

# **RULES AND REGULATIONS**

## **GOVERNING SEWER SERVICE**



REVISION DATE:  
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## **BIGFORK COUNTY WATER AND SEWER DISTRICT**

### **Sewer Rules and Regulations**

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APPENDIX A SEWER RATES & CHARGES

## PURPOSE OF RULES AND REGULATIONS

### **AN ORDINANCE ESTABLISHING THE SEWER RULES AND REGULATIONS FOR BIGFORK COUNTY WATER AND SEWER DISTRICT**

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BIGFORK COUNTY WATER AND SEWER DISTRICT THAT AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION, CONNECTION, AND EXTENSION OF BUILDING SEWERS, THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND ESTABLISHING A PROCEDURE FOR DETERMINING CHARGES TO BE LEVIED ON THE PROPERTIES LOCATED WITHIN THE BIGFORK COUNTY WATER AND SEWER DISTRICT, COUNTY OF FLATHEAD, STATE OF MONTANA, BE ADOPTED AS FOLLOWS:

#### Purpose of Rules and Regulations

The purpose of these rules and regulations is to set forth criteria to ensure adequate service, prevent unfair charges to the customer, and to protect the District from unreasonable demands.

Bigfork Water and Sewer District is governed by the Board of Directors, hereinafter referred to as the Board, and is under the direct supervision of the District Manager. The adoption of these Rules and Regulations shall not preclude the Board from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility or standard, either upon complaint, upon its own motion or upon application of the District.

These Rules and Regulations do not in any way relieve the Bigfork Water and Sewer District from any of its duties under the laws of the State of Montana

## DEFINITIONS/ ACRONYMS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

“Act” or “The Act” means the Federal Water Control Act, 33 U.S.C. 1251, et seq., also known as the Clean Water Act, as amended from time to time.

“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.

“Board” shall mean the board of directors of the Bigfork County Water and Sewer District.

“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 pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner faces of the building wall.

“Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal (also called service connection).

“Chlorine Demand” means the amount of chlorine required to produce a free chlorine residual of 0.1 mg/l after a contact of fifteen (15) minutes as measured by the DPD (N, N, Diethyl-P-Phenylene-Diamine) Method on a sample at a temperature of twenty degrees (20°) Centigrade in conformance with Standard Methods.

“Code” means this code of rules and regulations.

“Collection Main” or “Main” means a sewer pipe owned, operated and maintained by the District, which is used for the purpose of collecting and conveying wastewater and sewage, and to which service connections are attached. A pressurized main or force main is not considered to be a collection main.

“Combined Sewer” shall mean a sewer intended to receive wastewater and storm or surface water.

“Commercial Service” means any sewer usage other than solely for residential purposes. Commercial customers are those receiving sewer service for use in connection with a business, industry, or commercial enterprise. Commercial Service includes, but is not limited to schools, hospitals, nursing homes, churches, hotels, motels, trailer parks, apartments, duplexes, condos, multi-plex units, and rooming housing with two or more rented rooms. Multi-family dwelling units, such as apartment houses receiving metered service through one meter are regarded as commercial customers. When a structure is used both for commercial and residential purposes, then it is regarded as a commercial customer. In no event will the District furnish water and/or sewer through one meter/service to two or more residences, buildings, or commercial premises irrespective of the fact that all such premises may be owned by one customer.

“Composite Sample” means a representative flow proportioned sample collected within a twenty-four (24) hour period constituting a minimum of four (4) individual samples collected at equally spaced two-hour intervals and combined according to flow.

“Conventional Pollutants” means Biological Oxygen Demand, Suspended Solids, pH and fecal coliform bacteria; plus, any additional pollutants identified in the POTW’s NPDES permit.

“Customer” or “Consumer” shall mean an individual, partnership, association, firm, public or private corporation or government agency, or any other user receiving sewer service from the District. In the case of a tenant/landlord relationship, the owner is considered the customer or consumer. Residential customers are those receiving sewer service solely for domestic purposes in single-family dwelling houses. In no event will the District furnish water and/or sewer through one meter/service to two or more residences, buildings, or commercial premises irrespective of the fact that all such premises may be owned by one customer.

“Developer” means any person, firm, corporation, or other entity that causes improvements to be made upon its land owned by him, which requires sewer service.

“Discharger” means any person who discharges or causes the discharge of wastewater to the Publicly Owned Treatment Works.

“District Design & Construction Standards” Standards governing all construction and upgrading of facilities both in the public right-of-way and for private development for sanitary sewer facilities and improvements.

“District” shall mean the Bigfork County Water and Sewer District.

“Domestic Sewage” is defined as the liquid waste collected and conducted away from customers, residences, business buildings and institutions, which contains organic matter associated with products consumed by humans.

“Dry Well” shall mean a fully enclosed, atmospherically controlled, separate structure housing sewer pumps, controls, and other appurtenances.

“Extension Agreement/Latecomer Agreement” means an agreement between the District and a Developer which allows the Developer to connect onto an existing main owned by the District and extend sewer service to the property of the Developer. The Agreement shall set forth the value of the extended main and the charges which customers connected to the main must pay to the Developer or the District. Every Extension Agreement must be approved by the Board and signed by the Chairman and Secretary of the District and the Developer.

“Fats, Oil, or Grease (FOG) or Food Grade Oil & Grease (FGOG)” shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by hexane extractable solvent, as specified in standard methods 1661.

*\*Floatable oil limitations do not address o/g and other organics that have been dissolved, i.e. dissolved by detergents. Once the dissolved o/g gets to the POTW it comes out of solution and may cause interference.*

“Flow” means volume of wastewater.

“Force Main” or “Pressurized Main” is a pressurized sewer pipe owned, operated, and maintained by the District, which is used for the purpose of conveying sewage from lift stations to other collection mains. **NO** private sewer taps shall be made on District force mains.



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

"District Manager/ General Manager" means the person employed by the District to operate and oversee the Water and Wastewater systems.

"Grab Sample" means a sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Holding Tank Sewage" means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump trucks.

"Industrial Wastes" shall mean the liquid wastewater from industrial processes, trade, or business which has any other consistency than domestic or sanitary wastes.

"Industrial Wastewater Discharge Permit" means a permit issued by the District to a discharger of industrial waste to the POTW.

"Interference" means the inhibition or disruption of the POTW treatment processes or operations, which contributes to a violation of any requirements of the POTW's NPDES permit. The term includes prevention of sludge use or disposal by the POTW in accordance with the Act, or any criteria, guidelines or regulations developed pursuant to the SWDA, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the POTW.

"Lift Station" shall mean infrastructure specifically designed to pump sewage.

"Locate" or "UDIG" A system of identifying publicly owned buried facilities to prevent accidental damage to the lines when digging as well as property damage and personal injury resulting from breaking a line.

"National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued under the National Pollutant Discharge Elimination System for Discharge of Wastewaters to the Navigable Waters of the United States pursuant to the Act

"Natural Outlet" shall mean any outlet, including storm sewers other overflow system, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

"Non-Primary Residence" shall mean a building occupied less than six months of a calendar year.

"OSHA" Occupational Health and Safety Administration.

"Owner" means any person, firm, corporation, or other entity owning land in the district. A purchaser under a contract for deed shall be considered the owner of the land.

"Permittee" means any person, firm, corporation, or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.

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

"PH" shall mean the logarithm of the reciprocal of the hydrogen-ions concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10 to the seventh power.

"Point of Delivery" means the point at which the customer's service pipe connects with the District main.

"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, or any industrial, Municipal, or agricultural waste.

"Pretreatment or Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants propertyed in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

"Pretreatment Requirements" means any substantive or procedural requirements related to pretreatment, other than national pretreatment standard imposed on an industrial user.

"Pretreatment Standards" means all applicable Federal rules and regulations implementing section 307 of the Act, as well as any non-conflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

"Primary Residence" shall mean the building occupied six months or more of a calendar year.

"Private Main" means any sewer pipe not owned, operated and maintained by the District to which more than one service line was originally connected.

"Private Wastewater System" shall mean any sewage system, which is not hooked to the public sewer.

"Private Water System" shall mean any water well system, which is not hooked to the District water distribution system or not owned by the district.

"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 public sewers, with no particles greater than 1/2 inch in any dimension.

