

Department of
Transportation and
Infrastructure

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**Rules and Regulations
Governing Sewerage Charges and Fees
and Management of Wastewater**



Approvals

Handwritten signature of Amy Ford in black ink.

Executive Director, Department of Transportation & Infrastructure

Handwritten signature of Kenny M. in blue ink.

Attorney for the City & County of Denver

Date of Final Signature / Effective Date: 05/17/2024

City and County of Denver, Colorado
Department of Transportation and Infrastructure
Wastewater Management Division

**RULES AND REGULATIONS GOVERNING
SEWERAGE CHARGES AND FEES AND
MANAGEMENT OF WASTEWATER**

TABLE OF CONTENTS

<u>CHAPTER 1</u>	<u>GENERAL - ADMINISTRATIVE</u>	PAGE
SECTIONS		
1.01	Authority	1 - 1
1.02	Effective Date	1 - 1
1.03	Amendment	1 - 1
1.04	Title	1 - 1
1.05	Severability	1 - 1
1.06	City Control	1 - 1
1.07	Public Records	1 - 2
1.08	Definitions	1 - 3
1.09	Wastewater Management Division	1 - 5
1.10	Adoption by Reference	1 - 5
<u>CHAPTER 2</u>	<u>PERMITS AND CONDITIONS OF USE</u>	
SECTIONS		
2.01	General Conditions of Service	2 - 1
2.02	Types of Sewer Permits	2 - 2
2.03	Sewer Use and Drainage Permit	2 - 2
2.04	Form of Sewer Use and Drainage Permit	2 - 2
2.05	Form of the Sewer Use and Drainage Permit Denial	2 - 3
2.06	Application for Sewer Use and Drainage Permit	2 - 3
2.07	Sewer Inspection Permit	2 - 4
2.08	Denial of Sewer Connections	2 - 4
2.09	Permits for Service from Private or Building Sewers Inside the City	2 - 4
2.10	Temporary Permits	2 - 5
2.11	Suspension	2 - 5
2.12	Revocation	2 - 7
2.13	Abandonment and Relocation Permit	2 - 7
2.14	Build-Over Permit	2 - 7
2.15	Cut-Off Permit	2 - 7
2.16	Extended Sewer Permit	2 - 7
2.17	Sewer Permit Required	2 - 7
<u>CHAPTER 3</u>	<u>RATES AND BILLING PROCEDURES</u>	
SECTIONS		
3.01	Payment Responsibility	3 - 1
3.02	Classification and Reclassification of Users	3 - 1
3.03	Combined Meter Rate Service	3 - 1
3.04	Special Condition Common Service (Existing)	3 - 2
3.05	Billing Frequency	3 - 2
3.06	Delinquencies	3 - 2
3.07	Account Adjustments	3 - 2

3.08	Meter Adjustments	3 - 3
3.09	Auxiliary Service	3 - 3
3.10	Special Service Fee	3 - 3
3.11	Establishment of Strength Indexes	3 - 3
3.12	Sampling, Measuring, Observing and Testing	3 - 4
3.13	Submission of Production Unit Data	3 - 5
3.14	Water Loss Studies	3 - 5

CHAPTER 4

SEWER MAINS

SECTIONS

4.01	Location	4 - 1
4.02	Ownership and Installation	4 - 1
4.03	Maintenance Inside City	4 - 1
4.04	Availability of Sewer Service	4 - 1
4.05	Private Sewers	4 - 2

CHAPTER 5

BUILDING SEWERS

SECTIONS

5.01	Ownership	5 - 1
5.02	Installation	5 - 1
5.03	Unused Building Sewer	5 - 2
5.04	Maintenance	5 - 2
5.05	Inspection of Private Sewerage Systems and Premises	5 - 2
5.06	Separation	5 - 2
5.07	Pretreatment Facilities	5 - 2

CHAPTER 6

METERS, INSPECTION CHAMBERS AND CONTROL MANHOLES

SECTIONS

6.01	Installation of Inspection Chambers or Control Manholes	6 - 1
6.02	Installation of Sanitary Sewage Flow Meters	6 - 1
6.03	Installation of Water Meters	6 - 2
6.04	Ownership	6 - 2
6.05	Size and Type	6 - 2
6.06	Location	6 - 2

CHAPTER 7

QUALITY CONTROL

SECTIONS

7.01	Prohibited Discharges to the Storm Sewer System	7 - 1
7.02	Prohibited Discharges to the Sanitary Sewerage System	7 - 1
7.03	Dilution	7 - 4
7.04	Remedies	7 - 4
7.05	Accidental Discharges	7 - 5
7.06	Cost of Enforcement Actions	7 - 6
7.07	Sampling Techniques	7 - 6
7.08	Laboratory Testing of Sample	7 - 7
7.09	Industrial User Declaration	7 - 7
7.10	Adoption of Rules and Regulations	7 - 7

<u>CHAPTER 8</u>	<u>COMPLAINTS</u>	
SECTIONS		
8.01	Revocation/Suspension/Imposition of Special Charges	8 - 1
8.02	Appeals to the Manager	8 - 1
8.03	Adjustments of Inequities	8 - 1
8.04	Orders for Compliance with Ordinances and Rules and Regulations	8 - 1
8.05	Suspension of Work	8 - 1
<u>CHAPTER 9</u>	<u>SUBDIVISIONS / PLANNED UNIT DEVELOPMENTS</u>	
SECTIONS	<u>/PLANNED BUILDING GROUPS / PLANNED DEVELOPMENTS</u>	
9.01	General	9 - 1
9.02	Request for Additional Information or Waiver of Specific Submissions	9 - 3
9.03	Post Approval Requirements	9 - 3
9.04	Certificate of Occupancy	9 - 4
<u>CHAPTER 10</u>	<u>WATER QUALITY, EARTH DISTURBANCE AND EROSION CONTROL</u>	
SECTIONS		
10.01	General	10 - 1
10.02	Definitions	10 - 1
10.03	Compliance with Chapter Required for Site Construction Plan(s) Approval	10 - 3
10.04	Compliance with Chapter Required for Occupancy	10 - 3
10.05	Adoption by Reference of Stormwater Quality and Erosion Control Criteria	10 - 3
10.06	Permits and Fees	10 - 3
10.07	Failure to Complete the Work	10 - 4
10.08	Denial of Permit	10 - 4
10.09	Modification of Approved Plans	10 - 4
10.10	Responsibility of Permittee	10 - 5
10.11	General Requirements	10 - 5
10.12	Maintenance Requirements	10 - 6
10.13	Minimum Design Standards	10 - 6
10.14	Variances and Exceptions	10 - 6
10.15	Water Quality	10 - 7
10.16	Administration	10 - 7
10.17	Investigation and Enforcement	10 - 7
10.18	Right of Entry	10 - 8
<u>CHAPTER 11</u>	<u>STORM DRAINAGE PLANNING AND DESIGN</u>	
SECTIONS		
11.01	General	11 - 1
11.02	Storm Drainage Study	11 - 1
11.03	Design Criteria for Residential Subdivisions	11 - 1
11.04	Design Criteria for Commercial and Industrial Subdivisions	11 - 2
11.05	Design Criteria for Planned Building Groups and Planned Unit Developments	11 - 3
11.06	Design Criteria for other Types of Development	11 - 3
<u>CHAPTER 12</u>	<u>FLOODPLAIN MANAGEMENT</u>	
SECTIONS		
12.01	Permits and Conditions of Use	12 - 1

CHAPTER 1- GENERAL - ADMINISTRATIVE

1.01 Authority

These Rules and Regulations are adopted and issued by the Manager of the Department of Transportation and Infrastructure of the City and County of Denver (hereinafter sometimes referred to as "Manager") in accordance with authority contained in the Charter of the City and County of Denver and in the Revised Municipal Code of the City and County of Denver.

1.02 Effective Date

These Rules and Regulations are effective upon final adoption and supersede all former Rules, Regulations, and Rules and Regulations which are or may be in conflict with these Rules and Regulations. A copy of these Rules and Regulations are filed with the Clerk and Recorder, Ex Officio Clerk of the City and County of Denver, one copy with the Attorney for the City and County of Denver.

1.03 Amendment

These Rule and Regulations may be altered, amended or added to from time to time, and such alterations, additions or amendments shall be binding and of full force and effective as of the date of the filing and publication pursuant to the provisions of Chapter 2, Article VI of the Revised Municipal Code of the City and County of Denver.

1.04 Titles

Titles used in these Rules and Regulations are for convenience only and shall not be considered in interpreting their meaning or scope.

1.05 Severability

In the event that any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application, and to this end, the various provisions of these Rules and Regulations are declared to be, and are, severable.

1.06 City Control

Notwithstanding any comity extended governmental agencies or others, neither the City and County of Denver, nor its officers or employees, shall be restricted or limited in the exercise or resumption of the exercise of their lawful powers. No action, direct or indirect, of or by any person, including any owner, operator or agent of an owner or operator of any sewer facility in making any connection, disconnection, repair or otherwise doing work with respect to any sewer facility serviced by the City and County of Denver in violation of these Rules and Regulations, shall continue after discovery or enforcing correction of such violation.

1.07 Public Records

These Rules and Regulations are adopted by the Manager of the Department of Transportation and Infrastructure of the City and County of Denver (Manager) for the protection of the public records of the Department of Transportation and Infrastructure relating to sewers and drains and in order to permit their inspection and copying by persons entitled to examine and copy the information there from in an orderly fashion and free from unnecessary interference with the regular discharge of the duties of the Manager as official custodian.

A. **Official Custodian**

The Manager is the official custodian responsible for the maintenance, care and keeping of all records of the City and County of Denver relating to the operation, management and control of the sewerage and drainage facilities of the City and County of Denver.

B. **Agents of the Official Custodian**

The Manager designates the Deputy Manager of the Department of Transportation and Infrastructure for Wastewater Management, and his successors, as his agent to perform any and all acts necessary to enforce and execute the provisions of these Rules and Regulations regarding public records.

C. **Inspection of Public Records**

All public records of the Department of Transportation and Infrastructure regarding sewers and drains shall be open for inspection at the times designated herein unless prohibited by the provisions of the Colorado Public Records Act or the laws of the United States of America.

D. **Requests for Inspection**

Requests for inspection and copying of any public records of the Department of Transportation and Infrastructure regarding sewers or drains shall be made to the Manager in writing and shall set forth the particular document or record desired to be inspected or copied. If such document or record is available for inspection or copying, the Manager shall notify the applicant of the date, time and location when and where the material can be inspected or copied. If such public record is not available in the Department of Transportation and Infrastructure, the applicant shall be notified, in writing, of this fact, the location of the record, if known, and the custodian thereof, if known.

E. **Times for Inspection**

Inspection of the Department of Transportation and Infrastructure public records regarding sewers or drains shall be made where permitted by law during the hours from 9:00 A.M. to 4:00 P.M., Monday through Friday, except holidays, at an hour and place specifically set by the Manager for each request for inspection or copying.

F. **Copies, Print-outs or Photographs of Public Records**

In any case where a person has the right to inspect a public record regarding sewers or drains under the control of the Manager, and such person requests in writing that he be furnished copies, print-outs or photographs thereof, the Manager shall notify the applicant if such record is available for copying and shall make a charge therefore according to the current schedule of charges.

G. **Exemptions**

No person shall be permitted to inspect or copy any records of the Department of Transportation and Infrastructure if, in the opinion of the Manager, such inspection or copying would be prohibited by one or more of the exemptions stated in the Colorado Public Records Act, or by the laws of the United States of America.

1.08 Definitions

In addition to the definitions of terms set forth in the Revised Municipal Code of the City and County of Denver, and as used in these Rules and Regulations, unless the context shall otherwise require, the words defined in this section, shall have the meanings herein ascribed:

- A. Control Manhole:
A structure that is accessible for the purpose of monitoring and testing the flow through a building sewer. It may also be used as an inspection chamber.
- B. Delivery Flow Rate Characteristics:
The rates by volume and pollutant strength, at which an industrial user discharges its waste to the City sewerage system.
- C. Designated Industrial User:
An industrial user of the City sewerage system who discharges wastes of such quality, quantity or variability, so as to permit assignment of typical strength of loading values, based upon an examination of the process involved and on-site monitoring (which shall be accomplished, as a minimum, on an annual basis).
- D. Excluded Industrial User:
A user of the City sewerage system, identified as an industrial user, which discharges only non-process wastes, segregated domestic sewage, or wastes from sanitary conveniences.
- E. Flow Control Device:
A structure, or structures, with equipment or attachments for the purpose of delaying, detaining, equalizing or otherwise controlling the flow or discharge of sewage from a premises through a building sewer into a public sewer.
- F. Flow-Equalizing Facilities:
Devices, structures or equipment for the purpose of equalizing the flow of sewage from a premises through a building into a public sewer.
- G. Industrial Cost Recovery Period:
The length of time during which the industrial cost recovery system will be in effect for each applicable project is 30 years for the City and County of Denver.
- H. Industrial User:
Any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Budget and Management (as amended and supplemented) under the following divisions:
 - 1. Division A. Agriculture, Forestry and Fishing
 - 2. Division B. Mining
 - 3. Division D. Manufacturing
 - 4. Division E. Transportation, Communications, Electric, Gas and Sanitary Services
 - 5. Division I. Services
- I. Inspection Chamber:
An accessible structure through which sewage from a building sewer flows and from which flow may be metered or samples of said sewage may be collected for the purpose of being tested.
- J. Letter of Intent:
A written statement from an industrial user to the City of that user's intent to utilize a specific portion of the City's sewage treatment facility.

- K. Major Contributing Industries:
1. An annual charge for all categorical Industrial Users of Section (iii); i.e., Users having in their wastes toxic pollutants as defined pursuant to Section 307 of the Act, or Metro Rules, or Colorado Statutes and Rules, of \$433.00 per million gallons of sewage contributed to the municipal sanitary sewer system by the User during the billing period.
 2. An annual charge for all Significant Industrial Users of Sections (i), (ii) and (iv); i.e., Users having a discharge flow of 25,000 gallons ' or more per average work day, or having a flow greater than 51; of the flow in the City's Wastewater Treatment System, or having been found by the City, Metro, the Colorado Department of Health, Water Quality Control Division, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the Wastewater Treatment System, the quality of sludge, the System's effluent quality, or air emission generated by the System, of \$135.00 per million gallons of sewage contributed to the municipal sanitary sewer system by the User during the billing period.
- L. Mass Emission Rate:
The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
- M. Monitored Industrial User:
An industrial user of the City sewerage system who discharges wastes of such a quality, quantity or variability so as to require periodic sampling in order to identify the amounts of discharges and loading characteristics.
- N. Pretreatment Facilities:
Structures, devices or equipment for the purpose of neutralizing or removing deleterious wastes from sewage generated from a premises prior to its discharge into a public sewer.
- O. Production Units:
Units of measurement of a product or industry.
- P. Properly Shredded Garbage:
Garbage that has been shredded to such a degree that all the particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- Q. Sampling:
The periodic collection of wastewater as it flows through a sewer.
- R. Sewage Flow Meter:
A device that measures and/or records the volume of wastewater. It may also measure the rate of flow of wastewater.
- S. Sewer Inspection Permit:
A permit issued by the Manager to a person for the purpose of inspecting the connection of a building sewer or storm drain to a public or private sewer, or other specified purpose. This permit will be issued only to a person who is licensed by the City to perform such work, and, usually, only then after a sewer use and drainage permit has been previously issued.
- T. Sewer Use and Drainage Permit:
A permit issued by the Manager to a person authorizing the use of the City's sewerage system for the purpose of disposing of wastewater. This permit is not to be confused with a sewer inspection permit; in fact, its issuance is usually a condition precedent to attaining of a sewer inspection permit.
- U. Testing:
The analysis of samples of wastewater.

