shall be so installed and connected that they shall be at all times easily and readily available and accessible for cleaning, maintenance, and inspection. All interceptors shall be maintained by the Customer or Developer at his expense, in continually efficient operation at all times. When necessary, the Customer shall, at his expense, provide all equipment and facilities needed to transport all sewage to a Sewer Main.

- f. Each interceptor cover shall be readily accessible for inspecting, servicing and maintaining the interceptor in working and operating condition. If it is necessary to use a ladder or to remove bulky equipment in order to service interceptors, this shall constitute a violation of this accessibility requirement.

1.5 District Approval. Interceptor plans shall be submitted to the District Engineer, who must approve them prior to installation. The cost of reviewing and approving such plans, and inspection and approval of the installation shall be charged to the applicant.

1.6 Responsibility for Cleaning and Maintenance.

- a. The responsibility of cleaning and maintaining all interceptors shall be the Customer's or Developer's responsibility. Installed equipment or facilities shall be maintained by the Customer or Developer, at his expense, in continuously efficient operation at all times.
- b. Grease interceptors shall be pumped and cleaned of their accumulated matter at least once every three (3) months, or more often if necessary, as determined by the District Engineer to ensure maximum efficiency. The District shall give notice to the Customer or Developer if maintenance required by this Section is required more often than once every three (3) months.
- c. Sand and oil interceptors shall be pumped at least once every three (3) months or more often if necessary, as determined by the District Engineer to ensure maximum efficiency. The District shall give notice to the Customer or Developer if maintenance required by this Section is required more often than once every three (3) months.
- d. Access to an interceptor shall remain unobstructed at all times. The necessity to remove large objects such as boxes, crates, or cans or to use a ladder to inspect an interceptor shall constitute a violation of this unobstruction requirement.
- e. The Customer or Developer must maintain interceptor(s) in efficient working condition and in compliance with the cleaning and pumping standards set forth above at all times.
- f. No unauthorized alteration(s) or damage(s) to any interceptor shall be allowed without the prior approval of the District.
- g. Periodic maintenance reviews may be performed by the District to ensure compliance with these Rules and Regulations. In order to implement any maintenance and inspection, the Customer and/or Developer, in partial

consideration of sewer service, expressly grants to the District access to enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and all interceptors.

- 1.7 Prohibited Cleaning Agents. Customers or Developers are prohibited from cleaning or maintaining their grease interceptors with microbial grease digestants, or similar enzyme based grease trap additives which allow grease and other wastes to move through the grease interceptors in liquid form into the District's sanitary sewer system.

In addition to other penalties and fines set forth in these Rules and Regulations, Customers or Developers who use microbial grease digestants or any similar enzyme based grease trap additives in violation of this Section shall be jointly and severally liable for all costs and expenses associated with cleaning and unclogging the District's sanitary sewer system as a result of the discharge of grease in liquid form into the Sewer Mains.

- 1.8 Inspection and Enforcement of Sewage Discharge Regulations.

- a. Periodic maintenance reviews or inspections may be performed by the District to ensure compliance with these Rules and Regulations. The charge for scheduled inspections shall be from time to time determined by the Board and shall be available upon request from the District Manager. The charge for any inspections shall be billed directly to the Customer or Developer by the District. The charge for any inspections that are required beyond periodic scheduled inspections shall include all costs incurred by the District for such inspection.
- b. Authorization to Enter Upon Private Property. As partial consideration for the provision of Service the Customer or Developer grants the District the express right to enter upon private property for the purposes of such inspection and for any necessary maintenance of sanitary and waste disposal Facilities, including interceptors.
- c. Unauthorized Discharge of Sewage. Discharge of sewage in any manner in not permitted by these Rules and Regulations is hereby declared a public nuisance and may be corrected or abated as directed by the District at the cost of the violator.

Section 2. Violations and Enforcement. A new Appendix of the Rules and Regulations is hereby added and reads as follows:

VIOLATIONS AND ENFORCEMENT.

- 2.1 Administrative Enforcement Remedies.

- 2.1.1 Notification of Violation.

- a. Whenever the District finds that any Person has violated or is violating these Rules and Regulations, the District will issue a written notice to correct the problem or the practice at issue. If, in the sole discretion of the District, an emergency exists, the District may take immediate action as provided in Section 2.2 below and shall provide notice as soon thereafter as possible.
- b. The notice shall contain:
 1. Name of Person cited for the violation.
 2. Location of the violation.
 3. Details of the violation.
 4. Corrective action to be taken by the Person cited.
 5. Time limit for the corrective action to be taken.
 6. Recommendations if any.
 7. Penalty for noncompliance.
 8. The date upon which a follow-up maintenance review will be conducted.
- c. Should the violation still exist after the time limit on the notice has elapsed, the District may terminate service or assess charges, fines, and penalties pursuant to Sections 2.1.3 and 2.1.4 below.