"Public Sewer" shall mean the sewer system controlled and operated by the District for the collection, conveyance and treatment of sewage.

"Public Water" shall mean the water furnished through the water system controlled and operated by the District.

"Publicly Owned Treatment Works (POTW)" means the wastewater system owned by Bigfork Sewer District. This definition includes any sewer that conveys wastewater to the POTW treatment plants, except private sewers. For the purpose of this Code, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW users of the POTW.

“Receiving Water” means lakes, rivers, streams or other watercourses, which receive, treated or untreated wastewater.

“Receiving Water Quality Requirements” means requirements for the wastewater treatment plant effluent established by applicable State or Federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions, which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

“Residential Service” means water usage solely for residential purposes.

“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.

“Septage” means waste materials from cesspools, septic tanks or privies.

“Service Agreement” means the agreement or contract between the District and the customer pursuant to which sewer service is supplied and taken.

“Service Area” means the area defined by boundaries as shown on the attached map titled Exhibit "A" within which the District will furnish sewer service in accordance with the provisions of this ordinance and as amended from time to time.

“Service Connection” means the connection and/or tap at the collection main, which connects the customer’s service pipe to the public sewer main.

“Service Pipe” or “Service Line” means the pipe running from the service connection and/or tap at the collection main to the customer's premises.

“Sewage” shall mean the wastewater of a community.

“Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

“Sludge” shall mean precipitated solid matter produced by water and sewage treatment process.

“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.

“Standards” shall mean the specifications and general provisions for design and construction of Sewer systems as adopted by the industry, including but not limited to the District, County, State and Montana Public Works.

“State” means State of Montana.

"State Waters" means all surface and subsurface waters, which are contained in or flow in or through this State, except waters in sewage systems, waters in treatment works or disposal systems, water in portable water distribution systems, and all waters withdrawn for use until use and treatment have been completed.

"Storm Drain" and "Storm Sewer" shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Suspended Solids or Total Suspended Solids (TSS)" means the total suspended matter, expressed in milligrams per liter, that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in "Standards".

"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.

"UDIG" means notification of all publicly owned buried facilities in order to prevent accidental damage to the lines when digging as well as property damage and personal injury resulting from breaking a line. The District may attempt to mark the general area of sewer service lines if time allows and the information is available. Notification is through [www.montana811.com](http://www.montana811.com), or calling 800-551-udig(8344) or 406-755-udig (8344), Tthis in accordance with Montana House Bill No. 365.

"User" means any person who contributes causes or permits the contribution of wastewater into the POTW.

"Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water, and storm water that may be present.

"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.

"Wastewater Pretreatment Facility" means any arrangement of devices or structures used for treating wastewater before it is discharged into the POTW.

"Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

"Wet Well" shall mean a fully enclosed separate structure specifically designed to pump sewage.

## Acronyms

ASTM .....	American Society Testing Materials
BMP .....	Best Management Practices
BOD .....	Biochemical Oxygen Demand
°C .....	degrees Celsius
CFR.....	Code of Federal Regulations
CWA.....	Clean Water Act
EPA.....	Environmental Protection Agency
FOG .....	Fats, Oils and Grease
mg/L .....	milligrams per Liter
MPDES .....	Montana Pollutant Discharge Elimination System
O&M.....	Operation and Maintenance
POTW .....	Publicly Owned Treatment Works
SIC .....	Standard Industrial Classification
SIU .....	Significant Industrial User
SNC .....	Significant Noncompliance
USC .....	United States Code
TSS .....	Total Suspended Solids
WPCF.....	Water Pollution Control Federation

## CUSTOMER INFORMATION

### RATES

District staff shall explain to the customer, during the application for service, or upon request, the District's rates applicable to the type of service furnished to the customer. The District shall supply the customer with a copy of the Rate Schedule upon request.

### RULES AND REGULATIONS

A copy of the Rules and Regulations of the District and any contracts and applications applicable to the District shall be maintained in the office for inspection by the public.

### POSTING

The District shall exhibit, in a conspicuous location, a placard, in large type, giving information to the customer that a copy of the Rules and Regulations of the District and the schedule of rates are kept for their inspection. The information shall state that the District is governed by the Board of Directors and is under the direct supervision of the District Manager.

## PUBLIC SEWER USE REQUIRED

### GENERAL REQUIREMENTS

After January 1, 1985, any privy, privy vault, septic tank, cesspool, or other individual means of sewage disposal within the District shall be discontinued from use, and shall be removed, filled or covered as the District Manager shall determine to prevent a nuisance or hazard. It shall be unlawful to discharge any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance. The owners of all buildings discharging any water (except unpolluted water) situated within the District boundaries are hereby required at their own expense to connect their building sewer with the District sewer in accordance with the provisions of this ordinance within 60 days after date of notice to do so.

### SEPTIC SYSTEMS/PRIVATE SEWER SYSTEM

Except as provided in this section, it shall be unlawful to construct or maintain any privy, privy vault, septic tank drain field, cesspool or other facility intended or used for the disposal of wastewater within District boundaries.

1. Exception may be granted when the building is over 500 feet from a District sewer main and a nuisance is not being created. Where a public sewer main is not within 500 feet of the property line, building sewer shall be connected to a private sewer disposal system complying with the provisions of this ordinance and contingent upon the issuance of a permit for the same system by the Flathead County Health Department. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Montana Department of Environmental Quality and regulations for sewage treatment systems of the Flathead County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet. When the District sewer is extended to within 500 feet of the building it shall be connected to the District sewer main within 60 days in compliance with this ordinance. At that time, any private sewer system shall be cleaned of septage and filled with a suitable fill material as required by the District Manager.

2. A sealed vault privy may be used for non-primary residences provided the building has no indoor plumbing and does not generate wastewater. Should indoor plumbing be installed in such a structure at a later date the owner will be required to connect such facilities directly with the District sewer at the owner's expense and in accordance with the provisions of this ordinance. The sealed vault privy shall be designed and installed in accordance with Flathead County's regulations governing individual sewage systems, and the rules and regulations of the District.

*No statement contained in this ordinance shall be construed to interfere with any requirements that may be imposed by the County Sanitarian.*

## USES AND CHARGES

### FREE SEWAGE

The District **SHALL NOT** supply free sewer service to any customer unless approved by the District Board.

### TEMPORARY SERVICE/ BUILDING CONSTRUCTION SEWAGE

Sewage generated during ALL construction shall be billed based on metered water whenever possible. When the setting of a meter is impracticable, the amount of sewage generated shall be estimated by the District and be billed in accordance with the Rate Schedule. Receipt of temporary service does not in any way entitle a customer to permanent service.

### NO DISTRICT WATER BUT DISTRICT SANITARY SEWER

Customers which are not connected to the District water, but which discharge sewage to the District's sanitary sewer, shall have their water service metered. The metering shall be at the expense of the customer, including the meter to be purchased from the District. District personnel shall have access to the water meter for reading purposes. There will not be a charge for the water used. The meter reading will be used as a basis for a sewer service charge as stated in the Rate Schedule. The District reserves the right to check the customer's meter for accuracy. Meters found to be reading inaccurately shall be replaced by District personnel at the customer's expense.

### USAGE RESTRICTION

The District agrees to collect sewage from certain specified locations for a certain specified fee. Usage shall be in accordance with District Rules & Regulations, or subsequent amending ordinances. If a customer supplies sewer services to other locations without written permission from the District Manager, discharges sewage for other consistencies than those for which the customer is paying, or discharges prohibited waste, it is a violation of the service contract. Upon discovery by the District of a violation of usage, the customer shall be mailed a written notice of such offense. After 30 days from the date of mailing said written notice, the District may have the service discontinued until such time as the additional services furnished have been paid for or the violation rectified. In the case of fraudulent use or if a dangerous condition is found to exist on the customer's premises, services may be discontinued immediately, without advance notice. An example of a dangerous condition is one which could cause damage to the District's sanitary sewer system or one which could potentially allow contaminants to enter the District's sanitary sewer system. In no case will the District furnish sewer service from one service line to two or more houses/buildings, whether the same are owned by one person or entity.

