

A RESOLUTION ADOPTING PROCEDURES FOR THE PROVISION OF WASTEWATER SERVICES PROVIDED BY SNYDERVILLE BASIN WATER RECLAMATION DISTRICT AND FIXING AND PRESCRIBING THE PROCEDURE FOR DETERMINING EQUITABLE RATES AND FEES.

WHEREAS the Snyderville Basin Water Reclamation District (the "District") owns and operates a domestic wastewater collection and treatment system consisting of a collection system, treatment facilities, and solids disposal program; and

WHEREAS it is the policy of the Board of Trustees of the District (the "Board") to charge equitable fees based on the services received and costs created by or attendant to the provision of wastewater service; and

WHEREAS the Board has established a plan for financing capital improvements with reserve funds, as available, to minimize incurring the debt and interest expense associated with bonding for capital improvements and has enacted impact fees in the past to fund future capital expansion projects and improvements in accordance with existing State and Federal laws;

NOW, THEREFORE, the Board hereby resolves as follows:

SECTION 1 - PURPOSE

The purpose of this Resolution is to establish conditions for service from the District; and to establish rates and fees sufficient to generate revenue to pay all costs of operation and maintenance of the District's wastewater system, including the capital repayment costs and interest for all outstanding indebtedness, and including target reserves. Such costs shall be distributed among the users of the wastewater system in proportion to each user's contribution to the total volume loading of the collection system and treatment facilities by base service charge for each equivalent residential unit (RE) and for the volume of wastewater.

SECTION 2 - OPERATIVE EFFECT OF THIS RESOLUTION

All prior resolutions of the Board relating to rates and charges for wastewater services and policies and procedures in conflict with the provisions of this resolution are hereby repealed. All provisions of prior resolutions consistent with the terms of this resolution are hereby restated and re-enacted.

SECTION 3 - DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE

The District has determined the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance of that system during the service life of the treatment and collection works. The total annual cost of operation and maintenance of the District's system are taken into consideration in the rates and charges for system use defined herein.

SECTION 4 - WASTES PROHIBITED FROM BEING DISCHARGED INTO THE WASTEWATER TREATMENT SYSTEM

1. The discharge of any pollutant that interferes with, passes through untreated, or otherwise is incompatible with the wastewater system and treatment process is hereby prohibited. Pretreatment or elimination of pollutants prior to their introduction into the wastewater treatment facility is required in accordance with 40 CFR 403, the Uniform Plumbing Code, and Snyderville Basin Water Reclamation District "Industrial Pretreatment Program." All of these regulations and policies are hereby adopted as part of this Resolution by reference.
2. A user whose direct or indirect discharges or proposed discharges may be deleterious and/or incompatible with the District's wastewater collection and treatment facilities, treatment processes, solids disposal, worker health and safety, or the environment, shall be deemed to be an Industrial User, and, prior to discharging any such pollutants into the wastewater system, shall ensure compliance with the District's rules and regulations. Creation of pollution in the receiving waters of the District's treatment process by diversion of water or otherwise is prohibited by the Clean Water Act and State Anti-Degradation Policy.
3. Creation of pollution in the receiving waters of the District's treatment process by diversion of water or otherwise is prohibited by the Clean Water Act and State Anti-Degradation Policy. Any user or proposed user whose source or sources of water results in the physical, biological, or chemical alteration of the receiving waters of the District's treatment process shall either be denied connection or shall be required to pay its pro-rata share of the costs created by its use of the water sources. These determinations and calculations shall be in the sole discretion of the Board.
4. The following pollutants shall not be introduced into the wastewater treatment facilities:
 - A. Flammable or explosive pollutants including, but not limited to, gasoline, benzene, naphtha and fuel oil.