V. Unextended Connection:

An unextended connection is one in which the building sewer lies wholly within the bounds of the property served by the building sewer and, if the sewer extends to within the public Right-of-Way or easement, the building sewer lies within the extension of the property lines of the property served made at right angles to the Right-of-Way line.

W. Waste:

Includes wastewater and any and all other waste substances, liquid, solid, or gaseous, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purpose of, disposal.

X. Wastewater:

Any waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

Y. Wastewater Constituents and Characteristics:

The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Z. Water Billing Data:

The information used by the City to determine the amount of money to charge for sanitary sewage services provided to a premises.

AA. Water Meter:

A device that measures the volume of water, or the rate of flow of water.

AB. Water Use Data:

All information relative to the consumption of water by a premises, including but not limited to, source, quantity, use and distribution, and disposal.

1.09 Wastewater Management Division

The Wastewater Management Division of the Department of Transportation and Infrastructure is organized to operate the sewerage system of the City, and to implement and enforce these Rules and Regulations and Chapter 56, Articles 91 through 107 of the Revised Municipal Code.

1.10 Adoption by Reference

There is hereby adopted by reference, as a part of this Regulation, as if fully set forth herein, the following:

- A. City and County of Denver Storm Drainage Design & Technical Criteria Manual;
- B. Those criteria of Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volumes 1-3, as specified herein. To the extent other requirements of the Urban Storm Drainage Criteria Manual, Volumes 1-3 have not been incorporated by reference, the Manager or designee shall be guided by the considerations and recommendations within said manual in the administration of this Regulation.

CHAPTER 2 - PERMITS AND CONDITIONS OF USE

2.01 General Conditions of Service

The right to use the sewerage system of the City and County of Denver, (hereinafter sometimes referred to as "Denver" or "City") exists and shall exist only under permit issued by the City, and no physical connection may be made or modified to any facility of such system or to any privately or publicly owned extension thereof, for any purpose, unless a permit shall have first been obtained authorizing the use for which such a connection is to be made. A permittee shall have the right to use the Denver sewerage system and any facility thereof only on the premises described in the permit (hereinafter sometimes referred to as "permit premises") and for the purpose specified in the permit, subject to the modification, suspension or revocation of such permit by the City as herein provided.

No permit will be granted for collecting and treating wastewater inside the Denver city limits, but this rule will not operate to prevent property owners from making arrangements for payment or reimbursement for payment of sewerage charges by or among occupants of the premises described in the permit.

Permits attach only to the premises described in the permit. They are not affected by changes in ownership of the permit premises and are usable only in accordance with the terms of the permit.

No sewer user in or upon any premises to which sewerage service is supplied under a permit for such premises shall supply or permit sewerage service to be supplied for use on any other premises unless, and until a permit for use on such other premises shall have been obtained from the City.

Notwithstanding the issuance of a permit, the City reserves the full power and authority to determine all matters in connection with the control and use of its sewerage system.

A permit is required for each and every premises using the Denver sewerage system, pursuant to permit, or total service contract.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.

Design and construction of building sewers and main sewers shall be in accordance with the requirements of the City and in accordance with standard specifications.

A permit fee, as established from time to time in the Denver Revised Municipal Code (DRMC), shall be paid to the City at the time the permit is issued.

Applications for permits shall be made by the owner of the premises or his authorized representative.

The signature of the applicant or his authorized agent on the application for any permit shall constitute the execution of an agreement to comply with all of the provisions, terms and requirements of this and other rules and regulations and ordinances of the City and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the City, if any.

If work under a permit is not commenced within one (1) year from the date of issuance or, if after partial completion, the work is discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of the new permit.

2.02 Types of Sewer Permits

Purposes of permits issued by the Wastewater Management Division include, but are not limited to, the following:

- A. Sewer Use and Drainage Permit; 2.03
- B. Abandon Sewer Permit; 2.13
- C. Build-Over Sewer Permit; 2.14
- D. Sewer Repair Permit; 2.13
- E. Sewer Cut-Off Permit; 2.15
- F. Extended Building Sewer Permit; 2.16
- G. Septic Permit
- H. Sewage Flow Meter Permit; 6.02(b)
- I. Service from Private Sewer Permit; 2.09
- J. Sewer Inspection Permit; 2.07
- K. Temporary Permit; 2.10

2.03 Sewer Use and Drainage Permit

Upon review of the information and drainage plan provided in and with the application for Sewer Use and Drainage Permit described herein, the Manager shall determine whether the proposed use of the sewer and the proposed drainage facilities are compatible with the provisions of the Charter, the Revised Municipal Code of the City and County of Denver, these Rules and Regulations, and the drainage plan approved by him; if so, he shall issue a Sewer Use and Drainage Permit; if not, he shall reject the application and notify the applicant of his reasons for the denial. The Manager may require, as a condition precedent to the issuance of a Sewer Use and Drainage Permit, the installation of drainage facilities prior to such issuance. No Sewer Use and Drainage Permit may be issued more than six (6) months after the date of application without authorization from the Manager.

2.04 Form of the Sewer Use and Drainage Permit

The Sewer Use and Drainage Permit shall contain the following information:

- A. Name and address of the owner of the premises.
- B. Name and address of the person responsible for the payment of all sewer service charges and other fees, if other than owner.
- C. Legal description and address, if available, of the lot or parcel and building for which the permit is issued.
- D. Sewerage system user classification of the lot or parcel and building for which the permit is issued, e.g., single family dwelling, warehouse, school, etc.
- E. Conditions which may be imposed prior to the issuance of a Sewer Use and Drainage Permit, and/or as ongoing obligations of such permits, may include, but not be limited to, the following:
 1. Limitations of quantity and quality of the sewage discharge.
 2. Installation of sewage flow meter or meters.
 3. Installation of water meter or meters.
 4. Installation of Inspection chamber or chambers.
 5. Installation of control manhole or manholes or cleanouts.
 6. Periodic submission of production unit data.
 7. Installation of pretreatment facilities.
 8. Installation of flow control devices.
 9. Installation of drainage control facilities.
 10. Installation of holding tank.
 11. Correction of improper work done under a previous permit either at the same site or by the same owner.

2.05 Form of the Sewer Use and Drainage Permit Denial

The Sewer Use and Drainage Permit denial shall contain the following information:

- A. Name and address of the owner of the building or proposed building.
- B. Location of the building or proposed building.
- C. Specific notation of the reason for denial.

2.06 Application for Sewer Use and Drainage Permit

- A. Owners of premises shall make application to the Manager of the Department of Transportation and Infrastructure for a Sewer Use and Drainage Permit. This application shall be on forms provided by the Manager and may include, but shall not be limited to the following information:
 1. Name and address of the owner of the lot or parcel and building.
 2. Name and address of person responsible for payment of all sewer service charges and other fees if not the owner.
 3. Legal description and address, if available, of the building for which sewage service is desired.
 4. Purpose for which the building will be used.
 5. Number and type of water using devices or fixtures.
 6. Description of the sewage to be discharged into the City's sewerage system.
 7. Source of water supplier supplies.
 8. Number and type of single family living units, if any.
 9. Drainage plan and site plan as well as architectural floor plans and plumbing plans.
 10. Schedule of installation of sanitary sewer and storm drainage facilities.
- B. Dependent upon the data contained in the original application, the Manager may require that more specific information be supplied, as follows:
 1. Projected composition of the sewage discharge in terms of:
 - (a.) Biochemical Oxygen Demand (B.O.D.)
 - (b.) Suspended Solids (S.S.).
 - (c.) Toxic elements or compounds.
 - (d.) Deleterious wastes.
 - (e.) Other components as defined by the Manager.
 2. Projected production units.
 3. Plans for private sewerage system.
 4. Plans for private water supply and distribution system.
 5. Projected number of residents or employees or other users.
 6. Projected water use data.
 7. Projected water use not tributary to the sewerage system.
 8. Based on the Drainage Plan, detailed plans and construction schedule for drainage facilities located both on and off the permit premises.
 9. City Services (Easement and -Indemnity) Agreement.
 10. Covenants.
 11. Condominium Declaration.
 12. Extended Building Sewer Permit.
 13. Build-Over Sewer Permit.
 14. Storm Drainage Study.

2.07 Sewer Inspection Permit

A Sewer Inspection Permit shall be required for the purpose of inspecting the connection of building sewers and storm drains to the sewerage system of the City. This permit will be issued only when the person to do the work is licensed by the City or the State to perform such work, and then only if the Manager has previously issued a Sewer Use and Drainage Permit to the owner of the premises for which the Sewer Inspection Permit is desired, and only if the conditions of the Sewer Use and Drainage Permit have been satisfactorily met.

The applicant for the Sewer Connection Permit shall notify the Manager when the building sewer is ready for inspection and connection to the public or private sewer. It shall be the duty of the person doing the work authorized by permit to notify the Permit Counter Group of the WMD Planning Section that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to ensure that it meets the standards required by the City before giving the above notification. The connection shall be made under the supervision of the Manager or his representative.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, the owner of the premises, or the agent of such owner, shall reinstall the work authorized by the permit under the supervision of the Manager.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. Such costs shall include the costs expended by the City for the installation of any required main sewers. These costs are in addition to the Inspection Permit fee.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

2.08 Denial of Sewer Connections

The Manager may deny the connection of building sewers with the City sewerage system for any of the following reasons, or any other reason he determines represents the best interests of the City:

- A. Failure of the applicant to provide information requested in the application.
- B. Information supplied in the application indicates that these regulations have not been complied with.
- C. Person proposed to do the work is not qualified to make the requested connection.
- D. A Sewer Use and Drainage Permit has not been issued.
- E. Conditions of the Sewer Use and Drainage Permit have not been met.
- F. Construction of the building sewer or the connection to the sewerage system does not conform to rules and regulations or codes of the City.

2.09 Permits for Service from Private or Building Sewers Inside the City

Permits will be issued to provide sewerage service through privately owned mains or facilities which provide service inside the City, only under the following circumstances:

- A. The applicant shall have secured a Sewer Use and Drainage Permit.
- B. The applicant shall have complied with such conditions of service as may be imposed by the owner of the private sewerage facility.
- C. The City and County of Denver shall have been authorized, in writing, by such owner to make service connections to that facility.

- D. If an applicant for service from a private sewerage system or facility requests a permit from the City to make a service connection to such system in the absence of owner authorization to do so, and after diligent search, the applicant cannot find the owner for the purpose of obtaining such authorization, a permit may be issued only if the applicant shall enter into a written agreement with the City:
1. Reciting that all reasonable efforts have been made to communicate with the owner of that system for the purpose of obtaining authorization for the service connection.
 2. Agreeing that if the owner becomes known and disallows the applicant's connection, then the City may disconnect his service line from that system at the applicant's expense; and
 3. Agreeing to hold the City harmless from any claim or action against the City arising from such connection or cut-off.

2.10 Temporary Permits

- A. Temporary Permits for special uses may be issued by the City for limited periods of time. In order to secure sewerage service under a Temporary Permit, the applicant shall:
1. Comply with all conditions imposed by the City;
 2. Specify the period of time during which he proposes to use the service under the Temporary Permit; and
 3. Deposit with the City a sum adequate to secure payments likely to become due through exercise of the permit and to cover the cost of disconnecting the temporary service line after the expiration of the permit.
- B. Unless renewed, Temporary Permits expire and sewerage service hereunder is discontinued at the end of the period specified in the Temporary Permit. Special purposes for which Temporary Permits are granted include:
1. Construction sewerage.
 2. Special events which may require sewerage service for a limited period of time.

2.11 Suspension

- A. Any permit to use Denver's sewerage system may be suspended by the City without obligation on it to refund or repay any consideration which may have been given for the issuance of such permit or for the service being suspended, for any of the following reasons:
1. Failure to pay service charges or other fees when due.
 2. Use of the sewerage system for purposes not authorized by the permit.
 3. Failure to comply with any of the Rules and Regulations of the Manager of the Department of Transportation and Infrastructure of the City.
 4. Maintenance of an unauthorized cross connection or connections within the piping systems of any premises.
 5. Failure to comply with any of the published standards of the City Engineer.
- B. Notice of Proposed Suspension. When the City finds reasonable cause for suspension in accordance with the Rules and Regulations, the City will give notice in writing of such finding and will request that specified conditions be met prior to the effective date of proposed suspension as set forth in such notice.
1. Notification of proposed suspension will include:
 - (a.) The effective date of the proposed suspension, which date shall be no sooner than ten (10) days following the notice.
 - (b.) The reason(s) for suspension.

- (c.) An advisory to the owner and/or occupant that he is entitled to a hearing and may request such a hearing by giving written notice to the Manager of the Department of Transportation and Infrastructure of the City and County of Denver within ten (10) days from the date of the notice of proposed suspension. Said hearing shall be for the purpose of determining whether reasonable cause exists for suspension of service, and, if such cause exists, whether suspension should be undertaken in the particular case, with due consideration for such extenuating circumstances as may exist.
 - (d.) An advisory to the owner and/or occupant that at the hearing he will be permitted to appear in person and be represented by one person of his choice or legal counsel; that he has the right to present evidence and argument; the right to confront and cross examine any person, testimony or statement that may be relied upon as bases for the suspension; and the right to examine a list of any witnesses who may testify for the City.
 - (e.) An advisory to the occupant that, if he is a tenant, and he believes that his landlord is responsible for meeting the specified conditions, he must notify the City of the name of his landlord at the time he requests a hearing.
 - 2. The notice provided for immediately above shall be given in the following manner:
 - (a.) In the case of residential premises consisting of three (3) or more separate living units in a single building, compliance with notice requirements of this section shall be met by delivery of notice to a designated resident manager, if any, and posting in a conspicuous location in a common area.
 - (b.) In the case of residential premises consisting of less than three (3) separate living units, compliance with notice requirements of this section shall be met by delivering a copy of said notice to any resident over the age of sixteen (16). If no such resident is available, notice shall be left at the door of the unit.
 - 3. If the occupant has notified the City of the name and address of his landlord, said notice shall also be provided to the landlord.
- C. Hearings on proposed suspension of permits, when requested in conformity with these Rules and Regulations, shall be conducted in accordance with the provisions of Section 8.02. In the event the specified conditions are not met as demanded in the notice and no hearing is requested within the time period and in the manner specified, service shall be suspended immediately upon expiration of said period. If a hearing is requested, service will not be suspended, if at all, until a final decision is rendered.
- D. If, as a result of said hearing, it is determined that reasonable cause exists for suspension and said suspension should be undertaken in that particular case, sewerage service shall be discontinued if no appeal is submitted pursuant to these Rules and Regulations, but no sooner than ten (10) days after the date of mailing said decision, and employees of the City are hereby authorized to effectuate such suspension.
- E. A suspended permit may not be reinstated, and sewerage service may not be resumed at a premises previously supplied under such a permit, unless and until the specified conditions set forth in the notice of proposed suspension have been met. The cost of suspension and reinstatement and special charges for the resumption of service shall also be paid prior to reinstatement of sewerage service.