## TURN-ON OR TURN-OFF

New customers will not be charged turn-on fees for existing services if the turn-on is made during regular working hours. Turn-on service required at times other than regular working hours will be charged to the customer in accordance with the Rate Schedule. Where no service line to the premise is in place, the new customer will be charged Plant Investment, Connection, and Inspection Fees according to the Rate Schedule, which shall be paid before connection is made. Turn-Off will be made when requested by existing customer, at no cost to the customer if the turn-off is made during regular working hours. Charges may be made against the customer for turn-off necessitated for non-payment of service charges in accordance with the Rate Schedule.

## ANNEXATION REQUIRED FOR INITIATION/CONTINUATION OF SERVICE

Any customer now receiving, or hereafter initiating, sewer service supplied by the District shall be deemed to have consented to, and waived the right to protest, annexation to the District as a condition of continuing or initiating said sewer service. Annexation Fees to Change Place of Use: Annexation fees will be charged to the Applicant.

## RATE ESTABLISHMENT

All rates and rate adjustments shall be adopted by the Board. All rates shall be in accordance with the Rate Schedule outlined in Appendix "A" attached.

## REVISIONS TO SERVICE CHARGES

The purpose of the District's rates and charges is to generate sufficient revenue to pay all costs for the operation, maintenance and debt retirement of the complete wastewater system of the District. The District shall review the total annual cost of operation and maintenance 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 generated to adequately operate and maintain the sewer collection system and treatment works and cover debt service. Factors such as strength, volume and delivery flow rate shall be considered and included as the basis for each user's service charge to ensure a proportional distribution of operation and maintenance costs to each user, as well as any other factors the Board may deem pertinent in setting a fair and equitable rate. If a user has information, which the user believes requires a change in that user's sewer use, the user can present, at a regularly scheduled meeting of the District, such factual information and the District shall then determine if the user's sewer billing shall be changed. The District will notify the user of its findings as soon as possible.



## FEE DETERMINATION

The District shall determine the total annual costs of operation and maintenance and debt retirement of the wastewater system, which are necessary to maintain the capacity and performance during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to, labor, repairs, equipment replacement, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The Rate Schedule is based on continuing service at each service location. Disconnect and Reconnect transactions shall not operate to relieve the same customer from minimum monthly charges.

## MONTHLY BILL CALCULATION

A rate based on the amount of metered sewer will be charged each month. Each user, residential and non-residential, shall be assessed a minimum charge based on meter size whether any sewer passed through the meter. An amount based on gallons used over the minimum will be added to the minimum rate. Surcharges for high strength waste, reclaimed water used, late fees, inventory parts used, construction water used, and/or other fees may be added to the bill. Customers who provide sewer hookups for mobile homes, recreational vehicles, trailers, or other mobile sewage sources will be considered on a case-by-case basis. The District has the right to charge a monthly sewer minimum on each hookup facility. Winter average will be calculated in April for the past winter months starting in October.

## ASSESSMENTS PLACED ON TAX BILLS

A rate based on the assessed value of each parcel or tract in the District shall be assessed yearly as a special assessment on the individual property tax bills sent by Flathead County. This assessment shall be used to reduce the bonded indebtedness of the District and will be in addition to monthly rates, connection, and plant investments fees. Tax assessments will be used to pay the bond and interest payment on bonded indebtedness. Special assessments for sewer infrastructure improvements for distinct areas of the District may also be assessed on tax bills.

## FUNDS MAINTENANCE

A Reserve Account and Surplus Account will be established for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories, and appurtenances during the useful life of the wastewater treatment facilities necessary to maintain as designed and constructed. The Reserve Account and Surplus Account will be funded as an interest-bearing account and shall be funded by a deposit of (1) surplus funds in the annual budget as determined by the board at the end of each fiscal year, or (2) by a deposit of not less than \$6,000 per year.

## INVESTMENT POLICY

The purpose of the District's Investment Portfolio shall be to:

1. Optimize the District's income consistent with liquidity and safety.
2. To employ funds set aside for liquidity purposes or not needed to fulfill operating needs.
3. To invest reserves for future capital improvements within the District.

## INVESTMENT COMMITTEE

1. The investment committee shall consist of two Board members and the District Manager. The investment committee will oversee investments and will be responsible for implementing the investment policy.
2. All transactions will be reviewed by the Board of Directors at the present or next regular meeting. The investment policy will be reviewed and affirmed annually by the Board of Directors.

## SPECIFIC INVESTMENT CONSTRAINTS

1. U. S. Government/U.S. Government Agency Securities: The maximum length of any security purchased will be five years. The weighted average maturity of the Government and Agency securities shall not exceed two years.
2. Money Market Securities:
  - a. Certificate of Deposit (not to exceed FDIC insured limits) the term will not exceed three years.
  - b. Repurchase Agreements will not exceed one year in maturity.

## APPLICATION FOR SEWER SERVICE

Sewer service will be supplied only under and pursuant to these rules and regulations and any modifications or additions made hereafter, and under such applicable rate schedule as may from time to time be set by the Board.

1. No unauthorized persons shall uncover, make any connections with or opening into or disturb any public water and/or sewer or appurtenance thereof without first obtaining a written permit from the District Manager or an authorized representative.
2. All owners not already hooked to the system desiring sewer service must make written application at the District Office on forms provided therefore, setting forth in the application the size and type of lines to be connected and all purposes for the type of sewage to be discharged into the District sewage system from their premises.
3. Special written applications must be made for service other than strictly domestic sewage. Any costs incurred by the District in reviewing the application shall be paid by the applicant after the review is completed.
4. It is the responsibility of the applicant to contact the District, prior to making application to be sure that there is a sewer main adjacent to the applicant's property. If no main exists, or if there is no excess capacity in an existing main, it is the applicant's responsibility to install a main, in accordance with District Standards, at the applicant's expense.
5. A separate and independent sewer line shall be provided for every building, except where one existing building stands at the rear of another existing building on an interior lot and no sewer line is available or can be constructed to the rear building through an adjoining alley, court, or driveway. The building sewer line from the front building may be extended to the rear building and the whole considered as one building sewer line.

6. All premises to be served, which have not previously been served by the system will be assessed a Plant Investment Fee, a Connection Fee, and an Inspection Fee. These fees are due and payable before the service application may be approved.
7. The permit application shall be supplemented by any plans, specifications or other information required by the District Manager including a Flathead County Planning & Zoning sign-off, a State Plumbing Permit OR Waiver of Plumbing Permit (builder/resident), and insurance certifications.
8. Any person or contractor working on facilities owned by the District must furnish the District with a certificate of proof of Workers Compensation or a waiver of insurance from the State Compensation Division office and proof of Commercial General Liability coverage to include XC and U coverage in the amount of at least one million dollars. The certificates shall become a part of the application for hookup for water and/or sewer.
9. Only the record owner of the property (purchasers under a contract for deed shall be considered as the record owner) may make application for water or sewer service. All applications for the collection of sewage from any premise must be signed by the property owner.
10. Applications for Service will only be issued when construction has begun or is imminent and will not be accepted early. Effective July 1, 2008: If an application is approved and not used within 6 months, the hook-up application will be voided, and the fees will be refunded.
11. Applications which have been approved in writing by the District Manager or an authorized representative, for sewer service shall constitute a right to the customer to receive sewer service for the purposes specified in the permit, subject to any conditions made by the District and subject to the District ordinances, rules and regulations.
12. If necessary, an easement for the purposes of construction, inspection, observation, pumping, measurement, sampling, repair, and maintenance of any portion of the water and/or wastewater facilities shall be provided to the District by owners at the time the application for the building water and/or sewer permit is filed.

## REFUSAL TO SERVE CUSTOMER

The District may decline to serve an applicant until the applicant has complied with the Rules and Regulations governing sewer service. The District has the authority to inspect all connections and compliance with the current rules.

## HAZARDOUS INSTALLATION

If, in the District's judgment, the applicant's installing of piping, equipment, or appurtenances is regarded as a potential health hazard or of such character that it is considered industrial waste.

## UNTREATABLE WASTE

If the applicant's system could cause damage or harmful effects to the sewer system or the District's ability to satisfactorily treat such sewage within the limitations of the District Wastewater Treatment Plant.

## REFUSAL TO MAINTAIN SERVICE/REPAIR LEAKS

If the customer's system or private sewer service the customer's property is leaking and the applicant or customer refuses to repair the leak.

