



Flathead County Water & Sewer District #1 - Evergreen



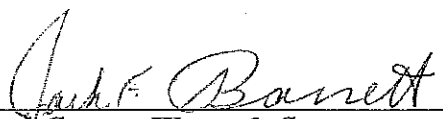
130 Nicholson Drive • Kalispell, MT 59901
Phone: (406) 257-5861 Fax: (406) 756-1588

RESOLUTION NO. 94-02

RESOLUTION TO APPROVE SEWER USE ORDINANCE

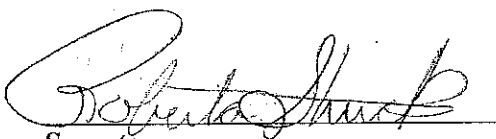
BE IT RESOLVED by the Flathead County Water & Sewer District #1 - Evergreen of Flathead County, Montana, on this 10th day of March, 1994 as follows:

The Board of Directors of the Flathead County Water & Sewer District #1 - Evergreen has adopted this resolution accepting the Sewer Use Ordinance as written on Exhibit A attached.



Flathead County Water & Sewer
District No 1 - Evergreen

ATTEST:



Secretary
Flathead County Water & Sewer
District No. 1 - Evergreen

SEWER USE
AND
USER CHARGE SYSTEM
ORDINANCE

AN ORDINANCE PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR OPERATION OF FLATHEAD COUNTY WATER AND SEWER DISTRICT NO. 1 - EVERGREEN; ESTABLISHING A USER CHARGE SYSTEM BY METHOD AND PROCESS ALLOWED BY STATE LAWS; REGULATING THE USE OF THE DISTRICT SEWERAGE SYSTEM, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE DISTRICT SEWERAGE SYSTEM.

BE IT ORDAINED BY THE BOARD OF DIRECTORS FLATHEAD COUNTY WATER & SEWER DISTRICT NO. 1 - EVERGREEN, AS FOLLOWS:

ARTICLE 1 - DEFINITIONS

A. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

B. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

C. "Building Sewer" shall mean the extension from the building of sewer pipe which receives sewage.

D. "District Manager" shall mean the Manager of the District or his authorized representative.

E. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

F. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic residential sewage.

G. "Person" shall mean any individual, firm, company, association, society, corporation or group.

H. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

I. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewerage systems, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

J. "Public Sewer" shall mean a common sewer in which all owners of abutting properties have equal rights and is controlled by the District.

K. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

L. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

M. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

N. "Sewerage System" shall mean all facilities for collecting, pumping, transporting and disposing of sewage.

O. "Sewer" shall mean a pipe or conduit for carrying sewage.

P. "Shall" is mandatory; "May" is permissive.

Q. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

R. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

ARTICLE II - SEWER USE

Section 1. Building Sewers and Connections:

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to the District sewerage system.

B. The connection of the building sewer into the District Sewerage System shall conform to the requirements of the building and plumbing code or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District Manager before installation.

C. Applications for sewer service connections shall be made to the District Manager at least 10 days prior to the start of construction of the intended service. The District Sewer Utility will advise if the Users' new service will be conventional, small diameter gravity, or septic tank effluent pumping system. The District Sewer Utility will also provide the proper application for the type of service necessary. All applications shall include a site plan, indicating the location of the structure to be connected, the location of existing gas and water mains and service lines, and the location of any other underground power, telephone or cable TV lines.

1) Conventional Gravity Services.

a) A single connection for each tract of land will be satisfactory for conventional gravity sewer connections.

b) Construction of service lines on private property shall be the responsibility of the User.

c) The responsibility for operation, maintenance and repair of service lines on private property is that of the User.

d) The responsibility for operation, maintenance, and repair of service lines from the property line to the main will be the responsibility of the District Sewer Utility.

e) After initial construction of the project, all new connections to the main and the extension of the service lines from the main to the property line shall be completed by the District Sewer Utility. The fee for this service shall be paid by the User in accordance with the Rate Schedule.

f) Evidence of abandonment of the existing septic tank shall be presented to the District Sewer Utility, within 5 days, after connection of conventional sewer service. A minimum requirement will be the evacuation of all waste from the tank.

2) Alternative Systems. (Small Diameter Gravity and Septic Tank Pump Systems)

a) Standards for construction of the alternative systems will be provided by the District Sewer Utility to assure compatibility with the system. All alternative system connections shall be made in accordance with the District's Standards for Construction. Any deviations from the Standards, all nonresidential connections and all residential connections serving more than three dwelling units shall be subject to the review and approval of the District Manager. The District Manager may require that these connections be designed by a registered professional engineer.

b) The responsibility for operation, maintenance, repair of service lines and septic tanks, including pumping of tanks will be the responsibility of the District Sewer Utility.

c) After initial construction of the project, all new connections to the main and the extension of the service lines from the main to the property line shall be completed by the District Sewer Utility. The fee for this service shall be paid by the User in accordance with the Rate Schedule.

d) After initial construction of the project, construction of new service lines and septic tanks and septic tank pumping systems shall be at the expense of the User. Connection to the service line termination at the property line shall not be made until the District Manager has approved the installation and a recordable service line easement has been provided by the property owner.