2.12 Revocation

- A. Any permit to use the City's sewerage system may be revoked by the City without obligation to refund or repay any consideration which may have been given in connection with the issuance of a permit or use of the City's sewerage system under such permit, where the circumstances relating to the use of the City's sewerage system under such a permit indicate that repeated, or deliberate and willful, violations of the conditions of service or the Rules and Regulations of the City have occurred at the premises designated in the permit.
- B. When a permit shall have been revoked, sewer service to the premises, with respect to which revocation is made, shall be cut off at the sewer main.
- C. Such premises shall not thereafter be served unless and until a new permit for service at such premises shall have been issued. No such new permit shall be issued unless and until the applicant shall have complied with such conditions of service, including, but not limited to, the payment of the cost of revocation and of special service fees, as are reasonably calculated to prevent recurrence of the kind of violation which caused the revocation of the previous permit.

2.13 Abandonment and Relocation Permit

No sewer shall be abandoned or relocated prior to issuance of a permit by the Manager.

2.14 Build-Over Permit

Authority to build over an existing sewer line may be granted subject to issuance of a permit by the Manager.

2.15 Cut-Off Permit

No connection to a City sewer shall be cut off prior to issuance of a permit by the Manager. See also Rule 5.03.

2.16 Extended Sewer Permit

Authority to construct extended building sewers may be granted subject to the issuance of a permit by the Manager.

2.17 Sewer Permit Required

A Sewer Use & Drainage Permit must be obtained for any new structure or addition to an existing structure. A Sewer Use & Drainage Permit may be required for any situation which may, in the opinion of the Manager, affect storm drainage, the sanitary sewer system or the storm sewer system. A Sewer Use & Drainage Permit may be required for any situation which, in the opinion of the Manager, requires review by the Wastewater Management Division. No repair or replacement of any building sewer shall be allowed prior to the issuance of a Sewer Inspection Permit.

CHAPTER 3 - RATES AND BILLING PROCEDURES

3.01 Payment Responsibility

While bills for sewer service may be sent to the address of the permit premises directed to "Owner or Occupant," the obligation to pay promptly for sewerage service is in no way affected by failure of the City to furnish or send a bill or of the owner or occupant of the premises serviced to receive a bill for such service. Whoever seeks sewerage service must assume the obligation to keep such permit in force by paying all charges against the permit premises without notice. Bills and notices are sent solely as a convenience to users. Nonpayment for sewerage services and/or special services to the premises may result in a lien being placed upon the real property served by the sewer connection in the amount which is due and payable at that time.

3.02 Classification and Reclassification of Users

The Revised Municipal Code of the City and County of Denver defines the customer classes and the sewerage service charges and fees to be made against those customers for the use of the sewerage system of the City and County of Denver, and charges the Manager of the Department of Transportation and Infrastructure with the responsibility of classifying and reclassifying customers for the purpose of applying those charges and fees.

- A. Persons desiring to connect premises to the City's sewerage system shall provide the Manager with the information required in the Rules and Regulations pertaining to the application for use of and connection to the public sewers. The Manager will use this information in determining the customer classification of the premises served.
- B. Premises connected prior to the promulgation of the requirement for a written permit will be classified by the Manager, based upon information obtained from, but not limited to, the following sources:
 1. The Board of Water Commissioners Customer Classification.
 2. The Yellow Pages of the Telephone Directory.
 3. The City Directory.
 4. The Chamber of Commerce.
 5. Contact with the owners or tenants of the building, as follows:
 - (a.) Interviews.
 - (b.) Correspondence.
 - (c.) Questionnaires.
 - (d.) Sampling and Testing of Wastewater.
 - (e.) Inspection of Premises.
 6. County Assessor's Records.
- C. Users may be reclassified by the Manager upon his determination that the following has occurred:
 1. The existing classification was in error, or
 2. The use of the building is changed to such a degree that another classification is in order, or
 3. Sewage composition has changed, or the sewage strength changed due to changes in operation

3.03 Combined Meter Rate Service

Where water service is taken through a combination of meters or through meters on two or more service pipes to be used on the same property in the performance of one general purpose or in a single enterprise on land undivided by public streets, roads and/or alleys, the meter readings, in the sole discretion of the City, may be combined for billing purposes. If they are combined, one bill, calculated from the appropriate rate schedules, and composed of the sum of the charges for each meter used or a single quantitative charge for all sewage processed will be issued. The combined billing procedure may be revoked at any time.

3.04 Special Condition Common Service (Existing)

Where two or more premises are represented to be in separate ownership and are supplied through a common building sewer, only one bill, comprising all charges due under the permit, will be issued. Diversity of ownership of permit premises does not alter the terms of the permit. For example, if a charge is not paid when due, or if any user served through a common building sewer shall fail to comply with the terms of the permit, its continued effectiveness will not be modified by any diversity of ownership.

No individual or entity receiving service at a permit premises through a common building sewer who has complied with the terms of the permit shall have any other or different status than any other such recipient who has not complied. As a condition of service to all who receive sewer service under a single permit through a common building sewer, any act requiring or permitting a sanction to be imposed respecting such permit shall be deemed to be the Joint act of all who are served through that sewer.

3.05 Billing Frequency

Bills for sewer service will normally be issued for monthly, bimonthly or quarterly periods of service unless the City specifically requires or permits individual permit premises to be billed for different periods of service.

3.06 Delinquencies

Charges rendered for monthly, bimonthly and quarterly service become delinquent thirty (30) days after billing date. Delinquent accounts are subject to property lien and/or turn-off thirty (30) days after such delinquency becomes effective.

- A. City employees are not authorized to accept payment for sewerage service at the permit premises or in any manner other than in the usual course of business. In any case in which sewerage service is discontinued on account of non-payment of a delinquent bill or delinquent charges or at the request of the customer, other than for emergencies not caused by negligence of the customer, sewerage service will not be restored or permitted to be restored until all costs in connection with the disconnection and the reconnection of service shall have been paid. Such charge will be in an amount not less than Ten Dollars (\$10.00), which will normally be accepted as the cost of the additional service occasioned by the delinquency and resultant interruption of service.

3.07 Account Adjustments

Accounts will be adjusted when an error is made in rendering the account, crediting payments, calculating charges, and the like.

In those cases where the user receives water from a source, either in whole or in part, other than the Water Board, the Manager shall total the quantity of water used from all sources and the sum of quantities shall be used to determine the sewerage service charge, applying the computation provided in the Revised Municipal Code.

In those cases where it can be shown to the satisfaction of the Manager that a portion of the water measured by all meters of the user does not enter the sewerage system of the City and is not otherwise accounted for in the sewerage service charge structure, and if it is impractical or uneconomical, in the Judgment of the Manager, to require the user to install a sewage flow meter, the Manager may estimate the quantity of water that does not enter the sewerage system of the City and deduct this amount from the total quantity of water indicated to be used by meters on all sources, and the resulting quantity of water shall be used to determine the sewerage service charge.

3.08 Meter Adjustments

Billing charges on account of metered service will be adjusted when necessary and to the extent required to correct errors or prevent inequity. If a meter shall have become inaccurate, service may be charged for on an estimated consumption, based upon previous consumption for the period during which it may appear such inaccuracy may have occurred. The City may remove and test a meter upon the request of the customer or if the Manager suspects that the meter in question has become inaccurate. A meter removed and tested at the request of an occupant of the permit premises and found to be either accurate or inaccurate shall be subject to special charges covering such costs as are reasonably incurred by the City. A meter removed on the initiative of the Manager and found to be accurate shall not be subject to special charges. A meter removed on the initiative of the Manager and found to be inaccurate shall be subject to special charges. Any meter found to be inaccurate shall be recalibrated, repaired or replaced. All such costs will be charged to the permit premises.

3.09 Auxiliary Service

Auxiliary service may be obtained only if the applicant shall have entered into a special contract for such service with the City under such conditions as may be prescribed by the City. The rates and procedures for payment shall be set forth in the contract.

3.10 Special Service Fee

If, in order to enforce compliance with the Rules and Regulations, employees of the city perform special services at a permit premises which the owner or occupant neglects or refuses to perform himself, or which are not so related to the general maintenance of the sewerage system that the cost thereof is not chargeable to the general sewer fund, then the cost of such work shall be charged to the permit premises benefited thereby as a special service fee.

3.11 Establishment of Strength Indexes

The Manager of of the Department of Transportation and Infrastructure is charged with the responsibility of establishing strength indexes of Biochemical Oxygen Demand (BOD), Suspended Solids (SS) and Total Kjeldahl Nitrogen (TKN) for the purpose of determining the surcharge to be made against Industrial Waste Class Customers and Outside Surcharge Customers.

A. Methods.

One or more of the following methods will be used for a specific user, depending upon the configuration of the sewer and water facilities of the user, and upon the judgment of the Manager:

1. Sampling and Testing
2. Comparison
3. Best Judgment

B. Procedures.

1. Sampling and Testing:
This method involves the collecting of samples of the wastewater discharged by the customer and the conducting of laboratory tests of that sample to determine the BOD, SS and TKN concentrations, which are the respective strength indexes.
2. Comparison:
This method involves the comparison of the operation, business, product, etc., of a customer that cannot be sampled or has not been sampled with a similar customer that has had its strength index established by sampling. The strength indexes of the sampled and tested customer are then established for the customer that has not been sampled.
3. Best Judgment:
In those cases where sampling and testing or comparison methods cannot be used, or where it is impractical for either of these methods to be used, the Manager may use his best judgment in the establishment of strength indexes.

C. Dependencies.

1. Sampling and Testing:

This method is limited to those customers that have inspection chambers or control manholes on the building sewer connection that can be used by the Manager for sampling the wastewater discharged from the building under consideration. The Manager may determine that it is not economically feasible to sample and test, even if the building sewerage facilities lend themselves to this method.

2. Comparison:

This method is dependent upon test data that is available from another customer that, due to its operation, business, product, etc., it would be proper to assume that the two customers would have similar wastewater.

3. Best Judgment:

This method is dependent upon knowledge of the characteristics of a wastewater discharged from a specific type of operation, business, process, etc.

3.12 Sampling, Measuring, Observing and Testing

Sampling of customers' wastewater flow by the Manager is necessary to determine strength indexes or to determine if deleterious wastes are being discharged into the City's sewerage system. The following Rules and Regulations shall apply relative to this duty of the Manager:

- A. Duly authorized agents or employees of the City, having proper credentials and identification, shall be permitted to enter all permit premises for the purpose of sampling and testing wastewater discharge.
- B. While performing the necessary work on private property relative to sampling, measuring, observing and testing, all duly authorized agents or employees of the City shall observe all safety rules applicable to the premises established by the owner or tenant.
- C. Sampling shall be carried out by accepted and approved laboratory methods to reflect the effect of the constituents upon the sewerage system and to determine the existence of hazards to life, limb and property, or to determine the strength indexes.
- D. The particular analyses involved will determine whether a twenty-four hour composite of all building sewers of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, SS and TKN analyses are obtained from 24-hour composites of all building sewers.
- E. All measurement, testing and sampling of wastewater shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."
- F. Upon request, the Manager will submit a copy of the results of the testing and analyses of samples to the customer from which the sample was obtained.
- G. If a customer considers that the results obtained from the sampling of his wastewater are not representative, he may request that the procedure of sampling and testing be repeated. The Manager may honor such a request, provided:
 1. The customer submits valid reasons as to why he believes that the previous results are in error.
 2. The customer agrees to bear all costs of the additional sampling, testing and analyses.
 3. The employees and equipment required to perform the additional work can be conveniently scheduled.

3.13 Submission of Production Unit Data

In order that the Manager may evaluate test results of wastewater obtained by sampling and to enable him to develop a data base for the establishment of strength indexes by the comparison method, the Manager may require that a customer submit a tabulation of the number of production units produced during sampling and billing periods, or he may require this tabulation during any other period or periods that he deems desirable and important. The following Rules and Regulations will apply relative to this requirement.

- A. The information obtained shall be confidential and shall not be released as information to any person or persons without a written release from the manufacturer or processor.
- B. The Manager will specify the format for tabulating the required data.
- C. The Manager will notify the manufacturer, or processor, when the tabulation is to commence and when it is to cease.
- D. The manufacturer or processor will report to the Manager any deviations from normal production operations that occur during specified periods of tabulation.

3.14 Water Loss Studies

Customers whose sewage charges are computed on the basis of the metered volume of water into the premises, other than residential or "other sewer items" (OSI) accounts, may request a water loss study. Upon such request, the Wastewater Management Division will provide and oversee the required procedure, using predetermined factors for calculation of water losses resulting from irrigation and cooling tower usage. A study may also encompass values demonstrated to the Division as accurate and reliable for water incorporated into or otherwise lost to products manufactured, processed, or packaged by the customer. Customers may alternatively choose to have the study performed by a licensed, professional engineer registered in the State of Colorado for review and approval by the Division. Direct calculation by use of water meters, installed pursuant to the direction of and inspected by the Division, may also be utilized as necessary or desirable. Customers may be charged for the reasonable cost of Division services related to performing water loss studies. Such costs shall be determined by the Division and stated at the time the study is requested.

CHAPTER 4 - SEWER MAINS

4.01 Location

Public sewer mains may be installed only in dedicated public streets or ways or a similar area in which the City's rights of occupancy and use will be at least as good as if the area were dedicated public street or way. Mains will not be laid in any street or way unless it is at least sixty feet (60') minimum width and of such grade, alignment, curvature and other characteristics as permit them to be laid and maintained in accordance with the standards, criteria, specifications and details of the Wastewater Management Division.

The conditions under which an exception will be allowed will be determined for each individual case, and only rights-of-way or easements which conform to the standards of the Wastewater Management Division will be accepted.

4.02 Ownership and Installation.

Public sewer mains located in Denver are owned by the City. The installation of all public sewers shall be performed pursuant to the following general policies:

- A. All mains which are to be installed shall be large enough, as determined by the City, to provide service to the area for which they shall be installed to serve.
- B. All mains shall be installed in dedicated streets of sixty feet (60') minimum width except that when the City determines it is not possible or feasible for installations to be made in dedicated streets, installation may be made in easements and/or rights-of-way. The conditions under which such an exception will be allowed will be determined for each individual case, and only rights-of-way or easements which conform to the standards of the Wastewater Management Division and the terms of the City's standard right-of-way agreement will be accepted.
- C. All mains must be installed in trenches containing no foreign conduits unless otherwise specifically authorized in writing by the Manager.

4.03 Maintenance Inside City

The City operates and maintains all public sewers which it owns inside the City. Mains which are damaged by acts of individuals or entities other than the City will be repaired by either 1) such individuals or entities or 2) the City at the expense of such individuals or entities.

4.04 Availability of Sewer Service.

Prior to the issuance of a Sewer Use and Drainage Permit, the Manager shall determine if sewer service is available either by a City sewer or by a sewer in which the City has contractual rights. He shall also determine the conditions whereby the sewer service may be available, or how the service may be made available.

