



Ashley Valley Sewer Management Board

SEWER REGULATIONS
FOR THE
ASHLEY VALLEY SEWER MANAGEMENT BOARD
&
ASHLEY VALLEY WATER RECLAMATION FACILITY

The following SEWER REGULATIONS is enacted this 10th day of September, 2007 by the Ashley Valley Sewer Management Board for the purpose of establishing rules and regulations pertaining to the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and establishing equitable sewer treatment capacity fees and monthly service charges, and providing penalties for violations thereof within the jurisdiction of Ashley Valley Sewer Management Board, Uintah County, State of Utah.

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of words or phrases used in these Rules of Operation shall be as follows:

1. "Biochemical oxygen demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of

organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

2. "Board" shall mean the Ashley Valley Sewer Management Board.

3. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

4. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

5. "Capital facilities plan" shall mean Capital Facilities Plan which is used as an indicator of possible expansion and funding requirements.

6. "Chemical Oxygen Demand" (COD) shall mean a quantitative measure of the amount of oxygen required for the chemical oxidation of organic material in wastewater.

7. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

8. "Construction standards" shall mean the Construction Standards of each particular entity of the Ashley valley Sewer Management Board; i.e. Vernal City, Maeser Water Improvement District and the Ashley Valley Water and Sewer Improvement District.

9. "District" shall mean Ashley Valley Sewer Management Board and/or Ashley Valley Water Reclamation Facility.

10. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

11. "Entity" shall mean district that the sewer runs, is maintained by, or collects an impact and or sewer use fee.

12. "Floatable oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

13. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

14. "Hookup or connection fee" shall mean a reasonable fee for services provided for and directly attributable to the connection to sewer services that is collected by the entities.

15. "Impact Fee" a one-time charge on new development for the purpose of raising revenue for new or expanded public facilities necessitated by that development, but does not include a tax, a special assessment, a building permit fee, hookup or connection fee, a fee for project improvements, or other reasonable permit or application fee.

16. "Industrial wastes" shall mean the wastewater created by the use of property for industrial purposes.

17. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

18. "May" is permissive (see "Shall", #28).

19. "Multiple Family Development" includes planned unit developments, apartments, condominiums, town homes, and recreational vehicle parks.

20. "Person" shall mean any individual, partnership, corporation, limited liability company, or any other entity.

21. "pH" shall mean the logarithm of the reciprocal of the hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen ion concentrate of 10⁻.

22. "Private Wastewater Disposal System" shall mean a system for underground disposal of domestic wastewater, usually consisting of building sewer, a septic tank and an absorption system, which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums and town homes.

23. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

24. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

25. "Sanitary sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

26. "Sewage" is the spent water of any residential, commercial, industrial or institutional building, structure or premises, or any community as a whole. (Also referred to as "Wastewater")

27. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

28. "Shall" is mandatory (see "May", #18).

29. "Slug" shall mean any discharge of water or wastewater 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 of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

30. "Storm drain" shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source. (Also referred to as "Storm Sewer")

31. "Subdivision" shall have that meaning specified in Section 10-9-103(q) Utah Code Annotated, 1953, as amended.

32. "Superintendent" shall mean the superintendent of wastewater facilities of the Ashley Valley Sewer Management Board, or his duly authorized deputy, agent or representative.

33. "Suspended solids" shall mean total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

34. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

35. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

36. "Wastewater" shall mean the spent water or water carried wastes of any residential, commercial, industrial or institutional building, or any combination thereof, together with any groundwater, surface water, and storm water that may be present.

37. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial waste, and sludge. (Also referred to as "Ashley Valley Water Reclamation Facility" or "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant")

38. "Watercourse" shall mean a natural or artificial channel for the continuous or intermittent flow of water.

ARTICLE II

Use of Public Sewers Required

Section 1.

The Ashley Valley Sewer Management Board recognizes and adheres to the Utah Administrative Code, Environmental Quality, Water Quality, Title R317. The Board also adheres to the Construction Standards of Utah and the local city and county building codes.

Section 2.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the region serviced by the Ashley Valley Sewer Management Board (Sewer Management Board) any human excrement, garbage, or other objectionable waste.

Section 3.

It shall be unlawful to discharge to any natural outlet within the District any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these rules and regulations.

Section 4.

Except as provided herein, no individual, partnership, corporation, limited liability company, or any other group or association shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 5.