## INADEQUATE DOCUMENTATION

If the applicant or developer fails to provide to the District Manager, prior to any new service connection in areas not already served by the District, written documentation from all appropriate state or federal agencies that such expansion of the District's sewer system will not be into or adjacent to wet lands or important farm lands as defined in Title 7, Code of Federal Regulations, Part 140, Subpart G, Exhibit A.

## DELINQUENCIES

The District may refuse service to any delinquent customer owing the District for service, until such past balance has been paid or satisfactory arrangements have been made by delinquent customer with the District for paying the account. These same provisions shall apply, and the District may refuse service to any other member of the same household or firm when application by this member in the opinion of District may be means for evading payment of the delinquent service bill.

## TAMPERING

The District may discontinue service, without notice, to any customer when any evidence of tampering with the proper functioning thereof or any unauthorized use of service is found. Whenever service is discontinued under this rule, the District shall not be required to restore service until a settlement has been made. The District may require as a condition of restoring service that the customer make at his own expense such changes in his piping system as may be necessary to provide for an installation satisfactory to the District.

*In the event that the District refuses to serve an applicant under the provisions of this rule, the District shall inform the applicant that the applicant may submit the question of refusal to serve to the Board for their review and decision.*

# BILLING

## METHOD OF BILLING

The billing for domestic sewage shall be based on the comparative volume of flow, as determined by water meter readings, except that (1) minimum charges will be assessed in accordance with the Rate Schedule, and (2) there will be no charge for water passing through the meter which is reasonably determined to be used for irrigation. The billing for industrial wastes and high strength wastes shall be based on the water meter reading plus an increased amount, as determined by this ordinance to cover the special or increased cost of treating said waste at the Wastewater Treatment Plant.

## BILLING PERIODS AND PAYMENT

The charges for District sewer services shall be billed at least monthly. To meet unusual conditions, such as discontinuances, the utility may render bills for service at intervals other than monthly. The billing dates shall likewise be monthly, with a date of mailing of said bill as near as practical to the date of mailing of the previous bill. In case of leased property, all billing shall be sent to the property owner and the tenant, unless the property owner agrees to be billed directly. The bill for sewer service will be combined with the bill for water usage. Payment must be made for the total due for both sewers to constitute full payment for either. The District will normally send bills at monthly intervals but may send bills at other than monthly intervals as determined by the District

## OPENING AND CLOSING BILLS

Opening and closing bills for sewer service will be computed in accordance with the rate applicable to the service, by amount of water used and minimum rate, and on a pro-rated basis of the number of days in the period of questions to the number of days in the normal billing period. Charges will commence on the day the user is hooked up to the wastewater system. Opening and closing bills for sewer service rendered for period of five days more or five days less than normal billing period will be computed in accordance with the rate applicable to the service, by amount of water used and minimum rate, on a pro-rated basis of the number of days in the normal billing period.

## BILLING INFORMATION

The District will normally read meters once each month. The day of the month for reading any meter will be determined by the District and shall, as closely as practicable, be the same each month. If the meter reader is unable to gain access to the premises on his regular meter-reading trip, the District may estimate the meter reading and render a bill on the estimated reading. Bills shall show the meter readings at the beginning and the end of the period for which the bill is rendered, the date of the meter reading, the number of gallons supplied, and the date upon which payment is overdue.

## BILLING CALCULATIONS

The billing for domestic sewage shall be based on the volume of flow, as determined by water meter readings. The billing for domestic sewage will have a minimum charge assessed and there will be no charge for water passing through the meter which is reasonably determined to be used for irrigation. The procedure used to calculate water used for sprinkling is as follows: Water usage for a residential customer for the months of October thru March would be averaged. Water metered during the months of April thru September above this average would be deducted from the sewer billing. Commercial customers may meter irrigation water to receive credit on their sewer billing. The billing for industrial wastes and high strength wastes shall be based on the water meter reading plus an increased amount, as determined by this ordinance to cover the special or increased cost of treating said waste at the Wastewater Treatment Plant.

## BILLING ADJUSTMENTS

If the customer believes the meter reading shown on the bill is incorrect by comparing previous billing and current readings, the customer shall notify the District within five (5) days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter, the customer, upon depositing the amount set forth in the Rate Schedule, may request that the meter be removed and tested for accuracy in the presence of the customer. If the meter is found to be registering correctly within two percent (2%) of true recording or in favor of the customer, the amount deposited shall be forfeited to the District. If the meter is found to be recording incorrectly (i.e. over two percent (2%) of true recording) against the customer, the District shall refund the deposit and refund to the customer the overage, based on a true recording for a period of six (6) months or for a lesser period, if the date of cause can be established from records related to the cause. *(The District may choose to replace the meter if the cost of testing exceeds the cost to replace.)*

## ERROR IN BILLING

If an error in billing or meter reading has been made, the District may recover any undercharge or must refund any over-collection for the previous six months, as applicable.

## DEAD METERS

If a meter is found not to register for any period, the District shall compute the water used as follows this will determine the usage of sewer

1. For customers who have been served for over one year, the amount billed shall be based on the same consumption use as occurred during the same period the previous year.
2. For customers who have been served for less than one year, the amount billed shall be based up water used for the last billing period.

\*Exceptions will be made to the rule if the facts reasonably show that either method does not give a reasonably accurate consumption for the period.

## DELINQUENCIES

All sewer bills shall be due and payable when mailed and become delinquent after the 26<sup>th</sup> day of the month. The District may add a penalty of \$5.00 per month on the outstanding balance of the charges due if payment is not received by the District by the due date. If a customer fails to pay the sewer bill and penalty, if any, within thirty (30) days of the due date, then the District Manager may notify the customer in writing that the District will terminate the customer's sewer service. The notice must inform the customer not only of the possibility of the termination of sewer service, but also of a procedure for challenging a disputed bill. If a customer is not able to pay the total amount of the bill, a suitable payment schedule may be made with the District Manager; provided however, that no outstanding balance shall be permitted to exceed the equivalent of two (2) months average bill on the property.

## TENANT BILLS

Original bills will be sent to the record owner of the property unless the owner has authorized billing to be sent to a property manager. The owner may request that a tenant bill be sent to residents of a building, however billing in this manner will not release the liability of the owner.

## COMPLAINTS AND DISPUTES

### INCORRECT READS, METER ACCURACY

The customer, at his request, is to be instructed on how to read the water meter. If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer shall notify the Board within five days of receipt of the billing in question.

Meter Accuracy: The customer, at the customer's expense, shall determine the accuracy of the water meter if the customer disputes its accuracy. If the District disputes the accuracy of the meter, it may, at its expense, determine its accuracy and if the meter is found to be inaccurate over two (2) percent in favor of the customer, the customer shall make the necessary repairs, at the customer's expense, to bring the meter into tolerance or replace the meter. Billing adjustments shall be made for inaccurate meters in the same manner and in accordance with the Rules and Regulations of the Sewer District. *(The District may choose to replace the meter if the cost of testing exceeds the cost to replace.)*

### BILLING ERROR

If an error in billing has been made, the Board may recover any under-billing or refund any over-collection for a period of 6 months preceding the date the error is determined.

### BILLING ERROR COMPLAINTS TO BOARD

Each user wishing to dispute the amount shown as due on the monthly statement may do so by writing the District Manager, at P.O. Box 1108, Bigfork MT 59911, or by presenting a complaint to the Board of Directors at any regularly scheduled meeting on the **second** Wednesday of each month at the designated time and meeting place.

The District shall make a full and prompt investigation of all complaints made by customers of the Water Utility and report the results thereof to the customer. If the complaint is not rectified to the

satisfaction of the customer, the District shall notify the customer of the privilege of appeal to the Board.

## SERVICE INTERRUPTIONS

### NOTIFICATION OF SCHEDULED INTERRUPTION

Every customer affected by an interruption in service shall be notified in advance of all programmed work. Such notice shall be made at least 18 hours in advance in the form of personal contact, or a door tag placed on the entrance way for interruptions affecting 24 or fewer customers. For interruptions affecting a larger area than the foregoing, the notification may be in the form of the foregoing or a notification over electronic media at least twice prior to 18 hours before interruption.