- A. Sewer service is available when an adequate City sewer is adjacent to the property on which the building to be served can be connected, according to these Rules and Regulations.
- B. Sewer service may be conditioned upon the release of rights that third parties have in the sewer that is available for connection.
- C. Sewer service may be conditioned upon the acknowledgment of the owner of the property to be served that there will be or may be future assessments to that property for additional sewer service.

- D. Sewer service may be made available by the extension of the City sewerage system to provide a sewer adjacent to the property to be served.
1. If immediate service is desired, the cost of the extension of the City sewer shall be borne by the person or persons requesting the extension, and the design, specifications, permits and construction requirements shall be in accordance with Wastewater Management Division Standards.
 2. If immediate service is not desired, then the person or persons desiring the extension may petition the Manager to create a Local Public Improvement District to finance the proposed construction and all properties that can be served by the extension will be assessed in proportion to their benefit due to the extension.

4.05 Private Sewers

Private sewer mains may be allowed by the Manager in those cases when a public sewer is impractical or undesirable. All such private sewers must conform to the standards and criteria of the Wastewater Management Division. An Agreement for the Provision of City Services or Protective Covenant must be provided in accordance with Section 9.01F of these Rules and Regulations. Private sewers are not owned, operated or maintained by the City. Only emergency repairs may be performed by the City in conformance with the agreement.

CHAPTER 5 - BUILDING SEWERS

5.01 Ownership

The building sewer and fittings through which a permittee receives sewer service from the facilities of the Denver sewerage system shall be owned and installed at the expense of the permittee.

When the procedures of proper management, operation or maintenance of the sewerage system requires, the City may relocate the building sewer and fittings through which a permittee receives sewer service at City expense. All building sewers and fittings so relocated shall be the property of the permittee. If such relocation is necessitated by failure of the permittee to conform to conditions of any permit, relocation costs shall be borne by the permittee.

5.02 Installation

No connection between the Denver sewer system and the sewer facilities of a permittee may be made except in a public street adequate to accommodate sewerage facilities, or in a similar place to which the City has as free a right of access as it would have in a public street.

All building sewers and appurtenances shall be installed as determined by the City, which shall prescribe such standards relating to the number, location, size and strength of pipes, as to provide for City control over the sewerage service to the premises.

All costs and expenses, incident to the installation and connection of the building sewer, shall be borne by the owner. The owner shall hold the City harmless from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate, independent and unextended building sewer shall be provided for every building, except where the building or buildings, and the property occupied by the building or buildings, are in single ownership, and if the owner will covenant that the said property and improvements will remain as one ownership and if he will record the covenant with the Recorder, then the Manager may issue an extended or multiple building connection permit.

Building sewers more than ten years old may be used in connection with new buildings only when they are found, on examination and test by the Manager, to meet all requirements of the Revised Municipal Code and these Rules and Regulations.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back filling the trench, shall all conform to the requirements of the Revised Municipal Code and the standards of the Wastewater Management Division. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the Manager, and discharged to the building sewer at the expense and cost of the owner.

No person shall make connection of roof downspout, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater, to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer. Cleanouts in building sewers shall be provided in accordance with all applicable City Rules and Regulations. All cleanouts shall be maintained watertight.

Building sewers extended into a public right-of-way or easement must be at roughly right angles to the right-of-way line or easement boundary.

5.03 Unused Building Sewer

Any building sewer which has not been used for a period of five (5) consecutive years shall be cut off at the public sewer by the Manager, and the cost thereof charged to the premises. If the building sewer is to be replaced with one of a different size, abandoned upon demolition of improvements, or replaced with one at a different location in order to service the same premises, the building sewer being abandoned or replaced must be cut off at the public sewer at the same time a new building sewer is connected or when demolition is complete.

5.04 Maintenance

The maintenance and protection of privately owned piping, including building sewers and fittings, fixtures and water using devices, except meters, whether located in or upon public or private property, is the exclusive responsibility of the owner thereof. The City is not responsible or liable for damage from any cause whatsoever to such piping, fixtures and water-using devices, and no permittee is entitled to reimbursement for damages or payment of refunds by reason of stoppage of the flow of sewage through the sewerage system.

5.05 Inspection of Private Sewerage Systems and Premises

In order that the Manager may obtain knowledge of potential or actual discharges of deleterious wastes, and in order that he may obtain knowledge of the establishment of strength indexes, he may inspect private sewerage systems and premises, as follows:

- A. Duly authorized agents or employees of the City having proper credentials and identification shall be permitted to enter all properties for the purposes of inspecting, observing and making inquiry relative to private sewerage systems and operations and processes pertaining to the disposal of sewage.
- B. While performing the work necessary to the functions outlined above, all duly authorized agents or employees of the City shall observe all safety rules applicable to the premises established by the owner or tenant.
- C. The Manager or his duly authorized representative shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or water courses or facilities for waste treatment.
- D. Inspections shall be made at reasonable times and hours.

5.06 Separation

Where two properties are owned by different individuals, separated by a common wall, and both are served by one building sewer, upon divestiture of ownership of a unit, a new building sewer must be installed to serve the separated unit as a separate permit premises. Such change shall not affect the basis of charging for sewer service.

5.07 Pretreatment Facilities

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers containing the substances or possessing the characteristics which, in the judgment of the Manager, may have a deleterious effect upon the sewerage system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of Chapter 56 of the Revised Municipal Code.

If the Manager permits the pretreatment or equalization of wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager and subject to the requirements of all applicable codes, ordinances and laws.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily and easily accessible for cleaning and inspection.
- B. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

CHAPTER 6 - METERS, INSPECTION CHAMBERS AND CONTROL MANHOLES

6.01 Installation of Inspection Chambers or Control Manholes

In order for the Manager to establish strength indexes by sampling and testing and in order to monitor sewage for deleterious wastes, he may find it necessary to require some customers to install inspection chambers or control manholes. The following rules and regulations are established relative to this requirement.

- A. So far as requiring an inspection chamber or control manhole for the purpose of determining strength indexes by sampling and testing, the Manager shall first be satisfied that the strength indexes cannot adequately be established by either the comparison method or the best Judgment method.
- B. So far as requiring an inspection chamber or control manhole for the purpose of monitoring sewage for deleterious wastes, the Manager shall first be satisfied that such monitoring cannot be accomplished by inspection and observation of the operations or processes that produce the sewage that he suspects contains deleterious wastes.
- C. After the Manager has determined the need for an inspection chamber or control manhole, he shall issue an order to the customer affected to have the facility installed at the customer's expense. The order shall contain the following information:
 1. Name and address of person ordered to comply with the requirement of installing the facility.
 2. Location of building that the installation would serve.
 3. Minimum criteria to be followed in the design of the facility.
 4. Minimum specifications to be followed in the construction of the facility.
 5. Time limit for the submission of plans to the Manager for his review and approval.
 6. Time limit for the completion of the installation.
 7. Statement of reasons for the requirement by the Manager of the installation.
 8. Statement of penalty for non-compliance with the order.
- D. In establishing time limits for the design and construction of inspection chambers or control manholes, the Manager shall weigh the potential hazard to life, limb, and property so far as monitoring deleterious wastes, and he shall weigh the economical aspects relative to his inability to establish strength indexes without testing.

6.02 Installation of Sanitary Sewage Flow Meters

In those cases where it is practical, economical, and desirable to install sanitary sewage flow meters, then the manager may require or shall permit the installation of sanitary sewage flow meters. The quantity of sewage measured by such meters shall be used to determine the sewage service charge, according to the provisions of Chapter 56 of the Revised Municipal Code.

- A. Installation by Order of the Manager. If the Manager determines that it is both practical and economical, and it is desirable to measure sewage by means of a sewage flow meter, he may issue an order to a customer requiring the installation of such meter, or meters. The order shall contain the following information:
 1. Name and address of the person being ordered to install the meter.
 2. Location of the building that the installation would serve.
 3. Minimum criteria to be followed in the design of the meter.
 4. Minimum specifications to be followed in the construction of the facility.
 5. Time limit for the submission of plans and specifications to the Manager for his approval.
 6. Time limit for the completion of the construction of the facility.
 7. Statement by the Manager of reasons for the requirement of the installation.
 8. Statement of penalty for non-compliance with the order.

- B. Installation at the Request of the Owner or Customer. If the owner, or customer, desires to install a sanitary sewage flow meter and have his sewage service charge calculated on the basis of the measurement by that meter, he shall apply to the Manager for a permit for such installation after obtaining information from the Manager relative to minimum criteria for design and specification. The application shall contain the following information:
 - 1. Name and address of owner.
 - 2. Location of building to be served,
 - 3. Statement of reasons for the installation.
 - 4. Plans and specifications of the proposed facility.
 - 5. Schedule for construction.
- C. Permits for the installation of a sewage flow meter shall contain the following:
 - 1. Name and address of owner.
 - 2. Location of the building to be served.
 - 3. Conditions of the permit.
- D. Denial of a permit for the installation of a sewage flow meter shall contain the following:
 - 1. Name and address of the owner.
 - 2. Location of the building for which the permit was requested.
 - 3. Reasons for the denial.

6.03 Installation of Water Meters

In the event that a customer has a water supply separate from that of the Water Board, then the Manager may require that the user install a water meter in order to measure the quantity of water from that source, some part of which may be entering the sewerage system of the City.

The Manager may issue an order to implement this requirement that contains the following information:

- A. Name and address of person being ordered to comply with the requirement of installing the meter.
- B. Location of the building that the installation would serve.
- C. Minimum specifications of the meter.
- D. Time limit for the submission of specifications for the Manager's approval.
- E. Time limit for the completion of the installation.
- F. Statement of reasons for the requirement by the Manager of the installation.
- G. Statement of penalty for non-compliance with the order.

6.04 Ownership

Meters which are read for building purposes by the City shall be owned by, and installed at the expense of, the owner of the premises served by such meters.

6.05 Size and Type

The size, type and quality of all meters shall provide for accurate measurement of flow, excellence of material and minimum line loss under all anticipated conditions of use for each size meter.

6.06 Location

All meters must be so located as to allow free and nonhazardous access at reasonable times for reading, removal, inspection, verification and replacement, and so that the entire supply of water to the premises will at all times be accurately measured. If, at any time, an existing meter location does not conform to the standards enumerated in this section, such installation shall be modified so that it does conform. A remote reading device must be installed when such device is reasonably necessary to eliminate reading estimates.

CHAPTER 7 - QUALITY CONTROL

In order to protect the sewerage system from damage, destruction, deterioration, misuse or malfunction, and to guard against hazards to life and limb, and the creation of a public nuisance, the following rules and regulations shall apply relative to discharges to the storm and sanitary sewer systems:

7.01 Prohibited Discharges to the Storm Sewer System

- A. No person shall cause, permit, or contribute to any illicit discharge into the City's Municipal Separate Storm Sewer System (MS4) or into water courses that traverse the City, unless listed as an allowable non-stormwater discharge in 7.01 F of these rules and regulations.
- B. No person shall cause or contribute to the discharge of any continuous or intermittent stream of water upon any sidewalk, street, alley, or any gutter during freezing weather (whenever the official temperature for Denver as reported by the National Weather Service is less than or equal to 32 degrees Fahrenheit), or otherwise in such a manner as to create a hazard or risk of injury or property damage.
- C. No person shall cause, permit, or contribute to the discharge of any industrial or commercial waste water or any polluted or contaminated water upon any sidewalk, street, alley, or any gutter at any time, unless listed as an allowable non-stormwater discharge in 7.01 F of these rules and regulations.
- D. No person shall deposit or throw, or cause to be deposited or thrown, directly or indirectly, into any curb, gutter, drainage way, manhole, inlet, vault, sink, cesspool, water closet, or opening into any sanitary or storm sewer, any article or thing whatever that may cause the same to choke or clog, unless authorized by chapter 10 of these rules and regulations.
- E. No person shall cause, permit, or contribute to the discharge of any waters directly into a manhole or other opening in a storm sewer unless he has been issued a permit by the City. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.
- F. Allowable non stormwater discharges. The following discharges are not effectively prohibited as illicit discharges so long as they do not come in contact with unpermitted construction or industrial activities prior to discharge to the MS4. Discharges identified to be significant contributors of pollutants to the MS4 may still be determined as illicit discharges and prohibited per 7.01 A.
 1. Landscape irrigation
 2. Lawn watering
 3. Diverted stream flows
 4. Irrigation return flow
 5. Rising ground waters
 6. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers
 7. Uncontaminated pumped groundwater
 8. Springs
 9. Flows from riparian habitats and wetlands
 10. Water line flushing in accordance with the Colorado Department of Public Health and Environment, Water Quality Control Division's *Low Risk Policy Discharge Guidance: Potable Water*
 11. Discharges from potable water sources in accordance with the Colorado Department of Public Health and Environment, Water Quality Control Division's *Low Risk Policy Discharge Guidance: Potable Water*
 12. Foundation drains, water from crawl space pumps, and footing drains
 13. Air conditioning condensation
 14. Individual residential car washing
 15. Dechlorinated swimming pool and hot tub discharges in accordance with the Colorado Department of Public Health and Environment, Water Quality Control Division's *Low*

Risk Policy Discharge Guidance: Discharges from Pools, Fountain's and Other Similar Type Facilities that are Fed Solely by Potable Water

16. Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction
 17. Dye testing in accordance with the manufacturer's recommendations
 18. Stormwater runoff with incidental pollutants
 19. Discharges resulting from emergency firefighting activities
 20. Discharges authorized by a CDPS or NPDES permit
 21. Agricultural stormwater runoff
 22. Discharges that are in accordance with the Colorado Department of Public Health and Environment, Water Quality Control Division's Low Risk Policy guidance documents or other Colorado Department of Public Health and Environment, Water Quality Control Division policies and guidance documents where the Colorado Department of Public Health and Environment, Water Quality Control Division has stated that it will not pursue permit coverage or enforcement for specified point source discharges
- G. Right of Entry. The Manager, or his/her duly authorized agents, having proper credentials and identification shall be permitted to enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigating conditions and practices which may be in violation of these rules and regulations or applicable codes and ordinances; or to remove, or require and ensure the removal of illicit discharges if the owner(s) shall fail to do so, and charge the owner(s) for the work performed by the City or its contractors.

7.02 Prohibited Discharges to the Sanitary Sewerage System

- A. Water which has been used for cooling or heat transfer purposes without recirculation, discharged from any system of condensation, air conditioning, refrigeration or similar use, unpolluted process waters, and swimming pool drainage may be connected to the sanitary sewerage system only if specifically provided for in the Sewer Use and Drainage Permit.
- B. No person shall cause, permit, or contribute to the discharge of any substances directly into a manhole or other opening in a public sewer other than through an approved building sewer, unless he has been issued a permit by the City. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.
- C. No person shall cause, permit, or contribute to the discharge into the sanitary sewerage system of the City storm water drainage from ground surface, roof leaders, catch basins, sump pumps, or any other source including subsurface drainage or ground water.
- D. Sewage delivered into the City's facilities shall not be of such a nature and delivered at such a rate as to restrict flow or impair the hydraulic capacity of such facilities.
- E. Sewage delivered into the City's facilities shall not be of such a quantity, quality, or other nature as to impair the strength or the durability of the sewerage system, either by chemical or by mechanical action.
- F. Sewage delivered into the City's facilities shall not have a flash point lower than 187 degrees F. (86.1 degrees C) as determined by test methods specified in 40 CFR 261.21.