The owners of all houses, buildings or other dwellings or premises used for human occupancy, transaction of business, employment, recreation or other purposes shall, within 60 days after the date that sewer service is available and at the owner's expense, be required to install suitable toilet facilities therein and connect such facilities directly to the District's sewer system in accordance with the provisions of this ordinance. Provided that said sewer service is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-501 through R317-560 and Rule R317-5 of the Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality, when such sewer service is not available or practicable for use.

A connection will be deemed not practicable when:

- (A) The dwelling is more than 500 feet distance from sewer service when pumping to sewer service is required.
- (B) The dwelling is more than 1,000 feet when flowing by gravity to sewer service.

In which case connection shall be made as follows:

- (A) To an onsite wastewater system found to be adequate and constructed in accordance with requirements stated herein.
- (B) To any other type of wastewater system acceptable under R317-1, R317-3, R317-4, R317-5, or R317-560 of the Utah Administrative Code.

ARTICLE III

Private Wastewater Disposal

Section 1.

Where a public sanitary or combined sewer is not available under the provisions of this Sewer Regulation, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Utah Administrative Code, Environmental Quality, Division of Water Quality, Title R317.

Section 2.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in this Sewer Regulation, a direct connection shall be made to the public sewer within sixty (60) days in compliance with these Sewer Regulations, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

ARTICLE IV

Sanitary Sewers, Building Sewers Connections

Section 1.

No unauthorized persons 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 Public Entity where the sewer resides or from the Superintendent.

Section 2.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent desiring to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, shall make application therefore on a special form furnished by the Public Entity where the sewer resides. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Public Entity.

Section 3.

Any business that may have wastewater discharge containing any type or amount of floatable grease, oils, fats, or any contaminated water shall have a grease, oil and sand interceptor installed with an inspection manhole and will be inspected, approved, and signed off on the building permit by the Ashley Valley Water Reclamation Facility personnel. This shall include but not limited to commercial, industrial, restaurants, and businesses that have floor drains.

Section 4.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the person making application to the entity. The owners shall indemnify the Sewer Management Board and Public Entity from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 5.

A separate and independent building sewer shall be provided and a sewer Impact Fee paid for every separate dwelling or building, except as follows:

(A) a building sewer from a front building may be extended to a rear building and the whole considered as one building sewer where: (i) one building stands at the rear of another on one lot or on an interior lot, (ii) connection of the rear building to the entities sewer system cannot be accomplished through an adjoining alley, courtyard or driveway, and (iii) both buildings are at all times owned by the same person or entity; or

(B) a building sewer from a front dwelling may be extended to a rear dwelling and the whole considered as one building sewer where: (i) one dwelling stands at the rear of another on one lot, (ii) both dwellings are at all times owned by the same person, and (iii) a conditional use permit is obtained from the local municipality for the purpose of allowing occupancy of the rear dwelling on a temporary basis by an immediate family member because of declining health or advanced age.

In each of the circumstances described in (A) or (B) above, each dwelling or building shall be required to pay a separate monthly fee for sewer service provided to the building or dwelling. The Sewer Management Board or Public Entity shall have no obligation or responsibility for damage caused by or resulting from any such single connection. In the event that ownership of either building is changed in any manner, separate sewer facilities shall be constructed by the owner to the rear building or dwelling.

Section 6.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Public Entity or Sewer Management Board, to meet all requirements of these Rules.

Section 7.

The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, 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 Utah Administrative Code Title R31-7, any city or county building and plumbing codes or other applicable rules and regulations of the Public Entity or Sewer Management Board, including the Construction Standards of the State of Utah. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Section 8.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor or other lowest building drain. In all buildings in which any building drain is too low to permit gravity flow to a public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 9.

No person(s) shall make connection of roof down-spouts, foundation drains, areaway drains, 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.

Section 10.

The connection of the building sewer into the public sewer shall conform to the requirements of the Utah Administrative Code Title R317, any city or county building and plumbing codes or other applicable rules and regulations of the Public Entity or Sewer Management Board, including the Construction Standards of the State of Utah. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Public Entity where the building resides before installation.

Section 11.

The applicant for the building sewer permit shall notify the Public Entity or Sewer Management Board when the building sewer is ready for inspection and connection to the public sewer. The

connection and testing shall be made under the supervision of the Public Entity or their representative, provided that no building sewer shall be connected to the public sanitary sewer until the applicant has first paid the sewer impact fee required by the governing entity.

Section 12.

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 Entity.