### EMERGENCY INTERRUPTION

In the event of an emergency interruption, the District shall re-establish service as soon as possible. When emergency repairs, such as main breaks, plugged mains, etc., becomes necessary, a concerted effort shall be made by the District to repair the cause without total disruption of service, except for that period when complete shutoff may be required due to the nature of the damage. Notification of affected customers may not be possible. However, every effort shall be made by the District to have an announcement sent over electronic media if the period of total interruption is expected to be more than four (4) hour period.

## LIABILITY

The District shall not be liable to customer or others for failure or interruption of service due to main breaks, routine maintenance, and operations, plugged mains, acts of God, government regulations, court orders, acts of a public enemy, strikes or labor disputes, accidents, weather conditions, acts of third parties, droughts, or, without limitations by the foregoing, any other cause beyond the reasonable control of District personnel.

### ADJUSTMENT OF RATE FOR INTERRUPTION

Interruptions of service due to any of the foregoing or for the customer's frozen facilities shall not render the District liable for any adjustment in the bill.

## DISCONTINUANCE OF SERVICE

### VACATION OF PREMISES

Any customer who is about to vacate any premise supplied with service by the District, or for any reason, wishes to have the service discontinued, shall give at least a 24-hour notice to the District. Notice shall specify the date on which discontinuance is desired. Discontinuance will not be made on Saturday, Sunday, or Holiday unless the customer agrees, in writing, to pay the actual cost of turn off. The Rate Schedule is based on continuing service at each service location. Disconnect and Reconnect transactions shall not operate to relieve the same customer from minimum monthly charges.



## TEMPORARY DISCONTINUANCE

The Rate Schedule is based on continuing service at each service location. Disconnect and Reconnect transactions shall not operate to relieve the same customer from minimum monthly charges. In the event the curb stop cannot be closed for reasons beyond the control of the District, the District shall notify the customer of the reasons for not discontinuing the service.

## STRUCTURE TO BE DEMOLISHED OR MOVED

If a District-served structure is scheduled for demolition, billing will continue until structure is physically moved from the foundation.

## DISCONTINUANCE BY DISTRICT

The District will make a diligent effort to induce the customer to comply with all applicable Rules and Regulations, including payment of bills. When payment becomes delinquent as indicated by a past due notice on current billing, the customer shall have ten days after the billing notice to comply by making payment. If payment is not made, the District will place a door tag upon the premise advising that service will be shut off and stating the date when this will be done and a tag fee will be levied in accordance with the Rate Schedule. The District shall not be liable for failure of the customer to see such notice or for disappearance of the notice from the premises. The District shall keep record of all notices. The District shall not discontinue service on Friday, Saturday or Sunday, or a day prior to a holiday, or if it receives notice of an emergency affecting health. A written statement from a physician or health agency must be presented to the District within five days, if such claim of emergency is made. In the case where a dangerous condition is found to exist on the customer's premises, the water may be shut off without advance notice. An example of a dangerous condition is one which could cause damage to the sewer system or one which could potentially allow contaminants to enter the sewer system. The District may discontinue service, upon not less than 24-hours' notice, to any customer for violation of any provision of a service agreement, rate schedule or this ordinance, including failure to pay bills within the specified period. If services are discontinued under these provisions, a \$25.00 service fee will be charged to the customer's account in addition to standard late fees. This fee must be paid in addition to all past due charges and late fees before service will be restored. When sewer service is discontinued for non-payment, the regular billing charges and late fees will continue to accrue each month according to the standard rates.

If services are discontinued and the property owner has not made full payment of all delinquent charges, interest and penalties, then the District may elect to have the delinquent charges collected as a tax against the property by following the procedures outlined in Montana Code Annotated 7-13-2301. Briefly, if a delinquent charge is not paid by the end of the fiscal year, the District Manager shall, by July 15 of the succeeding fiscal year, give notice to the owners of the property to which the service was provided. The notice must be in writing and must specify the charges owed, including any interest and penalty; must specify that the amount due must be paid by August 15th or it will be levied as a tax against the property. Montana Code Annotated also provides that the district may bring suit in any court of competent jurisdiction to collect amounts due as a debt owed to the District.

## CHARGES FOR RECONNECTION DUE TO DISTRICT'S DISCONTINUANCE

When the supply of water is turned off for violation of the Rules and Regulations, the District must receive payment for all charges, as determined in the Rate Schedule, before the water will be turned on. After service has been turned off because of non-payment of bills, the services shall not be turned on again until all back-sewer bills have been paid.

## DISCONNECTED SERVICES

No plumber or other person shall be allowed to make connection with any conduit pipe or other fixture or to connect pipes when they have been disconnected, or to turn water on or off, on any premise service by the District, without permission from the District.

## ACCESS TO PROPERTY

The District Manager and other duly authorized employees of the District shall be permitted at all hours to enter all properties for the purposes of inspecting, observing, measuring, sampling, testing, and pumping pertinent to supplying water in accordance with the provisions of this ordinance.

District Personnel shall, at all reasonable times, have access to meters, service connections, curb boxes, and other property owned by the District, which is on the customer's premises, for purposes of maintenance, operation, and inspection. The District also reserves the right to inspect all plumbing connected to and with the supply of water for violation of use, or improper or illegal connections. The customer shall remove obstructions and contain pets such that they do not impair ingress or egress or interfere with the work of District personnel. Refusal on the part of the customer to allow access for such purposes, remove obstructions or contain pets, shall be deemed to be sufficient cause for discontinuance of service by the District.. Customer shall have the right to verify the identity of the person seeking access.

## IDENTIFICATION OF EMPLOYEES

Every employee of the District whose duties require the entering of the customer's premises shall *carry an identification card* which identifies the employee as a District representative. *The identification card shall contain pertinent information necessary to identify the employee including a photograph, together with the District's telephone number.* The customer may refuse access to the customer's premises while the customer calls the District to check the authenticity of the identification card and that the employee is working for the District.

## EXTENSION OF SEWER MAINS

### COST OF EXTENSIONS

It shall be the responsibility of the developer or property owner to extend and pay all costs thereof, for all main extensions from the existing District facilities to the site of development in accordance with all District standards. Under certain circumstances, the Board may determine that it is appropriate to approve and enter into a Developers Extension Agreement with the developer or property owner to provide for the reimbursement of costs associated with the construction of infrastructure which exceeds the size or capacity of Standard requirements for the property. This agreement sets forth the value of the extended main, the charges for new customer connections to the extension main and allows the developer to recover costs associated with the extension of said utility service for Standard improvements greater than required to serve the property. Said Agreement must be adopted by Resolution of the Board and signed by the District President and the Developer. The District has the authority to require a Main Extension to adequately serve the development or property.

## DEVELOPER EXTENSION AGREEMENT OR LATE-COMER'S FEES

1. This agreement is for the purpose of equalizing the costs of building sewer infrastructure by a developer with the benefits to adjacent property owners who want to take advantage of the developer's improvements.
2. The following guidelines are to be used by the developer for drafting the agreement.
3. The developer can use a zone format to create a fee structure for adjacent property owners based on "actual costs only" as incurred by the developer during construction of the infrastructure system.
4. All agreements must have a stated time limit; usually no more than five years.
5. If lots within the development are all sold before the time limit, the agreement is automatically terminated at the time of the sale of the last lot.
6. All payments by adjacent property owners must be paid to the District and disbursed to the developer after any costs incurred by the District on behalf of the Developer have been paid in full.
7. The agreement will be drafted by the developer in accordance with these guidelines and reviewed by the District's legal counsel.
8. After legal review, the District will review the agreement and decide on a case-by-case basis as to the acceptance of the agreement.
9. The board will rule as to the suitability of all agreements and retains the right to refuse any agreement.
10. If the District requires the developer extending the sewer main to install a larger size sewer main than required by District standards, the District shall pay the difference in cost between the larger sewer main required by the District and the size of the sewer main required by the standards.
11. The District reserves the right to further extend the sewer main installed by the Developer.
12. The District also reserves the right to charge future Developers, beyond those areas outlined in the Extension Agreement, for their share of the District's cost for the over sizing of sewer mains.
13. If the District has become contractually obligated to collect a latecomer fee from a customer who connects to a main extension associated with an agreement, the District may refuse to allow such customer to connect to the extension until the fee is paid. If such customer fails or refuses to pay such fee when required, it shall be sufficient cause for discontinuance or refusal of service.
14. Customers who connect to the system after the extension is complete and who did not share in the cost of the extension shall pay the main extender a pro rata share of the costs as defined in the agreement.