- G. Sewage delivered into the City's facilities shall not have a pH lower than 5.0 or otherwise contain chemical properties which are hazardous or capable of causing damage to any part of the sewerage system or to personnel.
- H. Sewage delivered into the City's facilities shall not include any radioactive substance which does not comply with the Code of Colorado Regulations, 6 CCR 1007-1, RH 4.18, Rules and Regulations Pertaining to Radiation Control.
- I. Sewage delivered into the City's facilities shall not include any garbage other than that received directly into the sewerage system from domestic and commercial garbage grinders in dwellings, restaurants, hotels, stores, and institutions by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with, no particle greater than one-half (1/2) inch in any dimension.
- J. Sewage delivered into the City's facilities shall not include any solid or viscous material which could cause an obstruction to flow in the sewers or in any way could interfere with the treatment process including as examples of such materials but without limiting the generality of the foregoing: ashes, wax, paraffin, cinders, sand, mud, straw, shaving, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshing, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, sludge or other material from sewage, industrial waste or water treatment facilities, snow, ice, and all other solid objects, materials, refuse, and debris not normally contained in sanitary sewage.
- K. Sewage delivered into the City's facilities shall not include waster 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.
- L. In no case shall sewage delivered into the City's facilities have a temperature which will inhibit biological activity at the Metro Wastewater Reclamation District (hereinafter referred to as "Metro" or "Metro District") Treatment Plant or be delivered containing heat in such amounts that the temperature at the introduction into Metro's Treatment Plant exceeds 40 degrees centigrade (104 degrees F).
- M. Sewage delivered into the City's facilities shall not include any water or wastes containing grease or oil or other substances that will solidify or become discernible viscous at temperatures between 32 and 150 degrees F.
- N. Sewage delivered into the City's facilities shall not include any water or waster, containing emulsified oil or grease of such a nature or at such a rate as to restrict flow or impair the hydraulic capacity of such facilities, or in such a quantity as to cause the City to exceed the Metro limit of 75 mg/l of freon-soluble matter at the City's points of connection to the Metro system.
- O. Sewage delivered into the City's facilities shall not include any liquids, solids, or gases which by reasons 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 sewer system of the City or to the operation of the Metro District. At no time shall two successive readings on an explosion hazard meter at the point of discharge, taken at least five minutes apart, into the sewer 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. Restricted materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- P. Sewage delivered into the City's facilities shall not include any wastes with phenolic components over 10 mg/l expressed as phenol.
- Q. Sewage delivered into the City's facilities shall not include any wastes with hydrogen sulfide, sulfur dioxide, or nitrous oxide over 10 mg/l.

- R. Sewage delivered into the City facilities shall not include any cyanide or compounds capable of liberating hydrocyanic acid gas. Over 2 mg/l expressed as hydrogen cyanide from any individual Outlet. The discharge of any cyanide in lesser amounts will be permitted only upon evidence of satisfactory or continuous control of the concentration and the volume of the discharge.
- S. Sewage delivered into the City's facilities shall not include any wastes that contain concentrated dye wastes or other wastes that are either highly colored or could become highly colored by reacting with any other wastes; provided, however, that the Manager may, in his discretion, grant written permission to specific users to discharge such wastes upon a determination that the sanitary sewerage systems of the City and metro would suffer no adverse consequences.
- T. No user shall discharge wastewater containing any of the materials and substances in excess of the "Specific Discharge Limitations - Users" provided in the Pretreatment/Industrial Waste Control section of the Metro District Rules and Regulations, as amended from time to time.
- U. Sewage delivered into the City's facilities shall not include 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; contained substances conducive to creating tastes or odors in drinking water supplies; otherwise make such waters unpalatable even after conventional water purification treatment; or are in any other way extremely unusual.
- V. Sewage delivered into the City's facilities shall not include any material or substance not specifically mentioned in this section which in itself corrosive, Irritating to human beings and animals, toxic noxious, or which by interaction with other wastes could produce undesirable effect, including deleterious action on the sewerage system or on any part thereof, could adversely affect any treatment process, could prevent entry into the sewer for maintenance or repair, or could have an adverse effect upon the receiving stream.
- W. Sewage delivered into the City's facilities shall not contain 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 treatment facility, or exceed the limitations set forth in the Categorical Standards. A toxic pollutant as used herein includes, but is 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 Clean Water Act or other acts.
- X. Sewage delivered into the City's facilities shall not include any substance which may cause the City or Metro to violate Its NPDES permit or the receiving water quality standards.
- Y. It shall be unlawful for anyone to operate a pumping company that services grease interceptors, sand/oil interceptors, acid neutralization systems, holding tanks portable toilets, septic systems or any other device or system that needs periodic cleaning and/or pumping, with disposal to the sanitary sewer system, without the prior inspection and approval of all pumping trucks by the Wastewater Management Division, and proper licensing.
- Z. It shall be unlawful to discharge any night soil, septic tank haulage or other truck or hauled pollutants except by permit in writing from the City at such points and under such conditions as the City and Metro may allow in such permit.
- AA. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow-rate and/or pollutant concentration which will cause interference with the operations or processes of the Metro District are prohibited. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- AB. Any substance which may cause the Metro District's effluent or any other product of the Metro District such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process is prohibited. In no case shall a substance discharged to the system cause the Metro District to be in non-compliance with sludge use or disposal criteria guidelines or regulations developed under Section 405 of the Federal Water Pollution Control Act, any criteria, guidelines, or regulations affecting sludge use of disposal developed pursuant to the Solid Waste Disposal Act, the Clean Water Act, the Toxic Substances Control Act, or State criteria applicable to sludge management methods.
- AC. Sewage delivered into the City's facilities shall not include sludge or other material from sewage or industrial waste treatment plants or from water treatment plants unless given specific approval by the Manager.
- AD. 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.
- AE. Petroleum, oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through as defined in the Denver Revised Municipal Code (D.R.M.C.).

7.03 Dilution

No industrial user shall 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 Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the City or Metro.

7.04 Remedies

- A. Emergency Remedy. Where a discharge to the municipal system appears to the Manager to present a reasonably imminent danger to the health, welfare or safety of persons, presents and endangerments to the environment, threatens to interfere with the operation of the system (including the Metro Plant), or causes the City or Metro to violate any condition of its NPDES permit, the Manager shall immediately initiate an investigation to determine the source of discharge and shall take the steps necessary to halt or prevent the discharge, to include suspension of treatment services and/or the Conditional Wastewater Discharge Permit. The Manager shall issue a notice of violation, and where appropriate, seek injunctive relief or issue a notice to show cause before the Manager or his designated hearing officer why further enforcement action should not be taken.

The Manager shall reinstate wastewater treatment service and/or the Conditional Wastewater Discharge Permit upon receipt of proof of the elimination of the non-complying discharge and a user statement describing the causes of the harmful discharge and the measures taken to prevent a future occurrence which, in the opinion of the Manager, provides for future safe operation by the user.

- B. Routine Remedy. When the Manager finds that any user has violated or is currently violating City ordinances, the Conditional Wastewater Discharge Permit, or any prohibition or limitation or requirements contained herein, he shall serve upon such user a written notice of violation stating the address, nature of the violation, the date of the violation, or the approximate date of the violation, whether it is a continuing violation, and such required remedial action as may be necessary. If the notice so specifies, within five days of the date of the aforesaid notice the user cited shall submit to the Manager a written plan for satisfactory correction of the violation, including a time schedule for each specific action and part thereof, together with the expected ultimate completion date thereof.

If the user plan is not acceptable the Manager shall issue a show cause notice directing the user to show cause before the Manager or his delegate why further enforcement action should not be taken. The Manager shall set forth in the show cause notice the proposed further enforcement action which may include civil penalties, suspension of service and/or revocation of the Conditional Wastewater Discharge Permit. Such notice shall be mailed to the owner at the address shown on the records of the City assessor and the Wastewater Management Division, and a copy thereof shall be delivered to the address of the violation.

- C. Civil Penalties. Pursuant to the requirements of Section 56-102.5 of the Revised Municipal Code, as the same may here-after be designated or modified, this rule and regulation establishes the methods of assessment and collection of civil penalties regarding industrial use of the municipal sanitary sewer system.

Civil Penalty amounts shall be calculated in accordance with Metro's Pretreatment Enforcement Management System (PEMS), as the same may be amended from time to time, up to the maximum amount allowed by ordinance.

Violation of more than one discharge limitation in one day shall be treated as the same number of separate violations, and separate civil penalties shall be considered for each. Each day that discharge limitations are exceeded shall be considered a separate breach of the Rules and Regulations of the City. For violation of monthly average discharge limits, penalties may be assessed for each day during the month of violation. Violations of four day average discharge limits shall be considered as four days of violation. Where appropriate pursuant to relevant burdens of proof and rules of law, a continuing violation may be inferred from indirect evidence. Civil penalties assessed may be added to the user's sanitary sewer service or industrial pretreatment service charge and collected and enforced in the same manner as is provided by ordinance or otherwise for such charges and fees.

Assessment of civil penalties shall not preclude an action for indemnification or recovery of damages or penalties assessed against the City by the Federal or State governments, or by Metro, nor shall it preclude recovery pursuant to other subsections and section of these Rules and Regulations or other applicable law.

- D. Repair of City Facilities. When a discharge of wastes causes an obstruction, damage or any other impairment to the City facilities, the City may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.
- E. Correction of Violations by the City. In order to enforce the provisions of these Rules and Regulations, the City may, at its option, correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the Rules and Regulations or the owner or tenant of the property upon which the violation occurred, and the City shall have such remedies for the collection of sewer service charges. The City may also petition the District Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of these Rules and Regulations.

7.05 Accidental Discharges

- A. Users shall notify the Metro District at telephone number 289-5941 (after hours 289-5942) and the Manager or his representative at telephone number 964-0500 immediately upon accidentally, directly or indirectly discharging wastes in violation of these rules and regulations. Substitute telephone numbers may be specified by written notice to industrial users. The user shall be responsible for activating his authorized accidental discharge plan and shall minimize damage.

Such notification shall not relieve a user of liability of any expense, loss or damage occasioned, or for any civil penalties or other charges imposed hereunder. This notification shall be followed within five days of the date of the occurrence by a detailed written statement describing the location, the extent of discharge, the damage observed, the causes for the discharge, and the measures taken to prevent such discharges in the future. Upon receipt of the aforesaid report or within five days following notice of the discharge, the Manager shall issue a notice of violation and shall therein indicate the acceptance or non-acceptance of the proposed remedial action or the required remedial action. In addition, the Manager may issue a notice to show cause why certain proposed enforcement actions should not be taken.

- B. All users served under these rules and regulations shall be responsible for informing and training employees to comply with the notification and accidental discharge plans applicable to the place of employment. Notice of the rules and regulations, notification procedures and accident plans shall be prominently and permanently posted in employee information area or areas regularly used by all employees.

7.06 Cost of Enforcement Actions

Acceptance of sanitary sewer service and/or application for a Conditional Wastewater Discharge Permit from the City shall constitute acceptance and agreement to pay upon receipt of a statement, all reasonable enforcement costs incurred by the Manager under the provisions of the applicable ordinances and rules and regulations. The Manager shall assess enforcement costs by activity, dates and item costs, and include the same in the next statement of charges for sanitary or pretreatment services provided the user subjected to the enforcement actions. Failure of a user to pay such reasonable costs within 30 days of billing shall be treated as a violation of this rule and regulation and shall be cause for revocation of permits and discontinuance of services as deemed appropriate in the circumstances by the Manager.

7.07 Sampling Techniques

Sampling methods used to obtain samples drawn for testing pursuant to the pretreatment program shall comply with all applicable Federal, State of Colorado, Metro District, and City and County of Denver Rules and Regulations and guidance documents. To the extent that any such requirements are in direct conflict or otherwise incompatible, Federal requirements shall govern over all others, State over Metro and City, and Metro requirements shall govern over those of the City.

All samples shall be drawn by persons trained in the sampling techniques applicable to the sample type, and the sampling shall be documented as to sample technique, time and place of sample collection, and the name of the sample collector. If the sample is split for testing in several facilities, the documentation shall show that fact.

Samples collected as splits from monitoring performed by the City or the Metro District, or samples collected in response to non-complying discharge may not be used to fulfill self-monitoring requirements; Sample documentation will show the laboratory person receiving the sample, the volume of material provided and the date received in the laboratory. Standard chain of custody procedures shall be followed from the collection of the sample through the analysis by the laboratory and all test procedures are completed, recorded and accepted. At a minimum, this shall include documentation which accompanies each sample bearing the signature and printed name and address of each person responsible for the custody and control of the sample, with reference to the date and time of such custody for each, which shall show continuous control and responsibility.

7.08 Laboratory Testing of Sample

- A. Samples drawn for testing pursuant to the pretreatment program shall be laboratory tested in a manner complying with 40 CFR 136. The laboratory performing the tests shall conform to the generally accepted quality control and procedural standards applicable to the test or tests to be performed. The laboratory shall maintain written records of the custody of samples provided, tests conducted, results obtained, dates of the tests, and the names of those to whom reports of tests were made.
- B. All reports provided by a laboratory facility for use in this program shall bear the written certification of the laboratory attesting to the truth and accuracy of the results reported, Plus a copy of the custody log tracing the sample from collection to report.

7.09 Industrial User Declarations

- A. All new and existing industrial users not designated as Categorical, or Significant Industrial Users by January 1, 1986, shall file with the Manager of the Department of Transportation and Infrastructure or his delegate, an Industrial User Declaration setting forth, to the best of the industrial users knowledge and belief, the status of his discharges under the applicable industrial pretreatment laws, rules and regulations within a reasonable period of time, but no later than January 1, 1987. Upon receipt of the Declaration, the Manager shall consider the information thereon and determine within a reasonable period of time the status of the User as a regulated party under these rules, and shall record the same in the Industrial Waste Survey data base. He shall inform those users who are required to obtain a permit under the industrial waste treatment program.
- B. Upon receipt of notice to apply for a permit the user shall have one hundred twenty (120) days next following the receipt to prepare and file the application. Failure to file an application within the time allowed shall be deemed sufficient cause to deny service, discontinue service, assess civil penalties and/or seek an injunction against the user.

7.10 Adoption of Rules and Regulations

- A. In order to provide for the compliance with applicable requirements of the Clean Water Act (23 U.S.C., Section 1251 et. seq.) and the Laws of the State of Colorado, the City's contractual obligations to the Metro Wastewater Reclamation District pertaining to industrial pretreatment and control of discharges to the waters of the State of Colorado, the Rules and Regulations of the Federal government adopted under the provisions of the Clean Water Act as contained in 40 CFR Section 403, the Sewage Treatment and Disposal Agreement between the City and County of Denver and the Metro Wastewater Reclamation District (formerly the Metropolitan Denver Sewage Disposal District No. 1) (Article IV, Deleterious Wastes), the Rules and Regulations of the Metro Wastewater Reclamation District (Section 6, Pretreatment/Industrial Waste Control), together with such future lawful amendments of the law, Service Agreement and the Rules and Regulations hereunder as may be enacted from time to time, are hereby adopted as the applicable standards for control of all discharges and industrial pretreatment within the City and County of Denver and the discharges of those residing outside the City who are users of the City sewer system.
- B. Conflicts between the Rules and Regulations of this Chapter 7, and the Rules in any other Chapter regarding the subject of this Chapter, shall, where possible, be construed so as to resolve and preserve both rules, and where not possible, the rules and the conflicting Section shall be superseded by the Rules of this Chapter 7.