ARTICLE V

Prohibited Discharge; Pretreatment

Section 1.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

Section 2.

Storm water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the State of Utah Department of Environmental Quality and/or other regulatory agencies. Discharge of storm water into sanitary sewer system is prohibited.

Section 3.

No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(c) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or the interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, commercial or industrial soaps, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Section 4.

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the

sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent shall consider such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treat ability of the waste at the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer that shall not be violated without approval of the Superintendent are as follows:

(a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

(b) Wastewater containing more than 250 milligrams per liter TSS (total suspended solids).

(c) Wastewater contributing COD (chemical oxygen demand) loading of more than 400 milligrams per liter.

(d) Wastewater containing more than 100 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

(e) Wastewater from any commercial or industrial business containing more than 100 milligrams per liter of floatable oils, fat, or grease.

(f) Any garbage that has not been properly shredded (see Article 1 #23). Garbage grinders may be connected to sanitary sewers from home, hotels, institutions, restaurants,

hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The Superintendent and/or Public Entity personnel may inspect grinders for commercial establishments at any reasonable time in accordance with Article VII Section 1.

(g) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.

(h) Any waters or wastes containing odor-producing substances that may exceed limits established by the Superintendent.

(i) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with the applicable state or federal regulations.

(j) Quantities of flow, concentrations, or both which constitute a "slug" (Article 1 #29).

(k) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(l) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 5.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contains the substances or possesses the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, wastewater treatment processing equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent 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.
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent 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 Superintendent and Public Entity that provides water and sewer service.

Section 6.

Grease, oil, and sand interceptors will be provided by businesses or industries handling any liquid wastes containing floatable grease in excessive amounts as specified in Section 4

(e) of this Article, or any flammable wastes, sand, or other harmful ingredients. Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent or Public Entity, and shall be located outside as to be readily and easily accessible for cleaning and inspection. There shall be inspection manholes for each stage of the interceptor. After the interceptor there shall be an inspection manhole with two flow channels before the wastes combines and goes into the public sewer collection system. One flow channel designated for domestic waste and one designated for discharge water from the interceptor. The interceptor shall have a minimum capacity of 1,000 gallons and have a minimum of two (2) stages.

The maintenance of these interceptors shall be the responsibility of the owner(s). The owner(s) shall be responsible for the proper removal and disposal by appropriate means, the captivated material and shall maintain records of the dates and means of disposal, which shall be subject to review by the Superintendent and /or Public Entity. Current licensed waste disposal firms must perform any removal and hauling of the collected materials if not performed by owner's personnel.

Section 7.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, the owners shall maintain them continuously in satisfactory and effective operation at their expense.

Section 8.

When required by the Superintendent or Public Entity, the owner(s) of any property serviced by a building sewer carrying

industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent or Public Entity. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 9.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with these rules. Such information may include:

(a) Wastewaters discharge peak rate and volume over a specified time period.

(b) Chemical analysis of wastewaters.

(c) Information on raw materials, processes, and products affecting wastewater volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.

(e) A plat of the user's property showing any pretreatment facility location.

(f) Details of wastewater pretreatment facilities.

(g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 10.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in these rules shall

be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent and/or Public Entity.

Section 11.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Sewer Management Board and any business or industrial concern, whereby an industrial waste or unusual strength or character may be accepted by the Board for treatment.

ARTICLE VI

Damage or Destruction of Facilities

Section 1.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is a part of the sewer collection system or wastewater facilities. Any person(s) violating this provision shall be guilty of a Class B misdemeanor.

ARTICLE VII

Appointment and Powers of Superintendent

Section 1.

The Superintendent and other duly authorized employees of the Ashley Valley Sewer Management Board or employees of the local Public Entity bearing proper credentials and identification

shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community sewer system in accordance with the provisions of this chapter.

Section 2.

The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system, provided that all such information shall be kept confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Section 3.

While performing the necessary work on private properties referred to in Article VII, Section 2, above, the Superintendent or duly authorized employees of the Public Entity shall observe all safety rules applicable to the premises, as well as those established by the District. The District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damages asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8 of these regulations.

Section 4.

The Superintendent and other duly authorized employees of the Sewer Management Board bearing proper credentials and

identification shall be permitted to enter all private properties through which the Districts holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities 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 5.