## STANDARDS OF INSTALLATION

All mains, appurtenances and auxiliary piping shall be designed and installed in accordance with District Design Standards. All lift stations required to service multiple buildings will be designed by registered professional engineers. All plans, specifications and other information shall be submitted to the District for review and approval. No construction shall commence until written approval is given by the Montana Department of Environmental Quality, other appropriate governing agencies, and the District. Refer to District Design and Construction Standards for more information.

## OVERSIZING MAINS

A Developers Extension Agreement may be established, upon Board approval for main extensions that exceed the size and capacity as required for the development in accordance with District Design Standards. However, if the District requires the customer or developer extending the main to install a larger size main than required by District Design Standards, the District shall pay the difference in cost between the larger main required by the District and the size of main required by said standards.

## ADDITIONAL EXTENSIONS

The District reserves the right to further extend the mains installed by foregoing customers. The District also reserves the right to charge future main extenders for their pro-rated share of the cost for the oversizing of the District's infrastructure. Such pro-rated cost shall be based on volume of flow contributed by the development for which the line was further extended, versus the volume of flow of which the oversized portion of the existing main could handle.

## SERVICE LINES AND CONNECTIONS

### MAIN CONNECTIONS

The customer shall perform all necessary excavation over and around the main and make the service line connection to the main. The customer shall obtain a permit from the District before making said excavation and tap. All work shall be performed in accordance with District Design Standards and accepted by the District Manager or an authorized representative prior to backfill. The customer shall bear the full expense for labor, equipment, and materials for such installations. The customer shall indemnify the District from any loss or damage that may directly or indirectly, be occasioned by the installation of the building sewer to the main.

## CONSTRUCTION REQUIREMENTS

The size, slope, alignment, materials of construction of all sanitary sewer, including building sewers, and the methods to be used in excavating, placing of the pipes, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the State of Montana, Flathead County and the District. In the absence of code provisions, the materials, and procedures to be used shall be as the District Manager or a designated representative shall require. All excavation over and around the main to make connection shall be done by and at the expense of the owner. All connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the District Manager in writing before installation. The connection and testing shall be done by the customer under the supervision of the District Manager or a designated representative.

## SERVICE LINES

The customer, at the customer's expense, shall install all piping and appurtenances, from the main connection to the point of usage, and restore all surfaces to the condition which existed before the installation. All piping and appurtenances, and surface shall be installed and tested in accordance with the District Design Standards. Installation of a backflow apparatus may be required upon review by District personnel. Structures containing two or more residences under separate ownership shall have separate service lines from the main for each residence. We require all structures to require separate services lines unless the meet the interior lot exception.

## PRIVATE LIFT STATIONS

Whenever possible, the building sewer shall be discharged from 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 an approved means and discharged to the building sewer. Where the connections to the District sewer mains cannot be installed to provide gravity flow, individual lift stations shall be provided at the building owner's expense. This equipment is not owned or operated by the District.

## SERVICE LINE MAINTENANCE

Operation and maintenance of the building sewer line to the main shall be the responsibility of the owner and shall include routine inspection, maintenance, and rehabilitation. The customer shall maintain, at the customer's expense, all service appurtenances, including the tap at the main, in a good condition, free from inflow, infiltration, root intrusion, and exfiltration. Failure to do so shall be cause for discontinuance of service. It is the customer's responsibility to repair all deficiencies in the service line immediately. District shall not be liable for any loss or damage of any nature whatsoever caused by or arising from the operation of the customer's piping or equipment or from any defect in the customer's piping or in the customer's equipment upon the premises of the customer. District does not assume the duty of inspecting the customer's line, plumbing, and equipment and shall not be responsible therefore, but the customer shall grant permission for duly authorized employees or agents of District to make investigation, at reasonable times of the use of sewer in any premises served.

## REUSING OLD SERVICE LINES (NEW BUILDINGS)

Old building sewer lines may be used in connection with new buildings only when they are found, on examination and tested by the District Manager or a designated representative to meet all requirements of this ordinance.

## EXCAVATION SAFETY

All excavations shall be adequately guarded with barricades and lighted as to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building service pipe to the main and for any other property damage or personal injury resulting from the negligent acts of the owner or his representative. Safety procedures required by OSHA must be followed.

## LOCATES

Before any digging commences, a call must be made to the One-Call center for locates to be completed. Locating is a system of identifying publicly owned buried facilities to prevent accidental damage to the lines when digging as well as property damage and personal injury resulting from breaking a line. The District may attempt to mark the general area of sewer service lines if time allows and the information is available notification through [www.montana811.com](http://www.montana811.com) or calling 800-551-udig(8344) or 406-755-udig(8344), this in accordance with Montana House Bill No. 365.

## INTERIOR PLUMBING AND FIXTURES

All plumbing connected, directly or indirectly, to the District's sewer system shall conform to the installation requirements of the International Association of Plumbing and Mechanical officials "Uniform Plumbing Code" and these Rules and Regulations.

## ABANDONMENT OF SERVICE

When a lot or parcel is developed to a permitted use, all duplicate, excess, and/or unused services, including stub-outs, shall be abandoned at the main at no cost to the District. Aggregation of parcels will trigger abandonment of unused services. Whenever a building served by sewer ceases to exist, sewer services shall be abandoned at the main. At the discretion of the District, however, and depending upon whether sewer service is anticipated to be renewed within one year, capping the service to prevent infiltration may be allowed.

## PRIVATE MAINS

1. The District shall have no obligation to maintain, test, repair or replace private mains, and the District shall not be liable or responsible for any damaged caused by sewer leaking from a private main.
2. All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, and repairing. All customers served by a private main are advised to replace such line with a professionally designed and installed main.
3. If in the judgment of the District a private main has become hazardous, or could damage or cause harmful effects to the sewer system, to customers, or to neighboring property owners or residents, the District shall give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The District shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the District determines that it is not feasible or practical to remediate the private main, the District shall give reasonable notice to such customers of the need to install a new main, or connect to an existing main, in the discretion of the District. The District shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. The District may, in their discretion, grant extensions of time. If any customer fails or refuses to conduct the needed maintenance, testing, repair, or replacement, or fails or refuses to install a new main or connect to an existing main, it shall be sufficient cause for discontinuance of service.

## STORM DRAINAGE PROHIBITED

No person shall make connection of roof downspouts, exterior foundation drains, area 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 the District's sanitary sewer. No commercial services shall discharge condensate water to the District's sanitary sewer. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to the District's sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storms sewer, or to a natural outlet approved by the District Manager and other regulatory agencies which may have jurisdiction. Combined sewers are not allowed.

## OTHER WASTES PROHIBITED

No septic sewage shall be introduced into the district sanitary sewer system. No prohibited wastes as defined in the District's pretreatment ordinances shall be discharged into the sanitary sewer system. No person shall discharge or cause to be discharged any of the following described water or wastes to the public sewer:

1. Any gasoline, benzene, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interactions with other wastes, to contaminate the sludge of the District's wastewater system, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the collection system, Wastewater treatment plant and the waters receiving any discharge from the treatment plant.
3. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of the sewer collection system or other interference with the proper operation of the wastewater treatment system facilities such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, paper dishes, cups, milk containers, etc.
4. Any waters or wastes having a pH lower than 5.5 standard units or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment plant or collection system.