- C. None of the limitations prescribed by City ordinance, by these Rules and Regulations, or by any permit issued pursuant to any of the above shall be deemed to create any property or other right in any user to discharge quantities of contaminants less than those specified, nor shall it be reasonable to rely upon such limitations as being fixed and unchangeable. The continuing development of experience and expertise by the United States Environmental Protection Agency, the Metro Wastewater Reclamation District, and the City as well as necessary constraints upon testing for area-wide compliance and other factors dictate that any such specified limitation may require alterations upon reasonable notice and opportunity for compliance being afforded to the user.

CHAPTER 8 - COMPLAINTS

8.01 Revocation/Suspension/Imposition of Special Charges

Complaints concerning the revocation of a permit, the suspension of a permit for reason(s) other than non-payment, or the imposition of special charges must be presented in writing to the Deputy Manager for Wastewater Management, who shall take such action as may be necessary to rectify any error which may have been made and shall notify the complainant of that action by certified mail within three (3) days after presentation of the complaint or such longer time as may be required for investigation.

8.02 Appeals to the Manager

Appeals to the Manager shall be made by filing a written request pursuant to the requirements of Chapter 56 of the Revised Municipal Code.

8.03 Adjustment of Inequities

The Deputy Manager may make adjustments in order to remove inequities in sewage service charges to individual customers. Some examples of inequities are as follows:

- A. A leak in the private water system.
- B. Use of water that has its ultimate disposal to points other than the City's sanitary sewerage system.
- C. Error in the customer classification.
- D. Error in the determination of strength indexes of an Industrial Waste Class Customer.
- E. Error in the calculation of either the basic sewage service charge or the surcharge.

8.04 Orders for Compliance with Ordinances and Rules and Regulations

If the Manager determines that a person is in violation of the Revised Municipal Code or of these Rules and Regulations, he shall issue an order to that person containing, at least, but not restricted to, the following information:

- A. Name of person cited for the violation.
- B. Location of the violation.
- C. Details of the violation.
- D. Corrective action to be taken by the person cited.
- E. Time limit for the corrective action to be taken.
- F. Recommendations, if any.
- G. Penalty for non-compliance.

8.05 Suspension of Work

- A. Whenever any work is being performed on any storm or sanitary sewer line or facility or affecting any such line or facility, and such work is performed contrary to any provision contained in the Revised Municipal Code or these Rules and Regulations, the Wastewater Management Division may order the work stopped by serving a Suspension of Work Order upon any person in charge of the work or upon anyone engaged in or causing the work to be performed. Such a Suspension of Work Order may also be issued if the work:
 1. Fails to meet contract specifications, plans, or conditions placed on the contractor in construction of Wastewater Management Division sewer projects.
 2. Is contrary to normal standards expected to provide for adequate safety or health on the job or poses imminent danger to the preservation of property.
 3. Is being performed in violation of the sewer work licensing requirements as listed in the Revised Municipal Code.
 4. Is being performed without a Sewer Use and Drainage Permit, or in violation of the provisions of such Permit.

- B. It shall be unlawful for any person to proceed with the work until the corrective action is completed or resolved. Open trenches will be properly safeguarded during the suspension of work.
- C. Clearance to resume work will be issued to the owner, licensee, or agent on site by a Wastewater Management Division Inspector or Project Engineer once authorized by the Deputy Manager of the Department of Transportation and Infrastructure for Wastewater management or his designee.

CHAPTER 9 - SUBDIVISION / PLANNED UNIT DEVELOPMENT / PLANNED BUILDING GROUP/ PLANNED DEVELOPMENT

9.01 General

The developer and the consulting Engineer may schedule a pre-application conference with Wastewater Management Division before beginning engineering and design of requirements needed for approval of a Subdivision Plat or a PUD/PBG/PD Development Site Plan. This will assure that the developer is informed of all Wastewater Management Division requirements, criteria and potential problems, if any, relative to storm and sanitary drainage in the area.

The developer must make provision for adequate sewer services to the development site.

The following must be submitted to the Wastewater Management Division for review and approval prior to approval of the Final Plat or Final Development Site Plan by the Manager of the Department of Transportation and Infrastructure:

A. Storm Drainage and Sanitary Sewer Studies

Storm drainage and sanitary sewer studies shall be prepared by a Professional Engineer, registered with the State of Colorado. The storm drainage studies shall utilize 100-year storm detention and conform to current Wastewater Management Division criteria and the Denver Regional Council of Governments Urban Storm Drainage Criteria Manual. Sanitary sewer studies shall conform to current Wastewater Management Division criteria. Current copies of both criteria can be purchased at the Wastewater Management Division.

B. Development Site Plan Contents

Upon approval of the storm drainage and sanitary sewer studies, the developer must submit a development site plan which conforms to the Denver PUD/PBG/PD Development or Subdivision Ordinances and Rules and Regulations. The development site plan must show the location and volume of each detention pond, if any, and reference the approved storm drainage studies by date and title. Additionally, all existing and proposed, public or private, sanitary and storm sewers must be shown.

C. Private On-Site Storm and Sanitary Sewer Construction Drawings

Plan and profile construction drawings will be required for all private on-site storm and sanitary sewer facilities. The design must conform to Wastewater Management Division Criteria, Standards, Details, Procedures, and Specifications.

D. On-Site Grading Plans

On-Site Grading Plans conforming to the approved storm drainage study shall be required at the same scale as the development site plan. The drawings will show existing and proposed contours on one (1) foot intervals; all proposed facilities must be accurately located on the plan including the location and volume of each detention pond, if any, and reference the approved storm drainage studies by date and title.

E. Public Storm and Sanitary Sewer Construction Drawings

Should the development require a public storm or sanitary sewer extension, the planning, design and approval process must conform to Wastewater Management Division Procedures, Criteria, Standards, Details and Specifications. The submittals shall include, but not be limited to, the following:

1. The owner or developer must provide acceptable plan and profile drawings of all wastewater related improvements, including utility company approvals, as well as any necessary easement and/or licensing to the Wastewater Management Division as a minimum.
2. The owner or developer must file an application with the Wastewater Management Division on the form supplied by the Division for such purposes.

3. The applicant (owner or developer) must furnish Wastewater Management Division with a surety approved by the City Attorney's office. The surety must be in the amount of estimated construction cost, including appropriate contingencies and the provision of as-built drawings.

F. Agreement for Providing City Services or Protective Covenants

In accordance with these Rules and Regulations, a separate, independent, and unextended building sewer must be provided for every building. In the cases where such cannot be furnished, the owner or developer may construct and utilize, under extenuating or unusual circumstances, a privately maintained, on-site sewer serving more than one building, provided the owner or developer meets Wastewater Management Division design and construction requirements and records an Agreement, approved by the Division, for providing City Services or a Protective Covenant. The said documents shall contain, but not be limited to, the following:

1. Agreement for Providing City Services

- (a.) Provisions for ingress and egress of City emergency vehicles over all private roads or streets shown on the plat or development site plan.
- (b.) The owner(s) shall in no way consider or hold the City or its personnel guilty of trespass in its performance of any of the municipal services, duties or responsibilities.
- (c.) The owner(s) or a maintenance organization shall pay and be responsible for all costs of installation and maintenance of all private onsite sanitary sewers, sanitary sewer detention facilities, if required, all private on-site storm sewers and storm drainage control facilities within the area as determined by, and according to, the specifications of the Wastewater Management Division. While the City assumes no obligation for the maintenance or operation of such sewers, or the failure of the owner(s) to correct the malfunction in a reasonable time, the owner(s) authorizes the City to make or have made the correction or repair and to charge and collect the cost thereof from the owner(s).
- (d.) The Agreement shall be binding upon any and all successors and shall be considered a covenant running with the land.
- (e.) The Agreement must be approved by the Mayor and then recorded in the office of the Clerk and Recorder.

2. Protective Covenant

In the event more than one building is connected to a single sewer line, the owner/developer shall request authority to so connect and, further, will request the Wastewater Management Division to review a draft, prepared by the owner/developer of the subject property and based on a sample form supplied by the Division, of a Protective Covenant which shall state that the property, a improvements, and sewage facilities will remain as one ownership. Furthermore, the required private on-site storm drainage and sanitary sewer facilities and appurtenances thereto are to be installed, repaired and maintained by the owner. The Covenant will become of record in the office of the Clerk and Recorder. The Agreement for providing City Services or the Covenant must run with the land, and no person shall make additional connections, alter or disturb any sewer or appurtenance thereto recorded on the approved development site plan, covenant or agreement without first obtaining written authorization from the Wastewater Management Division.

G. Development Phasing

If a development is to be constructed by stages, storm drainage and sanitary sewer studies must be submitted and approved for the entire development before construction of any one phase can be initiated. When developing in phases, the owner shall be required to covenant that all storm drainage and sanitary sewer facilities and on-site grading will be constructed in accordance with approved storm drainage and sanitary sewer studies and/or plans for the entire development. No person(s) shall have the authority to redesign or alter the construction of any phase of the development without first obtaining written approval from the Wastewater Management Division. When all phases of construction have been completed, inspected and accepted by the Wastewater Management Division, the Owner may request, if applicable, termination of the Covenant.

H. Approval of the Final Plat or Development Site Plan

Upon approval of the required submittals, the Wastewater Management Division shall forward a recommendation for approval to the Manager of the Department of Transportation and Infrastructure and the Denver Planning Office for final action.

9.02 Request for Additional Information or Waiver of Specific Submissions

At any time following submittal or approval of the Subdivision Plat or PUD/PBG/PD Development Site Plan, changes must be submitted, with full justification, to the Wastewater Management Division for consideration. The Wastewater Management Division may also request additional information or documentation which is not covered in the PUD/PBG/PD or Subdivision Regulations.

9.03 Post Approval Requirements

After the final plat or development site plan has been approved and recorded, the following Wastewater Management Division requirements must be fulfilled:

- A. An application for a Sewer Use and Drainage Permit must be submitted by the Owner or Developer in accordance with Chapter 56 of the Revised Municipal Code and these Rules and Regulations.
- B. A pre-construction conference will be required for all public storm and sanitary sewer construction. Construction shall be authorized only after the preconstruction conference is held.
- C. A Sewer Inspection Permit will be issued when all requirements on the Sewer Use and Drainage Permit have been completed. This permit is required for each building connection to the City sewer. All connections must be made by a Contractor licensed with the City to perform such work, and the work shall be performed in a manner conforming to Wastewater Management Division requirements. A minimum 24-hour notice will be necessary for the Wastewater Management Division to schedule required inspection of the proposed building connections. Inspection fees shall be assessed in accordance with current published schedule of fees, and payment of these fees shall be the responsibility of the Contractor.
- D. All mainline storm drainage and sanitary sewer facilities shall be inspected by the Wastewater Management Division. A 48-hour minimum notice by the Sewer Contractor will be required so that the inspector can be scheduled for the site. No inspection shall be scheduled by the Division prior to the pre-construction conference. Final inspection fees shall be assessed in accordance with current published schedule of fees, and payment of these fees shall be the responsibility of the Contractor. The owner or developer shall be responsible for furnishing the Wastewater Management Division a Certificate of Inspection, certifying that all on-site grading, storm drainage facilities and sanitary sewers were constructed in compliance with plans and specifications approved by the Wastewater Management Division. This Certificate of Inspection shall be required for all sewer facilities in addition to any inspections made by the Division or the Department of Transportation and Infrastructure. No construction of wastewater facilities shall commence prior to the required pre-construction conference

- E. Prior to the Wastewater Management Division issuing final acceptance, the Consulting Engineer associated with or responsible for the project must furnish "as constructed" mylar sepia drawings and "field staking" notes for all private and public sewer construction.
- F. If construction has not started within one (1) year following recording of the approved Subdivision Plat or Development Site Plan, all approvals shall become void and resubmittal of the general information for review and approval may be required prior to issuance of Sewer Use and Drainage Permits, unless phased development is approved and the Developer provides a Covenant as delineated in Chapter 9.01F of these regulations.

9.04 Certificate of Occupancy

The requirements of the Division preceding the signing of the Building Department Inspection Record form consist of the following:

- A. A Sewer Use and Drainage Permit has been issued.
- B. Construction of all required storm and sanitary drainage facilities has been completed and accepted by the City.
- C. The Certificate of Inspection for all storm drainage and sanitary sewer facilities has been submitted.
- D. The building sewer connection has been inspected by the Division and a Sewer Inspection Permit has been issued.
- E. All fees required by the City and County of Denver have been received by the City.
- F. All other requirements of the Sewer Use and Drainage Permit have been completed.

If all of the above requirements have not been met when signing of the Inspection Record form is requested, the Division may consider issuance of a Temporary Certificate of Occupancy, provided the Owner or Developer furnishes the Division a bond covering the cost of remaining construction or enters into some other form of acceptable agreement. In addition, the Owner or Developer will be required to furnish justification for failing to complete all Divisional requirements and submit a timetable of completion and/or any other information deemed necessary by the Division.

CHAPTER 10 - WATER QUALITY, EARTH DISTURBANCE AND EROSION CONTROL

10.01 General

Any person or persons who undertakes, or is responsible for undertaking, an activity which involves earth disturbance is ultimately responsible to ensure that soil erosion and sedimentation (and changed water flow characteristics) are controlled to the extent necessary to avoid damage to personal and real property, and to prevent pollution of the municipal separate storm sewer system and waters of the State. Nothing in this Chapter shall be taken or construed as lessening (or modifying) the ultimate responsibility of such persons. Nor do the permit requirements of this Chapter imply the assumption of any liability therefore on the part of the City and County of Denver (hereafter, "the City"). The standards, criteria, and requirements of this Chapter are to be considered as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this Chapter may not, therefore, of itself relieve such person's responsibility to provide effective control measures.