The Superintendent and other duly authorized employees of the Sewer Management Board bearing proper credentials and identification shall be permitted to enter private property to observe, inspect, maintain and repair all sewer lines and related facilities in emergency situations in order to protect and preserve the public health, safety and welfare. The property owner shall be required to reimburse the District for all equipment, labor and material used by the District.

Section 6.

The Superintendent shall have such other powers not enumerated herein as may be necessary for enforcement and administration of these rules.

ARTICLE VIII

Hearing Board

Section 1.

A Hearing Board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on

matters concerning interpretation and execution of the provisions of this chapter by the Superintendent. The cost of arbitration will be divided equally between Ashley Valley Sewer Management Board and the sewer user.

Section 2.

One (1) Board member shall be appointed from Vernal City, one (1) Board member shall be appointed from Maeser Water Improvement District, one (1) Board member shall be appointed from Ashley Valley Water and Sewer Improvement District, one (1) member shall be a lawyer, and one (1) member shall be a licensed plumber. The lawyer and plumber shall be appointed by mutual consent of all entities mentioned above.

ARTICLE IX

Violations and Penalties

Section 1.

Any person found to be violating any provisions of this chapter except Article VI shall be served by the Ashley Valley Water Reclamation Facility or the Public Entities that make up the Sewer Management Board with written notice stating the nature of the violation and providing a reasonable time stated in such notice, permanently cease all violations.

Section 2.

Any person who continues any violation beyond the time limit provided for in Article XIII of these regulations shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding two hundred ninety-nine

(\$299.00) dollars for each violation. Each day in which any such violation continues shall be deemed a separate offense.

Section 3.

Any person violating any of the Articles of this sewer regulation shall become liable to the Ashley Valley Sewer Management Board for any expense, loss, damage, or fines levied against the Ashley Valley Water Reclamation Facility and any of its systems.

Section 4.

The owners of all houses, buildings or properties, as defined in Article II (Use of Public Sewers Required), who are not in compliance with the provisions of these Articles shall, after being served by notice of noncompliance within the time frame as provided in Article II, be required to pay monthly sewer services as established by resolution of each entity.

ARTICLE X

Sewer Service Rates and Charges

Section 1.

The District or its engineer shall determine the total annual cost of operation and maintenance of all wastewater collection and treatment facilities required for the collection, treatment and disposal of wastewater within the boundaries of the District, considering the intended purpose, design, capacity and service life of said facilities. The total annual cost of operation and maintenance shall include, but need not be limited to: dept service, labor, repairs, equipment replacement,

maintenance, necessary modifications, power costs, sampling, laboratory tests, and a reasonable contingency fund.

The current O & M Fees charged to the Entities can be found in Schedule I of these regulations.

Section 2.

If required to insure the proper fees are being charged, the District or its engineer shall determine each user's average daily volume of wastewater which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow.

The District shall determine each user's average daily poundage of 5-day, 20 degree centigrade BOD discharged to the wastewater system to determine each user's biochemical oxygen demand contribution percentage. The District or its Engineer shall also determine each user's average suspended solids poundage which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system, to determine the user's suspended solids contribution percentage. Each user's volume contribution percentage, biochemical oxygen demand contribution percentage and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total 5-day, 20 degree centigrade biochemical oxygen demand and of the total suspended solids, respectively.

The District or its engineer shall determine the average suspended solids (TSS) and biochemical oxygen demand (BOD) daily

loadings for the average residential user. The District or its engineer shall assess a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge, sufficient to cover the costs of treating such users above normal strength wastes. Normal strength wastes are considered to be 120 mg/L BOD and 150 mg/L TSS. The surcharge rate structure for such above normal strength waste dischargers will be determined on a per case basis.

Section 3.

Each non-residential user's wastewater treatment cost contributions, as determined above, shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and equitable service charges may be determined for each such user based upon an estimate of the total wastewater contribution of this class of user. The Superintendent may classify industrial, commercial and other non-residential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids, and 5-day, 20 degree centigrade BOD.

Section 4.

The District or its engineer shall review the total annual cost of operation and maintenance, including dept service requirements as well as each user's Wastewater Contribution Percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds

are available for adequate operation and maintenance of the wastewater treatment system and to meet dept service requirements. The District shall supply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the District shall then determine if the user's wastewater contribution percentage is to be changed. The District shall notify the user of its findings as soon as possible.

ARTICLE XI

Extension of Sewer Lines; Pump Stations

Section 1.