## INCREASED CONCENTRATION OF WASTEWATER POLLUTION

**Refer to the District's Pretreatment Ordinance regarding discharge of high strength wastes and Industrial Wastes.**

The following described substances, materials, waters, or wastes shall be limited, or not allowed to be discharged to the public sewer to concentrations or quantities which will not harm the sewer, the sludge, the sewer treatment process, or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger people, property or constitute a nuisance. The Board may set more restrictive limitations than the limitations established in the ordinance if, in its opinion, such limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability of wastewater the Board will 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 treatability of the waste in the wastewater treatment plant, and federal, state, and local regulated

discharges. *Federal and State Pretreatment requirements supersede local requirements and must be addressed when accepting certain categorical process.*

The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Board are as follows:

1. Sewer having a temperature higher than 150 degrees Fahrenheit.
2. Sewer containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, (BTEX) gasoline or product of mineral oil origin.
3. Sewer from industrial plant containing floatable oils, fat, or grease (FOG).
4. Any garbage that has not been properly shredded. (Garbage grinders may be connected to sanitary sewers from residences and commercial establishments where garbage originates from the preparation of food in kitchens for the purpose of consumption on premises or when served by caterers.
5. Any waters waste and/or wastewaters containing metals or toxic substances that may cause the sewer plant to violate discharge permit requirements.
6. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Board.
7. Any radioactive wastes or isotopes.
8. Water or wastes containing substances which are not amenable to treatment or reduction by the sewer treatment process to such a degree that the treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge of the receiving waters.
9. Quantities of flow and/or slug flow that may cause operational problems with the collection system and/or wastewater treatment plant.
10. Any water or wastes which, by interaction with other wastes in the public sewer, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

## CONSEQUENCE OF DISALLOWED WASTE

If any waters or wastes are discharges, or are proposed to be discharges, to the public sewer, which contain the substances or possess the characteristics listed above the Board may:

1. Reject the wastes.
2. Require the pretreatment to an acceptable condition for discharge to the public sewer.
3. Require control over the quantities and rate of discharge, and/or
4. Require payment to cover the added cost of handling and treatment the wastes not covered by existing sewer charges, assessments, and taxes. If the Board 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 Montana Department of Environmental Quality and the District.

The District considers the average residential strength concentrations to be 250 parts per million (PPM) Biological Oxygen Demand (BOD), 250 PPM Total Suspended Solids (TSS), 40 PPM Total Nitrogen (TN), 7 PPM Total Phosphorus (TP), 100 PPM Fats, Oils, and Grease (FOG). The District shall (may) assess a surcharge rate for all non-residential customers discharging concentrations of BOD, TSS, TN, TP, and FOG greater than the average residential strength in accordance with District Ordinances and the Rate Schedule.

## FOOD GRADE OIL AND GREASE

**Refer to Design and Construction Standards for FGOG**



Food grade oil and grease interceptors shall be required for all food preparation establishments, other than residences, which would contribute any water or wastewater that contains food grade oil or grease. This includes, but not limited to, restaurants, cafeterias, cafes, and fast-food outlets. Additionally, food grade oil and grease interceptors shall be required for all schools, fraternal organizations, churches, hospitals, and daycare centers which have the capability to engage in food preparation. In-line interior grease traps shall not be allowed unless approved by the District. Food grade oil and grease interceptor design shall adhere to the requirements established by the Flathead County Health Department and the District Design and Construction Standards. Food grade oil and grease interceptors not able to achieve compliance with those standards shall be subject to modification and/or replacement.

1. Inspections: The District shall inspect all food grade oil and grease interceptors to ensure compliance with the District's requirements. The inspection frequency shall be, at a minimum, every 6 months, unless the District determines, at its discretion, that frequent inspections are required. The inspection criteria shall include, but is not limited to:
  - a. Location and accessibility
  - b. Approximate capacity
  - c. Identification of inlet and outlet compartments, where applicable
  - d. Identification of inlet and outlet piping systems.
  - e. Identification of bacterial or enzymatic uses
  - f. Approximate depth of accumulated solids and grease layer
  - g. Verification of maintenance records.

*The District shall provide written notices to all businesses following inspections. Those business determined to be in violation of the District's requirements shall be provided with a written notice of non-compliance. Follow-up inspections shall be completed to ensure compliance. Failure to comply within the time period allowed may result in fines or may cause the sewer service to the premises in question to be terminated.*

2. Maintenance: Maintenance of food grade oil and grease interceptors shall be the sole responsibility of the business owner or operator. The food grade oil and grease interceptor must be evacuated entirely when the depth of waste grease in the first pit is 25% of the total depth of the interceptor. All food grade oil and grease interceptors must be evacuated at a minimum of every 3 months unless, grease accumulation (25% of depth) requires more frequent evacuation or, subject to approval by the District, it is determined that less frequent pumping is sufficient. Contents shall be hauled and disposed of properly and legally off-site and in accordance with all Federal and Local laws and ordinances.
3. Chemical and Biological Additives: **The District prohibits the use of chemical and biological additives.** Chemical and biological additives are ineffective in food grade oil and grease interceptors where retention time is inadequate, where there are surges in flow volume, and where there are changes in grease volumes, or changes in temperature of the wastewater. Use of these products can cause grease to pass through the interceptor and accumulate downstream causing costly sewer main blockages.
4. Best Management Practices: Existing sources not connected to food grade oil and grease interceptors, or those sources connected to in-line interior grease traps, which contribute significant quantities of oil and grease wastes, shall be required to implement Best Management Practices (BMPs). In the event BMPs do not successfully reduce quantities of oil and grease wastes being introduced to the collection system, those sources shall be subject to installation of approved grease interceptors. BMP inspections shall include, however are not limited to, the following:
  - a. Identification and description of plumbing fixtures.
  - b. Identification of facility grease reduction procedures.

- c. Identification of facility grease rendering container, where applicable.
  - d. Identification of in-line interior grease trap, where applicable.
  - e. Verification of in-line interior grease trap maintenance records, where applicable.
  - f. Identification of bacteriological or enzymatic uses.
  - g. Facility seating capacity.
  - h. Facility hours of operation.
  - i. Facility schedule of routine drain line maintenance.
5. Record keeping: Maintenance and cleaning events must be recorded in written form and kept on file. These records must be made available to the District upon request. Maintenance records shall contain the following information:
- a. Date of maintenance
  - b. Person performing maintenance
  - c. Estimated volume removed.
  - d. Destination/disposal location
  - e. Signature of person performing maintenance.

## GREASE, OIL AND SAND INTERCEPTORS

### **Refer to Design and Construction Standards for Section on Grease, Oil and/or Sand Interceptors**

Grease, oil, sand interceptors and other treatment devices shall be provided by customer when, in the opinion of the District Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, organic materials in excessive amounts, sand, or other harmful ingredients. All interceptors or treatment devices 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. *(Interceptors are not an adequate form of treatment device for flammable wastes. Other treatment technologies are required for the treatment of volatile organic materials.)*

In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal, which are subject to review by the District Manager. Any removal and hauling of the collected materials not performed by the owner or his personnel must be performed by a licensed waste disposal company.

## INDUSTRIAL WASTES

### **Refer to the District's Pretreatment Ordinance regarding discharge of high strength wastes and Industrial Wastes.**

When required by the District Manager, the owner 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the Board. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be always safe and accessible. The District Manager may require an owner to provide information needed to determine compliance with the ordinance such as:

1. Sewer water's discharge peak rate and volume over a specified period.
2. Chemical analysis of sewer water.
3. Information on raw materials, processes, and products affecting sewer water volume and quality.

4. Quantity and disposition of specified liquid, sludge, oil, solvent, or other materials important to sewer use control.
5. Details of sewer water pretreatment facilities.
6. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
7. Details of systems to prevent and control the loss of materials through spills to the district sewer.

*All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 District Manager.*

## HANDLING AND DISPOSAL OF SEPTAGE AND SLUDGE

1. The District shall be responsible for compiling data and maintaining permanent records of residence, dates, volumes, disposal site, and disposal areas.
2. Disposal sites shall meet Montana Department of Environmental Quality requirements for use and be validated by the Flathead County Health Department prior to use. Each disposal site shall have an operation and maintenance plant for that site.
3. Any septage hauler contracted by the District shall be licensed by the Flathead County Health Department. Fees for the license shall be paid by the hauler. The hauler shall meet Flathead County Health Department and Montana Department of Environmental Quality qualifications and shall comply with the terms of the permit issued under the authority of the law.
4. The equipment operation of the hauler shall meet state and county standards and shall be inspected by the District. Should fines be levied for non-compliance with the rules outlined by Montana Department of Environmental Quality or the District, the fines shall be paid by the hauler.

## REGULATION AMENDMENTS

The adoption of this ordinance shall not preclude the Board from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility or standard, either upon complaint, upon its own motion or upon application of the District Manager.

The Board may adopt, establish, or change policies which define and govern the action of District personnel on specific and special conditions. Said policy shall not conflict with any of the Rules and Regulations contained herein. The decision of the Board to adopt, establish or change such policies shall be made by a motion duly adopted and approved and filed with the District Secretary.