- B. Toxic, hazardous, corrosive, or poisonous pollutants.
 - C. Solid or viscous pollutants which may obstruct flow in the wastewater system including garbage that has not been properly shredded.
 - D. Strongly odorous pollutants or odor-producing pollutants.
 - E. Petroleum oils, non-biodegradable oils, or solvents.
 - F. Fat, grease, or floatable oils normally collected by properly sized, operated, and maintained oil and grease traps or interceptors.
 - G. Uncontaminated water (such as storm drainage, roof runoff, groundwater, etc.).
 - H. Sludge from pretreatment facilities.
 - I. Pollutants with temperatures over 40° C (104° F).
 - J. Pollutants which contain or result in the production of toxic, corrosive, explosive, or malodorous gases.
 - K. Pollutants with a pH lower than 6.5 or greater than 9.0.
 - L. Pollutants which will interfere with or pass through the treatment process or cause the treatment plant to violate its Utah Pollutant Discharge Elimination System (UPDES) Discharge Permit and/or create a hazard to health.
 - M. Trucked or hauled pollutants, except at designated discharge points.
5. All restaurants, commercial kitchens, car washes, automotive service stations, and any other businesses that generate wastes containing vegetable or mineral oils and greases, sand, grit, petroleum wastes, or any flammable wastes, and are connected to the collection system, shall have oil, grease, and sand interceptor(s) to prevent these wastes from entering the wastewater system.
6. Any person violating this section shall be liable for the following: (1) all damage to the wastewater system; (2) any and all costs or expenses of the District, or any third-parties or other users, resulting from or related to the violation (such as administrative expenses, additional testing, fines and penalties imposed on the District, equipment replacement, overtime, backups, flooding or property damage); and (3) all costs and expenses associated with the enforcement of this section, including attorney fees and associated costs and expenses.

SECTION 5 - PROHIBITION OF CLEAR WATER CONNECTIONS

No person shall connect any roof down spouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public wastewater collection system. Any person violating this section shall be liable for the following: (1) all damage to the wastewater system; (2) any and all costs or expenses of the District, or any third-parties or other users,

resulting from or related to the violation (such as administrative expenses, additional testing, fines and penalties imposed on the District, equipment replacement, overtime, backups, flooding or property damage); and (3) all costs and expenses associated with the enforcement of this section, including attorney fees and associated costs and expenses.

SECTION 6 - PROPER DESIGN AND CONSTRUCTION OF NEW SEWERS AND CONNECTIONS

The planning, design, construction, and procedures for development of wastewater collection systems (size, slope, alignment, materials of construction of sewers and sewer connections, and the methods to be used in excavations, placing of the pipe, jointing, testing, and backfilling the trench) shall conform to the requirements of the "Wastewater Collection System Line Extension Agreement," "Design Standards and Construction Specifications," and other applicable rules and regulations of the District; "The Uniform Building Code" and "The Uniform Plumbing Code" of the State of Utah; and other applicable regulations of Summit County and the State of Utah. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate A.S.T.M. specifications and Water Environment Federation Manuals of Practice No. 9 and No. FD-5 shall apply. The documents referenced in this paragraph are hereby adopted as part of this Resolution and incorporated herein by reference.

SECTION 7 - POWERS AND AUTHORITY OF DISTRICT OFFICIALS

All District officials or authorized representatives, bearing proper credentials and identification demonstrating their association with the District, shall be permitted access at all reasonable times to all properties and entrance to all buildings for the purposes of inspection, observation, measurement, sampling, and testing necessary to determine that all discharges to the wastewater system are in accordance with the provisions of this Resolution. As a condition of continuing service from the District, all users are deemed to have consented to the collection of water use information by the District from water suppliers or directly from system users to assure that the fees and charges imposed by the District are fairly and equitably applied to and collected from, all users of the District system.

SECTION 8 - MANDATORY HOOK UP

Connection to the public wastewater collection system owned and operated by the District is required for properties within the District on which there is a building or structure discharging sanitary or industrial waste as follows:

1. When a new building or structure is constructed on lots and properties within subdivisions and planned developments where a public wastewater collection system owned and operated by the District has been installed to provide wastewater service for the subdivision or planned development.

2. When a new building or structure is constructed on lots or properties whose property lines are adjacent to a public wastewater collection line owned and operated by the District.
3. As required by the Summit County Health Department rules and regulations for lots and properties that are not covered by items 1 and 2.