Any sub-divider, person or entity desiring to establish a subdivision or other residential development within the boundaries of the District shall be required, at his sole expense, to install and construct all sewer lines and related facilities required for the collection and transportation of sewage from said subdivision or residential development to the existing sewer lines of the District, and to obtain and record in District's name all requisite easements or rights of way therefore.

Section 2.

Prior to actual installation and construction of sewer lines and related facilities to be installed and constructed under Section

1 of this Article, all plans, specifications and rights of way shall be submitted to the Public Entity where the development exist, Board, District engineer and District attorney for review and approval. Unless otherwise agreed by the Board, all such plans and specifications shall conform to the provisions of these rules, including the Construction Standards of the State of Utah. Actual construction and installation of sewer lines and related facilities shall be in strict conformity to the plans and specifications as approved by the Public Entity or District, and shall be subject to inspection by the Superintendent of the District.

Section 3.

At such time that said plans, specifications and rights of way for sewer improvements are submitted for approval pursuant to Section 2 hereof, the person or entity submitting said plans, specifications and rights of way shall also deposit with the District Superintendent a plan check fee in an amount not to exceed the sum of five hundred dollars (\$500.00), as determined by the District Superintendent, in order to defray expenses incurred by the District for engineering and legal services incurred in connection with the review and approval thereof, provided that any unused portion of said fee shall be refunded to the person or entity submitting said plans, specifications or rights of way.

Section 4.

Any approval by the District of plans and specifications for sewer improvements for any subdivision or other residential development shall be deemed to expire after a period of two (2) years from the date of approval, unless such period of time is

extended by the Board. Any sewer improvements that are not substantially completed within said two (2) year period, or additional period of extension, shall require new approval in accordance with the procedure specified in Sections 1 through 3 hereof.

Section 5.

All right, title and interest of the sub-divider or developer in and to sewer lines and related facilities of any subdivision or residential development shall immediately become vested in the Public Entity or District, at no cost or expense to the Public Entity or District, upon completion of installation and construction of said lines and facilities in accordance with the approved plans, specifications and Construction Standards for the State of Utah. However, the District shall not become the owner of or assume responsibility and liability for maintenance, repair and replacement of said sewer lines and related facilities where: (a) ownership, by agreement, is to be retained by the sub-divider, developer or homeowner's association, or (b) installation and construction of said lines and facilities is not completed in accordance with the approved plans, specifications and Construction Standards of the District.

Section 6.

Ownership of any sewer pump station constructed within the boundaries of the District shall, unless otherwise agreed in writing between the Public Entity or District and the owner or developer of property to be served by said sewer pump station, become vested with the Public Entity or District upon (a) completion of construction of said sewer pump station in accordance with these rules and the District's Construction

Standards, and (b) written acceptance by the Public Entity or District of said sewer pump station. Notwithstanding the foregoing, all responsibility and liability for payment of all costs of operation, maintenance and repair of any such sewer pump station shall, unless otherwise agreed in writing, remain with the owner or developer for a period of two (2) years from the date that said sewer pump station is completed and accepted by the District.

ARTICLE XII

Variances to Rules

Section 1.

Any person or entity desiring a waiver or modification of the requirements of these rules as applied to any parcel of property that he owns, leases or holds some other beneficial interest may apply to the Board for a variance from the requirements of these rules.

Section 2.

The Board may, in its discretion, grant a variance only if:

(a) literal enforcement of these rules would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of these rules;

(b) there are special circumstances attached to the property that do not generally apply to other properties in the District;

(c) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the District;

(d) the variance will not substantially affect the intent of these rules and will not be adverse to the public interest; and

(e) the spirit of these rules is observed and substantial justice done.

ARTICLE XIII

Notice and Penalties

Section 1.

The District shall serve any person violating any provision of these rules, except Article VI and Article X, with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2.

Any person who shall continue in violation beyond the time limit provided for in the immediately preceding paragraph shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the amount not exceeding two hundred ninety-nine dollars (\$299.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3.

Any person violating any of these Rules of Operation shall become liable to the District for any expense, loss or damage suffered by the District as a result of such violation.

Section 4.

The penalties described herein are supplemental to any other remedies afforded by these Rules or by law.

ARTICLE XIV

Amendment

Section 1.

These Rules of Operation, including any part hereof, shall be subject to amendment from time to time as may be deemed advisable by the Administrative Control Board of District.

DATED this 10th day of September, 2007.

Darrell Lance
Chairman;
Ashley Valley Sewer Management Board