10.02 Definitions

The following definitions shall apply in the interpretation and enforcement of this Chapter:

- A. Accelerated Soil Erosion: The increased migration and movement of soils on all land surfaces that occur as a result of human activities.
- B. Best Management Practices (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage. BMPs include structural and nonstructural controls. See control measure.
- C. Colorado Discharge Permit System (CDPS): Regulation No. 61 of the Colorado Department of Public Health and Environment, Water Quality Control Commission.
- D. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA): also known as Superfund; Federal law authorizing identification and remediation of unsupervised hazardous waste sites.
- E. Construction Activities Stormwater Discharge Permit (CASDP): A permit issued to authorize work to be performed under this Chapter, formerly known as Erosion and Sediment Control Permit.
- F. Control Measure: Any best management practice (BMP) or other method used to prevent or reduce the discharge of pollutants to state waters. Control measures include but are not limited to best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structure controls and treatment devices.
- G. Earth Disturbance: A man made change in the natural cover or topography of land, including all grading, cut and fill, building, paving, landscaping and other activities which may result in, or contribute to, soil erosion or sedimentation of the waters of the State.
- H. Erosion: The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
- I. Excavation: Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, relocated, or stockpiled, and included shall be the conditions resulting here from.
- J. Filling: Any act by which soil, rock, or other construction materials are placed, stockpiled, dumped, or a combination thereof, onto the surface of the earth that may result in exposure to rain or wind.
- K. Floodplain: An area which is subject to flooding as the result of the occurrence of the 100-year flood.
- L. Grading: Any stripping, excavation, filling, stockpiling, or any combination thereof. Also included shall be the land in its excavated or filled condition.
- M. Land Use: A use of land which may result in an earth disturbance including, but not limited to, residential, commercial, industrial, recreational, private and public highway, road and street construction, drainage construction, agricultural practices, mining, or other development.

- N. Manager: Manager of Department of Transportation and Infrastructure of the City and County of Denver.
- O. Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains owned or operated by the City, designed or used for collecting or conveying stormwater which is not a part of a Publically Owned Treatment Works (POTW).
- P. Permanent Soil Erosion Control Measures: Soil erosion control measures which are installed or constructed to control erosion, and which are maintained after completion of earth disturbance activities.
- Q. Person: Person(s), firm, corporation, partnership, or association.
- R. Pollutant: Any dirt, slurry, solid waste, construction debris, garbage, trash, rock, sand and any industrial, municipal or agricultural waste.
- S. Pollutant as defined by CDPS Regulation No. 61.2(76): "Pollutant" means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, any industrial, municipal or agriculture waste.
- T. Superfund Amendments and Reauthorization Act (SARA): Federal law passed in 1986 reauthorizing and expanding CERCLA
- U. SARA Sec. 313: Outlines reporting requirements under SARA Title 111, also known as the Emergency Planning and Community Right to Know Act, which requires public disclosure of chemical release information and development of emergency response plans.
- V. Sediment: Solid material settled from suspension in a liquid.
- W. Significant Materials as defined by CDPS Regulation No. 61.2(97): "Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA as amended by SARA (1986); any chemical the facility is required to report pursuant to Section 313 of title 111 of SARA (1986); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- X. Slope: Slope of land measured in horizontal distance necessary for the land to fall or rise one foot, expressed by horizontal distance in feet to one vertical foot.
- Y. Soil Erosion Control Measures: Interim and permanent BMPs and control measures to control erosion and sediment.
- Z. Storm Drainage Design & Technical Criteria Manual: The technical criteria manual of the Department of Transportation and Infrastructure of the City.
- AA. Stormwater Management Plan (SWMP) (formerly known as Construction Activities Stormwater Management Plan or CASMP): Plans for demolition and earth disturbance activities that must be developed and submitted to the City for review and approval prior to issuance of a Construction Activities Stormwater Discharge Permit (CASDP). An approved SWMP is incorporated into the corresponding CASDP.
- AB. Stripping: Any activity which removes, or significantly disturbs, the vegetative surface cover (including clearing and grubbing operations).
- AC. Suspended Sediment: The very fine soil particles that remain in suspension in water for a considerable period of time without contact with the solid fluid boundary at or near the bottom. They are maintained in suspension by the upward components of turbulent currents.
- AD. Temporary Soil Erosion Control Measures: Interim soil erosion control measures which are installed, or constructed and maintained, whenever earth disturbance is to occur for the purpose of controlling soil erosion until permanent soil erosion control is installed and functional.
- AE. Volume 3: The Urban Drainage and Flood Control District's published manual entitled "Urban Storm Drainage Criteria Manual, Volume 3, Best Management Practices", December 2010, and as may be amended from time to time.

- AF. Waters of the State: Any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

10.03 Compliance with Chapter Required for Site Construction Plan(s) Approval

No site construction plan(s) shall be approved unless said construction plan(s) include soil erosion and sediment control and water quality measures consistent with the requirements of this Chapter and related land development regulations.

10.04 Compliance with Chapter Required for Occupancy

No Certificate of Occupancy for any building shall be issued by the City unless the applicant for said Certificate of Occupancy has received final inspection, approval and signoff from the Manager or Manager's Wastewater Management designee for construction of the sanitary and storm portions of the project. Issuance of the Certificate of Occupancy does not release or terminate any ongoing requirement of permits issued by the City (such as a requirement under a CASDP for final stabilization or ongoing maintenance of a permanent water quality BMP).

10.05 Adoption by Reference of Stormwater Quality and Erosion Control Criteria

The following are hereby adopted and incorporated by reference, as a part of this Chapter, as if fully set forth herein:

- A. Chapters 1, 14 and 15 of the Storm Drainage Design & Technical Criteria Manual;
- B. Those criteria of Volume 3, as specified herein. To the extent other requirements of Volume 3 have not been incorporated by reference, the Manager or designee shall be guided by the considerations and recommendations within said manual in the administration of this Chapter.

10.06 Permits and Fees

- A. Permit Requirement: A CASDP and SWMP are required for sites which are:
 1. Greater than or equal to one (1) acres in size, and all sites smaller than one (1) acre if they are a part of a total development or subdivision that is larger than or equal to (1) acre in size or other size criteria as established by the Manager; or
 2. Known to contain contaminated soils or pre-existing environmental impairment; or
 3. Adjacent to waters of the State; or
 4. Where special physical features have a cumulative effect and will create erosion problems; or
 5. Any other site about which the Manager determines that the potential for erosion and sedimentation is high due to soil conditions, steep or irregular slopes, past regional sedimentation problems, etc.
- B. Except as exempted by Section 10.14A of this Chapter, no person shall perform any earth disturbance for which a permit is required by subsection A, above, unless a valid CASDP is issued by the City. Issuance of a CASDP does not exempt the parties from obtaining any other permits required by the State of Colorado or the Federal Government¹.
- C. Permit Application: A separate application shall be required for each CASDP along with plans, specifications, and timing schedules for all earth disturbances. The plans shall be prepared under the supervision of a professional engineer licensed in the State of Colorado and experienced in soil erosion and sedimentation control methods and techniques.

¹ Currently, most land parcels must also obtain a Colorado Discharge Permit System (CDPS) permit for "Storm Water Discharges Associated with Construction Activity" from the State of Colorado Water Quality Control Division. The term "permit", as used throughout this Chapter, is not in reference to the State of Colorado CDPS construction activity permit. All applicants should contact the State of Colorado to obtain guidance on site qualification and State permit preparation requirements for this separate permitting process.

- D. Multi-jurisdictional Permits: Notwithstanding the foregoing, the Manager or designee may issue a CASDP for multiple overlapping construction projects with another governmental entity with a Construction Sites Program authorized by the Water Quality Control Division of the Colorado Department of Public Health and Environment.
- E. Stormwater Management Plan: A SWMP shall be submitted with the application for a CASDP which shall comply with the requirements specified in Chapter 15 of the Storm Drainage Design & Technical Criteria Manual. All approved submittals shall constitute the applicant's SWMP. The SWMP, as approved by the Manager or designee, and as it may be modified from time to time, shall be a part of the CASDP.
- F. Fees: At the time of issuance of a CASDP, a non-refundable fee shall be paid to the City. The amount of such fee shall be as established by the Manager.

10.07 Failure to Complete the Work

In the event of failure to complete the work or failure to comply with any of the requirements, conditions, and terms of the CASDP, the Manager may suspend the applicant's permit and may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The Manager may also authorize completion of all necessary temporary or permanent soil erosion control measures. The permittee shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done.

10.08 Denial of Permit

A CASDP shall not be issued where:

- A. The proposed work would cause hazards to the public safety and welfare; or,
- B. The work, as proposed by the applicant, will damage any public or private property; interfere with any existing drainage course in such a manner as to cause damage to any adjacent property; result in the deposition of pollutants on any public right-of-way or into any waterway; create an unreasonable hazard to persons or property; or,
- C. The land area for which earth disturbance is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate it, or any other such hazard to persons or property; or
- D. The land area on which the earth disturbance is proposed may lie within the designated floodplain of any stream or water course, unless a hydrologic or hydraulic report, prepared by a professional engineer, is submitted to certify that the proposed earth disturbance will have, in his professional opinion no detrimental influence on the public welfare or upon the total development of the watershed, and the earth disturbance is also consistent with the City, State and Federal floodplain requirements.
- E. The proposed SWMP does not comply with this regulation.

10.09 Modifications of Approved Plans

All proposed modifications of the approved SWMP must be submitted, along with all supporting material, to the Manager. No work in connection with a proposed major modification shall be permitted without prior approval of the Manager, approval for which may be issued if the applicant can demonstrate that the proposed major modification will provide soil erosion controls equivalent to, or better than, the originally approved BMPs. Notwithstanding the preceding minor field modifications will be approved in accordance with the conditions and requirements stated in Chapter 15 of the Storm Drainage Design & Technical Criteria Manual.

10.10 Responsibility of Permittee

During earth disturbance operations the permittee shall:

- A. Prevent damage to any public utilities or services within the limits of earth disturbance, and along any routes of travel of the equipment; and,
- B. Prevent damage to adjacent property. No person shall perform earth disturbance on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result; and,
- C. Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the CASDP and this Chapter; and,
- D. Promptly remove all soil, miscellaneous debris, and materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares (or any other non-authorized off-site location).

10.11 General Requirements

- A. All erosion control measures shall be installed as defined in the approved plans. The installation of the first level of temporary erosion control measures shall be installed and inspected prior to any earth disturbance operations taking place.
- B. Any earth disturbance shall be conducted in such a manner as to effectively reduce accelerated soil erosion and resulting sedimentation.
- C. All persons engaged in earth disturbance shall implement and maintain acceptable soil erosion control measures in conformance with this Chapter, any soil stabilization plan approved by the City, and any permit issued by the City.
- D. All earth disturbances shall be designed, constructed, and completed in such a manner that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
- E. Suspended sediment caused by accelerated soil erosion shall be minimized from runoff water before it leaves the site of the earth disturbance by implementation of BMPs in compliance with the requirements of Chapter 15 of the Storm Drainage Design & Technical Criteria Manual.
- F. Any temporary or permanent erosion control measure designed and constructed for the conveyance of storm water and allowable non-stormwater discharges around, through, or from the earth disturbance area shall be designed to limit the water flow to a non-erosive velocity whenever possible. Use of non-erodible materials and engineering designs suitable to the site specific conditions is required when non-erosive velocities are unattainable or when working in active waterways.
- G. Temporary soil erosion control measures shall be removed and earth disturbance areas graded and stabilized with permanent soil erosion control measures pursuant to the standards and specifications prescribed by the City and in accordance with the permanent erosion control features shown on the SWMP approved by the City.
- H. Soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed after final grading or final earth disturbance within the time specified in Chapter 15 of the Storm Drainage Design & Technical Criteria Manual. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.
- I. No person shall cause, permit, or contribute to the discharge into the municipal separate storm sewer system pollutants that could cause the City to be in violation of its CDPS Municipal Stormwater Permit.
- J. Prohibited discharges in municipal separate storm sewer system:
 1. It shall be unlawful for any person to discharge or cause to be discharged into the storm sewer system any significant materials as defined by CDPS Regulations No. 61.2(97).
 2. It shall be unlawful for any person to discharge or cause to be discharged into the storm sewer system any pollutant as defined by CDPS Regulations No. 61.2(76).
 3. Discharges in accordance with 7.01 A of these Rules and Regulations.

- K. The owner, Site Developer, Contractor and/or their authorized agents shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the storm sewer conveyance system and stormwater appurtenances as a result of site development.
- L. No person shall cause the impediment of stormwater flow in the flow line of the curb and gutter except for approved BMPs.
- M. The owner, Site Developer, Contractor and/or their authorized agents shall prevent sediment, debris and all other pollutants from entering the storm sewer system during all phases of demolition.
- N. The use of rebar, steel stakes, or steel fence posts to stake down straw or hay bales; or to support silt fencing used as an erosion control measure, is prohibited.

10.12 Maintenance Requirements

The property owner(s), Site Developer, and Contractor carrying out soil erosion and sediment control measures under this Chapter, and all subsequent owner(s) of property where such measures have been taken, shall maintain all temporary and permanent erosion control measures, and water quality facilities, retaining walls, structures, plantings, and other protective devices. Should the applicant, or any of the subsequent property owner(s), fail to adequately maintain the temporary and permanent erosion control measures and water quality facilities, retaining walls, structures, plantings, and other protective devices, the City reserves the authority to enter affected property, provide needed maintenance, and to charge the owner for the work performed by the City or its contractors.

10.13 Minimum Design Standards

All SWMPs and specifications, including extension of previously approved plans, shall include provisions for erosion and sediment control in accordance with Chapter 14 Water Quality and Chapter 15 of Storm Drainage Design & Technical Criteria Manual.

10.14 Variances and Exceptions

- A. Exceptions. A CASDP shall not be required for the following:
 - 1. Agricultural use of land zoned agricultural.
- B. Variances. The Manager or designee may authorize at his sole discretion, upon application in specific cases, such waiver or variance from the technical requirements of this Chapter, subject to terms and conditions fixed by the Manager or designee, as will not be contrary to the purposes of this Chapter upon a finding of infeasibility or undue hardship and where no significant deleterious effects to public safety, health, welfare and the environment will be caused by such waiver or variance.
- C. Multi-jurisdictional Variance. The Manager or designee may authorize at his sole discretion, upon application by a governmental entity with its own Construction Sites Program authorized by the Water Quality Control Division of the Colorado Department of Public Health and Environment, such waiver or variance from the technical requirements of this Chapter, subject to terms and conditions fixed by the Manager or designee, as will not be contrary to the purposes of this Chapter upon a finding that compliance with its own Construction Sites Program will provide an equivalent level of protection as compliance with requirements herein, and that no significant deleterious effects to public safety, health, welfare and the environments will be caused by such waiver or variance.
- D. To expedite the review and decisions on variance requests, it is suggested that a variance request be submitted early in the site development process

10.15 Water Quality

The purpose of this section is to prevent or minimize adverse water quality impacts from construction sites by minimizing the discharge of sediment, debris, and other pollutants from construction sites; and provide for enhancing the water quality of storm runoff from fully developed and redeveloped sites.

- A. The minimum technical requirements for all projects requiring BMPs relating to water quality are set forth in Chapter 14 of the Storm Drainage Design & Technical Criteria Manual.

10.16 Administration

The Manager of the Department of Transportation and Infrastructure and his duly authorized representatives and agents may delegate the administration of this Chapter, or any part thereof, subject to the limitations of the Charter, the Denver Revised Municipal Code, and the Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater.

10.17 Investigation and Enforcement

The requirements of this Chapter shall be enforced by the Manager, or his/her duly authorized agents.