SECTION 9 - AUTHORITY TO CONNECT

1. Applicable impact fees shall be paid in full before construction of laterals connecting any home or building to the District's wastewater system. Upon receipt of the applicable impact fees, a user account shall be established for the property. The authority to connect to the wastewater system shall be provided only to the owner of the property after the payment of all fees and charges required by the District and the execution of a service agreement providing that the property owner shall observe and comply with the conditions of service and rules and regulations of the District. Payment of any accrued or future wastewater services charges shall be the responsibility of the current property owner; however, new owners of the property shall be jointly and severally liable for these wastewater service charges accrued under the terms of this Resolution.
2. To the extent it is legally permitted, the Board of Trustees shall assist in the enforcement of the ordinances of the Board of County Commissioners of Summit and Wasatch Counties requiring mandatory connection to the wastewater collection system. The Board of Trustees shall also assist to the same extent in the enforcement of similar municipal ordinances of Park City Municipal Corporation.
3. All extraordinary costs, costs of physical connection to, and the cost of purchasing and installing materials required for the connection to the wastewater system shall be paid by the applicant and shall be paid in addition to the impact and user fees described below.
4. It shall be unlawful for any person to open, uncover, connect to, damage, or otherwise tamper with the District's wastewater system without written permission from the District. Any person violating any of the provisions, herein, shall be deemed guilty of a misdemeanor and each day of the violation shall constitute a separate offense.
5. In addition to any criminal offense, any person violating this section shall be liable for the following: (1) all damage to the wastewater system; (2) any and all

costs or expenses of the District, or any third-parties or other users, resulting from or related to the violation (such as administrative expenses, additional testing, fines and penalties imposed on the District, equipment replacement, overtime, backups, flooding or property damage); and (3) all costs and expenses associated with the enforcement of this section, including attorney fees and associated costs and expenses.

SECTION 10 - DETERMINING EACH USER'S WASTEWATER USER FEE

1. A residential (single family) users' wastewater discharge, otherwise known as a Residential Equivalent (RE), shall be considered to be the peak flow of 320 gallons per day; 200 parts per million, 5-day, 20 degrees centigrade biochemical oxygen demands; 250 parts per million total suspended solids; and 100 parts per million total oil and grease. Condominiums (multiple family), commercial and industrial customers may be billed a wastewater service charge based upon each user's contribution of 5-day, 20 degrees centigrade biochemical oxygen demands, total suspended solids, total oil and grease, and volume as explained further in this resolution.
2. Wastewater haulers shall comply with and be charged for wastewater services as required by the District's rules and regulations and Section 14 of this resolution.
3. In the event a user creates extraordinary system costs through use of a water source detrimental to the receiving waters of the treatment process or otherwise, that user shall bear its pro-rata share of the costs created thereby.
4. The District shall notify each user annually of the users' total user fees and the percentage of user charges which are attributable to the operation and maintenance of the District's facilities. This notification shall be provided in conjunction with a regular bill for wastewater user fees.
5. The District shall hold a public hearing in accordance with the laws of the State of Utah prior to any increase in the rates established by this Resolution.

SECTION 11 - USER FEES

The monthly user fee for wastewater service supplied within the boundaries of the District shall be assessed and charged as follows:

1. Definitions. The following definitions shall apply to this section:

“Commercial or Industrial” means all uses that are not single family residential or multi-family residential.

“Kitchen” or “Kitchenette” means an area with a stove or microwave, refrigerator, sink, and cabinets or storage for cookware and cutlery. Kitchens or kitchenettes will also typically include countertop space for preparation of food, a garbage disposal or dishwasher, and a table or other seating for consumption of food.

“Mixed-Use” means a combination of multi-family residential units and commercial or industrial on a single water meter.

“Multi-Family Residential Unit” means a townhome, condominium, hotel room or suite, or similar dwelling unit that is a private unit containing a kitchen or kitchenette.

“Seasonal Discharge” means connections at which the wastewater discharged for 3 months of the year exceeds the yearly average by 25 percent or more.

2. Single Family Residential and Multi-Family Residential. All single family residential and multi-family residential units shall be charged a base rate service charge for one (1) residential equivalent (RE) and a volume charge per 1,000 gallons. The monthly user fee shall be computed by multiplying the number of REs times a service charge and a volume rate according to a schedule of rates and charges adopted by resolution of the Board.
3. Commercial and Industrial. All commercial and industrial users shall be charged a base rate service charge based upon on one residential equivalent being equal to the peak flow of 320 gallons per day (9,600 gallons per month) and a volume charge per 1,000 gallons. The monthly user fee shall be computed by multiplying the number of REs times a service charge and a volume rate according to a schedule of rates and charges adopted by resolution of the Board.