2.1.2 Consent.

The District Engineer is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Person responsible for noncompliance. Such orders will include specific action to be taken by the Person 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 order issued pursuant to this Section and shall be judicially enforceable.

2.1.3 Assessment of Costs/Penalties.

Any Person in violation of these Rules and Regulations shall be assessed penalties in an amount to be determined by the Board, not to exceed \$1000. Each violation is subject to a penalty and each day of a violation shall be considered a separate violation. Assessments may be added to the Person's next scheduled Service Charge.

When a discharge of wastes causes an obstruction, damage or any other impairment to the District facilities, the District may assess a charge against the Person responsible for the discharge for the costs incurred in cleaning or repairing the facility. These costs shall be due and payable immediately upon receipt of the

District's invoicing of the Person.

Any Person violating any of the provisions of these Rules and Regulations shall become liable to the Board for any expense, loss or damage occasioned by reason of such violation, including administrative, attorneys', engineering and accounting fees.

Unpaid charges, fines, fees and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance and interest shall accrue thereafter at a rate of one percent (1%) per month.

Until paid, charges, fines, fees and penalties shall constitute a perpetual lien against the property. The District shall have all legally available remedies for the collection of such costs including, but not limited to, foreclosure of such lien as provided by law.

2.1.4 Revocation of Permit.

Notwithstanding any other provision of these Rules and Regulations Customer User who violates these Rules and Regulations, any conditions of the Permit, or applicable state and federal regulations, is subject to having the Permit revoked.

2.1.5 Hearings.

Persons desiring to dispute penalties must file a written request for the District Manager to consider the remedy within ten (10) days of being notified of the remedy. The District Manager shall convene a hearing on the matter within ten (10) days of receiving the request from the Person.

2.1.6 Show-Cause Hearing.

Upon a finding by the District Manager that a Person has violated these Rules and Regulations, the District Manager may order any Person who violates these Rules and Regulations to show cause before the District Manager 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 District Manager regarding the violation, the proposed enforcement action, and directing the offending party to show cause before the District Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or be certified mail return receipt requested or by any mail delivery service that is the equivalent to or superior to certified mail return receipt requested with receipt to receipt verification delivery speed and reliability, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The District Manager may conduct the hearing and take the evidence, or may designate a representative to:

- a. Issue in the name of the District Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.
- b. Take the evidence;
- c. Transmit a report of the evidence and hearing to the District Manager, 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 or by audio recording. 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 District Manager, the District Manager shall make written findings of fact. Thereupon the District Manager may:

- a. Issue an order stating that no violation of these Rules and Regulations has occurred and directing that service shall not be terminated therefore.
- b. Issue an order stating that a violation of these Rules and Regulations has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless the violation is discontinued.
- 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 Manager may appeal such order to the Board of Directors of the District, and thereafter to the District Court in and for the County of Arapahoe, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

2.2

Emergencies. If an emergency is deemed to exist, the District may immediately notify the State Health Department and disconnect any service line from the District's system, until such time as the District has received adequate assurance that any and all violations of the District's Rules and Regulations will cease and will not occur in the future. The District will, as soon as possible, provide written notice to the Property Owner or User, citing the circumstances giving rise to the emergency and the reasons for termination of service, providing the other information specified in numbers 1, 2, 3, 4, and 6 of Section 2.1.1 part b) above and providing an opportunity for hearing before the District Board.

- 2.3 Legal Enforcement Remedies. The District shall have all legally available remedies for the collection of all charges, fines, and penalties including, but not limited to, foreclosure of such lien as provided by law. The District shall also be entitled to recover its costs of collection and attorneys' fees.
- 2.4 Civil Liability. Any Person who intentionally or negligently violates any provision of these Rules and Regulations or the conditions set forth in any Permit duly issued shall be subject to civil liability to the District.
- 2.5 Criminal Liability. Any Person who violates these Rules and Regulations and in doing so commits a misdemeanor or felony may be charged with a misdemeanor or felony, and upon conviction thereof, shall be subject to such penalties as provided by law.

Section 3. Full Force and Effect. Except as expressly modified by this amendment, all other provisions of the Rules and Regulations shall remain in full force and effect. To the extent that any provision(s) of this amendment are inconsistent with any other provision(s) of the Rules and Regulations, the provision(s) of this amendment shall govern.

Section 4. Effective Date of Resolution. This amendment is effective as of the date of its adoption and approval.

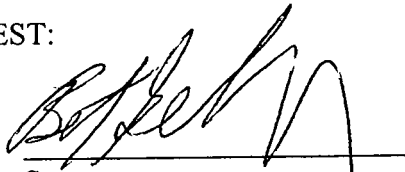
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ADOPTED AND APPROVED THIS 7th DAY OF APRIL 2010.

HAVANA WATER AND SANITATION
DISTRICT

By: 
President

ATTEST:

By: 
Secretary