- A. Violation of the provisions of this regulation by any person shall be unlawful.
- B. Violation of the provisions of a CASDP or approved SWMP shall be a violation of this regulation.
- C. In addition to the enforcement remedies provided by ordinance and regulation, the Manager and his/her duly authorized agents may issue, in their discretion, one or more of the following compliance assistance or enforcement actions: Verbal Compliance Advisory, Written Compliance Advisory, Notice of Violation with Corrective Orders, Notice of Violation with Stop Work Order, Notice of Violation with Referral, Judicial Summons and Complaint.
- D. If the Manager finds that the erosion and sediment control BMPs are not preventing accelerated erosion and removing suspended sediment prior to the drainage leaving the construction site, the Manager may direct the owner(s) and/or co-permittees (or his/their agents) by written order to implement erosion control measures that are deemed necessary to prevent said soil erosion from migrating off site. If immediate additional erosion and sediment control (or repair) is necessary, the owner(s) and/or co-permittee (or his/their agents) shall be verbally notified, with a follow-up written confirmation occurring later. It shall be the duty of the owner, and/or co-permittees (or his/their agents) to immediately take all necessary steps to comply with such order and otherwise to take all necessary steps to prevent such migration of sediment off the premises or entering waters of the State. Delivery of an order by the Manager to the owner(s) or a co-permittee (or his/their agent) shall be deemed to be notice thereof, and binding upon the owner or co-permittee, respectively.

10.18 Right of Entry

The Manager, or his/her duly authorized agents, having proper credentials and identification shall be permitted to enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigating conditions and practices which may be in violation of these rules and regulations, a CASDP, including an approved SWMP, or applicable codes and ordinances; or to provide maintenance of erosion control BMPs, retaining walls, structures, plantings, and other protective devices, if the owner(s) shall fail to do so, and charge the owner(s) for the work performed by the City or its contractors.

CHAPTER 11 - STORM DRAINAGE PLANNING AND DESIGN

11.01 General

- A. All developers shall plan, design and install storm drainage facilities, in compliance with the City's Storm Drainage Master Plan to insure coordinated development of a system which is self-sufficient in each storm drainage basin.
- B. The Denver Comprehensive Plan applies in all cases where future land uses are a consideration in the development of storm drainage facilities.
- C. The "City and County of Denver Storm Drainage Criteria manual" (Criteria) and the "Urban Drainage and Flood Control District Drainage Manual" (Manual) shall be used to supplement information and criteria not covered expressly in these Rules and Regulations.
- D. Storm Drainage Studies shall be prepared by Professional Engineers, registered and licensed with the State of Colorado, and shall be submitted to the City for review, evaluation and approval unless the Manager, on request, precludes such submission.
- E. Approval of a Storm Drainage Study shall be effective for the duration of the development. However, in the event construction does not start within one year from the date of approval, a new study may be required.
- F. Any change of the development plan used in the preparation of the approved storm drainage study, which changes drainage patterns or increases runoff peaks or volumes shall require the submission of a supplemental study.
- G. Proposed development in a flood plain area shall meet all of the requirements of Denver's Flood Plain ordinance.
- H. In those cases where a Storm Drainage Master Plan has been prepared for an area, all drainage facilities within that area will be required to conform to the plan.

11.02 Storm Drainage Study

The content and order of submittal of the Storm Drainage Study shall be as required in the "Criteria," Chapter 2.

11.03 Design Criteria for Residential Subdivisions

- A. The design of the initial storm drainage system shall be based on a recurrence interval of two years or where topographic conditions or the development plan result in a sump condition the 5-year recurrence interval shall be used. The determination and routing of the major storm drainage system shall be based on the 100-year storm event.
- B. The hydrologic computations for the initial and major storm systems shall be based on the rational method for basins less than 160 acres of tributary area and on the Colorado Urban Hydrograph Procedure for basins greater than 160 acres. Off site areas will be considered as fully developed based on current or proposed land use information.
- C. The initial storm drainage system for a Subdivision consists of street and gutters, crosspans, storm sewers, etc. Storm sewers shall begin at a point where the gutter flow carrying capacity has been reached or where the flow in the gutter has reached 10 cfs, whichever is lesser. The storm sewer shall be designed to intercept and convey to an acceptable outfall all flows tributary to it for the initial storm. The initial storm sewer system for a Subdivision affected by off-site tributary flows shall begin at a point where tributary flows entering the Subdivision exceed available gutter capacity requirements or they are greater than 10 cfs and shall be sized to intercept and convey peak flows generated in the upstream tributary basin under fully-developed and fully-sewer conditions.

- D. The initial time of concentration for an average City block in a residential Subdivision to be used in the Rational Method shall be based on the following:
 - 1. Block area, 5 acres; slope under 3%; time of concentration, 12 minutes; for apartment development use, 10 minutes.
 - 2. Block area, 5 acres; slope over 3%; time of concentration, 10 minutes; for apartment development use, 7 minutes.
 - 3. The initial time of concentration for conditions different from the above will be determined by the Engineer, utilizing acceptable methods or sources of information. Time of concentration for flow through open channels or closed conduits will be determined, utilizing actual channel or conduit hydraulic characteristics.
- E. Storm sewer inlets will be installed on a sump instead of continuous grade, whenever possible. Inlets on a sump or a continuous grade shall be sized to intercept peak flows from the subbasin tributary thereto. Inlet design computations shall be based on the technical information contained in the Criteria," Chapter 9.
- F. Inlet connectors shall be sized utilizing acceptable culvert design procedures. In sizing the connectors, a maximum head of 12 inches below the inlet flow line shall be used with the minimum connector diameter to be 15 inches.
- G. Major storm flow routing shall be based on the use of street flow carrying capacity as specified in Chapters 3 and 10 of the "Criteria." Any residential subdivision, PUD, or PBG built within a designated flood hazard area shall comply with the provisions of Chapter 56, Revised Municipal Code, Article V, Floodplain Management.
- H. All major drainage ways transversing a residential subdivision shall be improved to convey the 100-year storm flows under fully developed and fully-sewer conditions of the off-site drainage basin. Upon completion of construction and acceptance by the City, the improved drainage ways shall be deeded to the City for continuous operation and maintenance.
- I. Residential development located in areas where drainage problems have been identified may be required to provide detention to attenuate peak flows from the 100-year storm event.

11.04 Design Criteria for Commercial and Industrial Subdivisions

- A. The development of the initial storm drainage system shall be based on a storm having a frequency of 5 years. The determination and routing of the major storm drainage system shall be based on the 100 year storm event.
- B. On-site storm runoff detention facilities shall be required to attenuate peak flows for both the 100-year storm event and the 10 year storm event under fully developed conditions. Detention pond flow release rates shall be as shown in Chapter 14 of the "Criteria". If downstream facilities are inadequate for the release flows as specified by these methods, more restrictive release flows and larger detention volumes may be required.
- C. Flows released from detention ponds will be conveyed to existing drainage facilities through an underground conduit whenever such facilities are available in the vicinity of the proposed development.
- D. Detention pond size will be calculated by empirical equations as shown in Chapter 14 of the "Criteria." Detention ponds shall be designed to the standards specified in the "Criteria."
- E. All other applicable requirements pertaining to a residential subdivision must be met.

11.05 Design Criteria for Planned Building Groups and Planned Unit Developments

- A. On-site storm drainage facilities shall be sized as necessary to provide for the safe collection, conveyance, and attenuation through on-site detention, of the 100-year storm flows.
- B. Routing of the 100-year storm through private and public roads shall be in accordance with the local street requirements covered in the Residential Subdivision portion of this Chapter or in the "Criteria." Development within flood prone areas shall comply with provisions of Chapter 56, Revised Municipal Code, Article V, Floodplain Management.
- C. All major drainage ways traversing a PBG or PUD development shall be improved to convey the 100-year storm flows under fully developed and fully sewer conditions of the off-site drainage basin. Upon completion of construction and acceptance by the City, the improved drainage ways shall be deeded to the City for continuous operation and maintenance.
- D. Detention facilities shall be provided to attenuate peak flows for both the 10-year and 100-year storm events under fully developed conditions. Detention pond release rates shall be determined by methods described in the "Criteria," Chapter 14.
- E. Detention pond outlet facilities shall be provided at locations compatible with flow patterns of the site in its undeveloped state.
- F. Detention pond outlet facilities shall consist of pipe and shall be connected directly to existing storm drainage facilities whenever available in the vicinity of the proposed development.
- G. Detention pond volumes will be determined by methods shown in the "Criteria," Chapter 14.

11.06 Design Criteria for Other Types of Development

Residential, Commercial and Industrial developments which are not covered in the preceding regulations for Subdivision, Planned Building Groups or Planned Unit Developments shall be required to meet the following:

- A. On-site detention shall be provided to attenuate peak flows for both the 10-year and 100-year storm events under fully developed conditions. Detention pond release rates and volumes shall be as determined in the "Criteria," Chapter 14.
- B. Detention pond outlet facilities shall be provided at locations compatible with flow patterns of the site in its undeveloped state.
- C. Detention pond outlet facilities shall consist of pipe and shall be connected directly to existing storm drainage facilities whenever available in the vicinity of the proposed development.
- D. All major drainage ways traversing a site proposed for development shall be improved to convey the 100-year storm flows under fully developed and fully sewer conditions of the off-site drainage basin. Upon completion of construction and acceptance by the City, the improved drainage ways shall be deeded to the City for continuous operation and maintenance.

CHAPTER 12 - FLOODPLAIN MANAGEMENT

The following are adopted to administer the requirements of Chapter 56, Article V (Floodplain Management) of the Denver Revised Municipal Code. Words, phrases, and terms herein shall be given definitions as set forth in Section 56-201 "Definitions" of the Denver Revised Municipal Code.

12.01 Permits and Conditions of Use

No person shall develop or alter improved or unimproved real estate lying within the Regulatory Floodplain of Denver, except pursuant to the terms of a Sewer Use and Drainage Permit issued by the City which authorizes such development or alterations. A permittee shall have the right to build, construct, or otherwise develop his facilities, system, or structures within the Regulatory Floodplain only as specifically described and for the purpose specified in the permit, subject to the modification, suspension, or revocation of such permit by the City as herein provided.

- A. The permit shall not apply to any person other than the permittee or for such locations and/or premises other than as described in the permit. A permit is required for each and every single system, premises, or structure to be developed within the Regulatory Floodplain.
- B. Applications for permits shall be made by the owner or his authorized representative. Applications shall be processed through the Wastewater Management Division as the representative agency for floodplain management. An application fee for permits, as established by the Manager, shall be paid to the City at the time the application is received and filed.
- C. The signature of the applicant or his authorized representative on the permit applications shall constitute the execution of an agreement to comply with all of the provisions, terms, and requirements of this and other Rules or Regulations and Ordinances of the City and with the plans and specifications he has filed with his permit applications, together with such corrections or modifications as may be made or permitted by the City, if any. Misrepresentation or false statements shall be considered grounds for legal action as fraudulent conduct.
- D. All necessary and required Federal and/or State permits shall be obtained and provided to the City prior to issuance of any Sewer Use and Drainage Permit.
- E. As appropriate to development proposed for structures, systems, alterations, remodels, etc., which lie within the Regulatory Floodplain, upon completion of the review of all information and plans submitted with the Sewer Use and Drainage Permit Application, as described herein, the Manager shall determine whether or not the proposed use is compatible with the provision of the Charter, the Revised Municipal Code of the City and County of Denver, these Rules and Regulations, and the drainage plan approved by him; if so, he shall issue a Sewer Use and Drainage Permit; if not, he shall reject the application and notify the applicant of his reasons for denial. No Sewer Use and Drainage Permit may be issued more than six (6) months after the date of application. However, proposed development that involves prolonged review and consideration by Wastewater Management, or other City agencies, could serve to postpone Sewer Use and Drainage Permit issuance beyond the specified time limit. In such cases that involve floodplain map amendment, permit issuance may be accomplished subsequent to approval of a variance and/or floodplain map amendment.

- F. A storm drainage plan shall be submitted by Owner or Owner's representative. Approval of the storm drainage plan by Wastewater Management Division is necessary before issuance of a Sewer Use and Drainage Permit for all construction (including interior remodels) located in a Regulatory Floodplain. Such plan shall assure that all proposals minimize flood damage. This plan shall also assure that public utilities and facilities are constructed to minimize flood damage. Storm drainage plans shall be reviewed with regard to generally accepted engineering principles and standards.

The submitted storm drainage plan shall include data, information, and plans, as follows:

1. A site plan which depicts:
 - (a.) Property lines, easements, covenanted areas, and zoning.
 - (b.) Location of proposed and existing structures on the property.
 - (c.) Location of proposed and existing storm and sanitary sewer systems (building sewers, prelate sewers, public sewers, and storm drainage facilities) and other utilities.
 - (d.) Location of the floodplain boundaries, flood zone designation, and base flood elevations (North American Vertical Datum).
 - (e.) Floodway location.
 - (f.) Existing and proposed grades (contours and spot elevations).
 - (g.) Spot elevations of the existing ground at all corners of the proposed structure and the highest existing grade within the footprint of the proposed structure.
 - (h.) Benchmark used to establish elevations with vertical datum and its relation to the North American Vertical Datum.
 2. Market value of the existing structure, not including the value of the land, in relation to the cost of any improvements and/or additions to the building to be constructed as part of the project.
 3. Elevation of the lowest floor of any building, including basement, proposed for new construction, lateral addition, or substantial improvement as certified by a licensed surveyor or engineer.
 4. Plans for on-site storm drainage system(s) to include any requirements as specified by these Rules and Regulations.
 5. Engineered and computed data regarding the impact of any development on the existing Regulatory Floodplain.
 6. List type of end-use of the development.
 7. For non-residential development, include complete analysis of and contemplated flood proofing measures to be incorporated into the development for structures, utilities and sewer systems. The analysis must include the elevation to which proposed flood proofing measures are incorporated.
 8. Anticipated project or developmental scheduling which will include start and completion times for the project or development.
 9. Written or map submittal description of any structures located in the immediate vicinity of the proposed development, remodel, or alteration project. It should be noted that most submittals listed above shall be prepared by a Professional Engineer registered in the State of Colorado.
 10. All building construction drawings (architectural, civil, structural, mechanical, electrical, plumbing, etc...) applicable to the proposed construction in the Regulatory Floodplain.
 11. This list of submittals may or may not be all inclusive to meet requirements leading to the issuance of a permit.
- G. Requests for modification, improvement and alteration of existing drainageways preferably are submitted at the time of permit application.

- H. Any permit to develop within the Regulatory Floodplain of the City may be suspended or revoked without obligation by the City to refund or to repay any consideration which may have been received for the issuance of such permit, for any of the following reasons:
 - 1. Failure to comply with the requirements as listed in the permit;
 - 2. Use of the floodplain for purposes not authorized in the permit;
 - 3. Failure to comply with the Floodplain Ordinance of the City or these Rules and Regulations of the Manager of the Department of Transportation and Infrastructure;
 - 4. Failure to comply with any of the published design standards of the City.
- I. Upon the written notice of suspension and/or revocation of a permit, the permit holder (owner or developer) may request an Administrative hearing to review such determination pursuant to Section 56-204 of the Denver Revised Municipal Code.
- J. Work shall not be resumed on the development until such time as a new Sewer Use and Drainage Permit is issued, or in case of suspension, until a written notice of reinstatement is received from the Wastewater Management Division.
- K. Any improvements to an existing drainageway which will result in a change of the Regulatory Floodplain shall be constructed consistent with applicable City criteria and standards.