## VALIDITY OF ORDINANCES

The invalidity 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.

## PENALTIES

Any person violating any provision of this ordinance shall be served with 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 stated in such notice, permanently cease all violations.

Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation. This remedy is in addition to any other remedies that may be available to the district.

## EFFECTIVE DATE OF ORDINANCE

This ordinance shall be in full force and effect from and after \_\_\_\_\_, 2024. The rules and regulations contained herein shall govern the supplying by the District of sewer service in the service area. They are subject to revision from time to time by the Board and supersede all regulations by whatever term designated which may heretofore have governed the supplying of sewer service.

Passed and adopted by the Board of Directors of Bigfork County Water and Sewer District on

the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

District President

## RELATED DOCUMENTS

[APPENDIX A-SEWER RATES & CHARGES](#)

[RULES AND REGULATIONS GOVERNING WATER SERVICES](#)

[APPENDIX A-WATER RATES & CHARGES](#)

[DISTRICT DESIGN AND CONSTRUCTION STANDARDS](#)

[DISTRICT FOOD GRADE OIL & GREASE \(FGOG\) REGULATIONS](#)

[DISTRICT GREASE, OIL AND/OR SAND INTERCEPTORS](#)

[DISTRICT PRETREATMENT STANDARDS](#)

[DISTRICT REUSE STANDARDS](#)

## APPENDIX A

### SEWER RATES & CHARGES

#### CHARGES FOR SEWER SERVICES

- The billing for domestic sewage shall be based on the comparative volume of flow, as determined by water meter readings, except that (1) minimum charges will be assessed in accordance with the Rate Schedule, and (2) there will be no charge for water passing through the meter which is reasonably determined to be used for irrigation.
- All District customers shall have a water meter installed. The meter reading will be used as a basis for a portion of sewer service charge.
- The District shall submit statements to the user for the user's sewer service charge monthly. Unless otherwise agreed to by the District, charges will commence on the day the user is hooked up to the sewer system.
- The District shall not supply free sewer to any customer.

Charges for sewer service to residential and commercial customers shall be:

Minimum monthly charge for sewer service:

<b>Charge</b>	<b>Meter Size</b>	<b>Water Use</b>
\$50.60	3/4" Meter	5,000 gallons or less
\$127.00	1" Meter	12,500 gallons or less
\$254.25	1 1/2" Meter	25,000 gallons or less
\$407.00	2" Meter	40,000 gallons or less
\$763.35	3" Meter	75,000 gallons or less
\$1,272.55	4" Meter	125,000 gallons or less
\$2,545.25	6 " Meter	250,000 gallons or less

PLUS:

\$2.35 per thousand gallons for all additional sewer

\* Charges for sewer service to residential customers living in town homes which have 1" meters installed will be charged the rate for 3/4" meters. If the monthly average over a period of one year surpasses the monthly minimum for a 1" meter they will be charged the rate for a 1" meter.

#### CHARGES FOR HIGH STRENGTH WASTES

The billing for industrial wastes and high strength wastes shall be based on the water meter reading plus an increased amount, as determined by this ordinance to cover the special or increased cost of treating said waste at the Wastewater Treatment Plant.

The District considers the average residential strength concentrations to be 250 parts per million (PPM) Biological Oxygen Demand (BOD), 250 PPM Total Suspended Solids (TSS), 40 PPM Total Nitrogen (TN), 7 PPM Total Phosphorus (TP), 100 PPM Fats, Oils, and Grease (FOG). The District shall (may) assess a

surcharge rate for all non-residential customers discharging concentrations of BOD, TSS, TN, TP, and FOG greater than the average residential strength in accordance with District Ordinances and the Rate Schedule.

Surcharge Rates:

- BOD- \$0.049 per 25 PPM per 1000 gallons over average residential strength concentrations
- TSS- \$0.054 per 25 PPM per 1000 gallons over average residential strength concentrations
- TN- to be determined
- TP-to be determined
- FOG-to be determined

**RECLAIMED WATER FEES**

1. Calculate monthly flow:
  - a. District Re-Use
  - b. Brewery Re-Use
2. Calculate electricity monthly rate for MBR Plant from Flathead Electric bill.
3. Read electric meter in Trickling Filter plant on Re-Use skid.
4. Determine electric cost of Re-Use system based on 2 and 3.
5. Determine proportional share of electrical cost between Brewery flow and District Re-Use flow.
6. Add in proportional share of equipment depreciation.
7. Add in Re-Use pipe-line depreciation.

**PLAN REVIEW**

The District has contracted Morrison Maierle, Inc. to review all plans submitted for sewer main extensions, lift stations, wells, pressure systems and related infrastructure. The charges will be invoiced to the developer and are to be paid before the plans are reviewed. These fees will be assessed on any plans submitted after May 6, 2005. See the following payment schedule:

<b>Type of Improvements</b>	<b>Fee</b>
Subdivision (Sanitary Sewer Only)	\$700 + \$20/service
Sanitary Sewer Main Extension (Gravity or Low Pressure)	\$700 + \$2/foot
Sewer Modeling	\$700 + \$20/service
Lift Station & Force Main	\$2,000 + \$0.50/foot
Resubmittal for incomplete drawings or changes initiated by the project owner	½ of the original fee or as quoted on a case-by-case basis
Other improvements not previously mentioned	As quoted on a project-by-project basis

## PLANT INVESTMENT, CONNECTION, AND INSPECTION FEES

A Plant Investment Fee, a Connection Fee, and Inspection Fee shall be paid to the District at the time the application is filed with the District Manager at the District office.

### Connection Class

There shall be two (2) classes of building sewer permits:

- For residential and commercial service, and
- For service to establishments producing industrial wastes.

In either case, the owners shall make application on forms furnished by the District. The permit application shall be supplemented by any plans, specifications or other information required by the District Manager. Any additional costs incurred by the District in reviewing the application shall be paid by the applicant after the review is completed.

### Plant Investment Fee:

- a. All persons, firms, corporations or others requesting connection to the District's sewer system shall be assessed a plant investment fee to cover their proportionate share of the capital costs of the existing system.
- b. Meter size to be specified by a licensed engineer or plumber.
- c. All sewer fees are based on water meter size.
- d. The plant investment fee shall be paid before service is rendered. If a larger capacity service is required on a piece of property, only the difference of capacity shall be charged. If a building on a piece of property, which has been hooked up to the sewer system, is demolished and a new building constructed the plant investment fee shall only be applied to the difference of capacity.
- e. Connection fees for meters larger than 1" are based on Labor & Material used. Fees for these meter sizes will be based on the following Equivalent Dwelling Units (EDU): +  
Material and Labor

<u>Meter size</u>	<u>EDU</u>	<u>PIF</u>
¾" or smaller	1.00	\$4370.00
1"	1.79	\$7822.30
1 ½"	4.00	\$17,480.00
2"	7.14	\$31,201.80
3"	16.00	\$69,920.00
4"	28.57	\$124,850.90
5"	44.64	\$195,076.80
6"	64.29	\$280,947.30
7"	87.11	\$380,670.70
8"	113.78	\$497,218.60
9"	144.00	\$629,280.00
10"	177.78	\$776,898.60

Connection Fee - All persons, firms, corporations or others requesting connection to the District's sewer system shall pay a connection fee to cover the costs of materials to make the tap and costs to inspect the service lines and/or mains. The fees are as follows:

<u>Size of Sewer Connection</u>	<u>Fee</u>
4"	\$70.00
6" and over	Time and Materials

Application Review & Inspection Fee: \$25.00

#### MISCELLANEOUS SALES OF SEWER

- Bad Check/Bank Fees - The fee will be \$25.00
- Late Fees All sewer bills shall be due and payable when mailed and become delinquent after the 26<sup>th</sup> day of the month. The District may add a penalty of \$2.50 per month on the outstanding balance of the charges due if payment is not received by the District by the due date.
- TURN-ON/TURN-OFF FEES The reconnect fee shall be \$25.00
- DOOR TAG
- AFTER HOUR SERVICE CHARGE FEE - There will be a charge of \$50.00 per hour minimum of 2 hours for all non-emergency call outs or non-business hour services.