Section 2. Proper Design and Construction of New Sewers and Connections:

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code and the Standard and General provisions for Design and Construction adopted by the District.

Section 3. Wastes Prohibited From Being Discharged to the Wastewater Treatment System:

No person shall discharge or cause to be discharged any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly, or by interaction with other wastes, to damage or interfere with either the sewers, sewage collection process or equipment, or constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the wastewater treatment plant, and is hereby prohibited. Substances specifically prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°F), (65°C), or having flammable or explosive qualities.
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°F) and one hundred fifty degrees (150°F), (0°C and 65°C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4 hp) horsepower or greater shall be subject to the review and approval of the District Manager.
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement; to such degree that any such material received in the composite sewage at the sewage treatment plant may exceed the limits established by the District Sewer Utility to comply with applicable State and Federal regulations.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the District Sewer Utility as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District Sewer Utility to comply with applicable State or Federal regulations.

- (8) Any waters or wastes having a pH in excess of 9.5 or less than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (12) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Section 4. Rejection or Pretreatment of Wastes:

If any waters or wastes are discharged or are proposed to be discharged to the sewerage system, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the District 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 District Manager may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the sewerage system;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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

Section 5. Separators:

Grease, oil and sand separators shall be provided when, in the opinion of the District 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 separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the District Manager and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 6. Maintenance of Pretreatment Facilities:

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 User at the User's expense.

Section 7. Protection from Damage:

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage system.

Section 8. Powers and Authority of Inspectors:

The District Manager and other duly authorized employees of the District Sewer Utility bearing proper credentials shall be permitted to enter all properties for the purposes of inspection, observation, sampling, measurement and testing pertinent to discharge to the sewerage system in accordance with the provisions of this ordinance.

The District Manager and other duly authorized employees of the District Sewer Utility bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 9. Connection to System Required:

The District has received Federal Grant funds. In accordance with Federal Construction Grant regulations, 40 CFR Part 35, Subpart I, 35.2116, all existing structures served by the conventional sewage collection system and all "grey water" systems at existing structures served by the septic tank effluent sewage collection systems shall connect to the new District sewerage system within a reasonable amount of time (i.e. one year) after the completion date of the sewage system project.

Section 10. Rules and Regulations:

The District Board of Directors is hereby authorized to adopt or amend Rules and Regulations which shall set forth criteria to insure adequate service by the District Sewer Utility, prevent unfair charges to the customer and to protect the District from unreasonable demands. The decision of the Board to adopt or amend such Rules and Regulations shall be made by Resolution duly adopted and approved.

Section 11. Establishing Rates and Charges:

The District Board of Directors is hereby authorized to adopt, establish or change the rates, charges or classifications imposed on the customers of the District Sewer Utility in the manner of and pursuant to the procedures imposed upon and allowed by the laws of the State of Montana. The decision of the Board to adopt, establish, or change said rates, charges or classifications shall be made by resolution duly adopted and approved.

Section 12. Maintenance of Rates and Rules:

A schedule of rates, charges or classifications imposed upon the customers of the District Sewer Utility and a copy of the rules established for the operation of said utility shall be kept and maintained in the District Office and shall be made available for public inspection at any time during regular office hours.

ARTICLE III - USER CHARGE SYSTEM

Section 1. Purpose:

The purpose of this Article shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the District sewerage system and to pay the Districts' pro-rata share of the operation, maintenance, and capital debt of the treatment plant (See Interlocal Agreement with City of Kalispell for Treatment of Sewage). The costs shall be distributed to all customers of the District Sewer Utility in proportion to each customer's contribution to the total loading of the District sewerage system. Factors such as strength (BOD and SS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the customer's contribution to ensure a proportional distribution of operation and maintenance costs to each customer.

Section 2. Determining the Total Annual Cost of Operation and Maintenance:

The District shall determine the total annual costs of operation and maintenance of the District Sewer Utility which are necessary to maintain the capacity and performance, during the service life of the sewerage system, for which such system was designed and constructed. The total annual cost of operation and maintenance shall include, but not be limited to, labor, repairs, equipment, replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.

Section 3. Determining Each Customer's Wastewater Contribution Percentage:

A. The District Sewer Utility shall determine each customer's volume of wastewater which has been discharged to the sewerage system, which shall then be divided by the volume of all wastewater discharged to the sewerage system, to determine each customer's Volume Contribution Percentage. The amount used as the total volume of wastewater shall exclude infiltration and inflow.