Mixed-Use Development. All mixed-use developments shall be charged a base rate service charge for one (1) residential equivalent (RE) for each multi-family residential unit and a base rate service charge for the commercial and industrial usages based upon on one residential equivalent being equal to the peak flow of 320 gallons per day (9,600 gallons per month). For purposes of determining the water usage for the commercial and industrial, 4,000 gallons per month shall be allocated for each multi-family residential unit. For example, a mixed-use development has 10 multi-family residential units and uses 78,400 gallons per

month would have 4 REs of commercial or industrial (78,400 gallons – (10 x 4,000 gallons) / 9600 gallons = 4 REs). The monthly user fee shall be computed by multiplying the number of residential units or the residential equivalents, whichever is greater, times a service charge and a volume rate according to a schedule of rates and charges adopted by resolution of the Board of Trustees from time to time as provided by law.

4. Calculation of Monthly Water Usage. In order to avoid inclusion of water used for outside irrigation in the computation and because the treatment facilities are sized for peak months, the monthly fee for these connections shall be based on winter water usage. Winter water usage is defined as the average monthly water usage for the period of November through April of each year. Water usage shall be based on the average water meter readings for each of those months. If November through April water usage information is not available or does not accurately estimate the impact of the user on the District system, the District will use the best available information from water use information from the peak use period of the system users. The average shall be used to determine the fee for the next 12-month period beginning July 1 and ending June 30. Initial residential user billings shall be based upon the average residential winter water usage shown on the July billing summary for each year. Initial commercial user fee billings shall be based on one residential equivalent, being equal to the peak flow of 320 gallons per day (9,600 gallons per month). User fee billings will not be adjusted unless reviewed on a case-by-case basis.
5. Seasonal Discharge. Commercial and industrial connections that have seasonal discharges, have zero or small discharges during the winter months, or other period of time accurately measuring the impact of the user on the District system, and connections that have been issued a Pretreatment Permit shall not be billed solely on their winter water average. These connections shall be billed on an equitable basis, determined on a case-by-case basis and as approved by the District. Modifications may also be made for water used in industrial processes or because of evaporation when sufficient documentation is provided to the District.
6. Timing of Charges. User fees shall be charged beginning with the earlier of the following dates: (a) request for "Authorization to Use" form, or (b) when the District becomes aware the unit or structure is occupied.
7. Adjustments. Requests for adjustments to user fees shall be reviewed by the District upon request by the user. The user has the burden of providing evidence of inequities in the rates established by the Board. Satisfactory evidence demonstrating that actual usage varies from billed usage by a greater

amount than the accuracy of the water meter is required to be considered by the Board. Metering of collection system lines by the user shall be considered satisfactory evidence for a request for an adjustment to a user fee for the period the meter is installed. Adjustments to user accounts under billed or over billed shall be adjusted retroactively for up to one (1) year. User fee accounts shall be credited or fees refunded for periods, when evidence is provided, that the water meter has been disconnected. When a property owner fails to notify the District that a water meter has been reconnected, after disconnection for construction, seasonal use, etc., adjustments to the user fee shall be made retroactive to when the meter was activated. For residential units without an individual water meter, evidence of disconnection of other utility meters, such as power or natural gas, may be submitted as the basis for a request for a credit or refund of user fees. Other requests shall be reviewed on a request-by-request basis by the District.

8. Notification of Change in Address or Ownership. It is the responsibility of the property owner of record to notify the District of address or ownership changes. The owner of leased property connected to the wastewater system may request the user bill be mailed to another party by signing a "Property Owner Authorization Form," which is hereby adopted as part of this Resolution. This request does not release the owner of the property from the responsibility for payment of wastewater services fees.
9. Allocation of User Fees. User fees shall be utilized to fund the annual operation and maintenance, replacement, and repair of the District's existing facilities and the portion of annual debt requirement allocated to "existing" users.
10. Review of User Fees. The District will periodically review the overall user charge system to assure reasonableness of the user fees; and will adjust the fees and charges when necessary to assure that sufficient funds will be collected from the system to cover the annual operation and maintenance costs of the District's operations.

SECTION 12 - DEVELOPMENT PROJECT, ADMINISTRATIVE, SEPTAGE, AND OTHER FEES

The Board hereby adopts the following additional fees to be charged in amounts adopted by Resolution of the Board.