B. The District Sewer Utility shall determine each customer's average daily poundage of 5-day 20 degree Centigrade Biochemical Oxygen Demand (BOD) which has been discharged to the sewerage system, which shall then be divided by the average daily poundage of all 5-day (BOD) discharged to the sewerage system to determine each customer's BOD Contribution Percentage.

C. The District Sewer Utility shall determine each customer's average Suspended Solids (SS) Poundage which has been discharged to the sewerage system which shall then be divided by the average daily poundage of all Suspended Solids discharged to the sewerage system, to determine the customer's Suspended Solids Contribution Percentage.

Each customer's Volume Contribution Percentage, BOD Contribution Percentage and Suspended Solids Contribution Percentage shall be multiplied by the annual operation and maintenance costs for the sewerage system and the treatment plant attributable to total volume flow, total BOD and total suspended solids, respectively.

Section 4. Determining a Surcharge System for Customers With Excess BOD and SS:

The District Sewer Utility will determine the average Suspended Solids (SS) and Biochemical Oxygen Demand (BOD) daily loading for the average residential customer. The District Sewer Utility will assess a surcharge rate for all non-residential customers discharging wastes with BOD and SS strengths greater than the average residential customer. For the purpose of this Section, average residential strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. SS. Such customers will be assessed a surcharge sufficient to cover the costs of treating wastewater above average residential strength wastes. The surcharge rate structure for such above average residential strength waste dischargers shall be included in the Rate Schedule.

Section 5. Determining Wastewater Service Charge:

Each non-residential customer's wastewater treatment cost contributions as determined in Sections 3 and 4 shall be added together to determine such customer's wastewater service charge. The District may classify industrial, commercial and other non-residential establishments as a residential customer, provided that the wastes from these establishments are equivalent to the wastes from the average residential customer with respect to suspended solids and BOD. Each customer's wastewater treatment cost contribution will be assessed in accordance with the Rate Schedule, as approved by the District.

A minimum charge shall be a part of the rate charged to each customer. This minimum charge shall be sufficient to cover the administrative costs and line sizes necessary to adequately serve each residence. The minimum charge shall allow sewage to be discharged into the sewerage system without a further per gallonage charge if the gallonage is less than the minimum rate divided by the gallonage rate.

Section 6. Wastewater Facilities Replacement Fund:

A District Sewer Utility reserve fund called the "Wastewater Facilities Replacement Fund" is hereby established, as an interest bearing account, for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the sewerage system necessary to maintain the capacity and performance for which such facilities are designed and constructed. A deposit of \$24,650.00 per year, shall be made into the said reserve fund for this initial twenty (20) years. The basis for this deposit is the estimated replacement costs of equipment installed as part of the original sewer system construction project. The estimated annual replacement costs are listed as follows:

One fourth of the Lift Station Pumps in ten years:	\$3,850
One third of the Generators in ten years:	\$9,000
One fourth of the Radio Transmitters in ten years:	\$3,000
Main Station Air Compressor in ten years:	\$2,200
Activated Carbon Canisters each year:	\$6,600
<hr/>	
Annual Replacement Deposit for Original Equipment:	\$24,650

After review of the total annual operation and maintenance cost review as defined in Article III, Section 8, the annual deposit for replacement may be increased based upon actual equipment replacement costs from prior years.

An additional deposit in the amount of one-twentieth (1/20) of the cost of equipment, accessories and appurtenances added to the system shall be made each year beginning on the First of July following the completion of the addition or improvement.

The amount added to the fund shall be reduced after the twentieth (20th) payment for each specific piece of equipment, accessory or appurtenance.

Section 7. Payment of Wastewater Service Charge and Penalties:

A statement shall be submitted to the customer for the wastewater service charge. There may be an added penalty adopted by the District if the payment is not received within the time period noted on the statement. Should any customer fail to pay the customer wastewater service charge and penalty within the time period stated in said Rules and Regulations, wastewater service shall be stopped after proper notification.

Section 8. Review of Wastewater Service Charge:

The District shall review, at least annually, the total annual cost of operation and maintenance, as well as each customer's Wastewater Contribution Percentage and will revise the Rate Schedule as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are

obtained to adequately operate and maintain the sewerage system. If a significant customer, such as an industry, has completed in-plant modifications which would change the customer's Wastewater Contribution Percentage, the customer can present at a regularly scheduled meeting of the District such factual information and the District shall then determine if the customer's Wastewater Contribution Percentage is to be changed. The District Sewer Utility shall notify the customer of its findings as soon as possible.

Section 9. Notification:

The District will notify each user at least annually of the rate being charged for operation, maintenance including replacement of the treatment works.

ARTICLE IV - VALIDITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

FINALLY PASSED BY FLATHEAD COUNTY WATER AND SEWER DISTRICT NO. 1 - EVERGREEN BOARD OF DIRECTORS, KALISPELL, MONTANA, THIS DAY OF _____, 19__.