1. Development Project Fees and Impact Fees collected in conjunction with a Line Extension Agreement (LEA), include engineering and backlot wastewater maintenance fees.

2. Administrative fees collected at the time of payment of the impact fee and are assessed for administrative costs associated with project review and approval, technical assistance, accounting, field coordination, lateral inspection, and/or coordination with Park City or Summit County.
3. Charges for septage disposal.

SECTION 13 - DETERMINING SURCHARGE RATES FOR USERS CREATING POLLUTION AND/OR DISCHARGING EXCESSIVE BOD, TSS, O & G, AND OTHER POLLUTANTS

The District may assess a user fee surcharge for users discharging wastes with 5-day, 20 degrees centigrade biochemical oxygen demands (BOD), total suspended solids (TSS), total dissolved solids (TDS), and/or total oil and grease (O & G) strengths greater than the residential wastewater contribution determined in Section 10, paragraph 1. Such user fee surcharges shall be determined and assessed to include the costs of treating wastes with excess strengths, as determined by tests performed in accordance with standard procedures, by increasing such user's service charge proportionately for the increase in percentage of 5-day, 20 degrees centigrade biochemical oxygen demands, total suspended solids (TSS), total dissolved solids (TDS), and/or proportionately for the increase in percentage of total oil and grease. Permitted industrial users exceeding permitted limits identified in their permits shall be surcharged in accordance with the provisions of those permits. Surcharges or other fees and costs may also be levied against those creating pollution in or otherwise affecting a physical, chemical, or biological alteration of the receiving waters of the treatment processes of the District.

SECTION 14 - PAYMENT AND COLLECTION

The following rules shall apply to the payment and collection of fees and charges:

1. The fees adopted by the Board shall be credited and debited on a first received-first expended accounting basis.
2. The wastewater services charges shall be billed monthly. When service to any premises begins on other than the first day of the month, charges shall be prorated for the actual number of days the premise receives service. All charges shall be due on the date set forth on the statement.
3. Changes to the user account billing address shall be made only after the District receives a signed Property Owner Authorization Form to bill a party other than the property owner. The property owner shall remain jointly and severally liable for all charges.

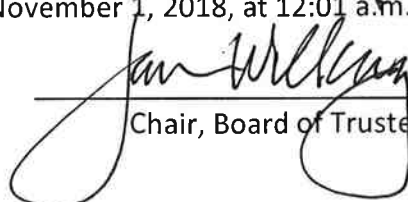
4. If any such bill is not paid by the date it is due, such bills shall be deemed delinquent and an interest charge of 1.5 percent of the delinquent balance shall be added to all delinquent amounts each month.
5. If a check or electronic payment is returned for nonpayment, the District will redeposit the payment item. If the check is still unpaid, the issuer will be charged a processing fee in an amount determined by resolution of the Board from time to time and will be subject to all other delinquent policies of this Resolution, including review of project approval. Reasonable costs associated with collecting delinquencies, including service charges, bad check fees, and attorney fees and costs, may be added to and collected with wastewater service charges.
6. On or before approximately July 31 of each year, the District shall certify to the Treasurer or Assessor of the County in which the property is located, all delinquent charges for service, including user fees, impact fees, engineering fees, and all other fees authorized by the Board, together with applicable penalties, interest, and legal or administrative fees and costs, which shall immediately upon such certification become a lien on the delinquent property on a parity with and collectible at the same time and in the same manner as provided by law.
7. Unpaid and delinquent charges for wastewater services, certified by the Board to the Treasurer or Assessor of the County in which the property is located, shall include interest at the rate established above, a penalty in an amount determined by resolution of the Board per account or individual living unit, plus the delinquent charges as described in the District's "Delinquent Wastewater Services Account Procedures," hereby adopted as part of this Resolution.

SECTION 15 - DISPUTED BILLINGS

Disputed billings shall be reviewed by the District on a case-by-case basis and adjustments made, if necessary, after receipt of a written request for such review. The District shall not consider requests to review billings more than 1 year old.

SECTION 16. EFFECTIVE DATE

This Resolution shall be effective November 1, 2018, at 12:01 a.m.



Chair, Board of Trustees

