

# SOUTHWEST METROPOLITAN WATER & SANITATION DISTRICT

## Policy for Responding to Bathroom Appliance Discharges Resulting from Sewer Cleaning Operations

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### Date:

April 11, 2018

### Purpose:

The purpose of this policy is to provide a standard response to claims of bathroom appliance discharges resulting from sewer cleaning operations.

### Policy:

Southwest Metropolitan Water and Sanitation District (District) will provide reimbursement of reasonable costs up to \$150 for the cleanup of discharges from sinks, toilets, showers and other appliances that are confirmed to be the result of sewer cleaning operations. Residents will be required to execute a release of all claims document prior to processing payment.

### Background:

The District periodically utilizes high pressure water cleaning equipment to clean and scour District owned sanitary sewer mains. Occasionally this equipment causes a vacuum effect in the sewer main which, if not vented through properly functioning plumbing venting pipes, may result in minor discharges from sinks, toilets, showers or other appliances. In some cases, due to the grade and size of a sewer main and the necessity to use high pressure cleaning processes such discharges are unavoidable. In areas known to be subject to discharges the District makes its best efforts to notify residents prior to cleaning operations so they can implement measures to avoid discharges. However, advance notification is not always possible, and not all areas subject to discharges are known to the District.

As a courtesy and an accommodation to affected residents, the District will provide up to \$150 to reimburse customers for documented, reasonable costs associated with cleanup and/or repairs resulting from appliance discharges resulting from sewer cleaning operations. Reimbursement is subject to the customer executing a release of all claims form acceptable to the District. A copy of the standard release form is attached hereto as Exhibit 1. In addition, each customer submitting a claim to the District shall be provided a copy of the Notice Regarding Bathroom Appliance Discharge (Exhibit 2) prior to processing the claim.

Claims exceeding \$150 shall be submitted to the District's insurance carrier for processing and this policy shall not apply.

## EXHIBIT 1

### RELEASE OF ALL CLAIMS

For and in consideration of the receipt of \_\_\_\_\_ and NO/100 Dollars (\$ \_\_\_\_\_), the receipt of which is hereby acknowledged by, I/we, \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, Littleton, Colorado, \_\_\_\_\_, being of lawful age for myself/themselves, my/their insurers, heirs, administrators, executors, successors and assigns, hereby fully and forever release, acquit and discharge Southwest Metropolitan Water and Sanitation District, its officers, directors, employees, and assigns, from any and all claims, liability, actions, cause of action, demands, damages, costs, loss and expenses of whatsoever kind or nature which the undersigned now have or which I/we may have in the future, whether known or unknown, for personal injury, property damage and financial loss, and the consequences thereof, resulting from or in any way arising out of a bathroom appliance discharge which occurred on or about \_\_\_\_\_ at \_\_\_\_\_, Littleton, Colorado, \_\_\_\_\_.

It is understood and agreed that this settlement is the compromise of a disputed claim and that payment is not to be construed as an admission of liability on the part of the party or parties hereby released, and that said releasees deny liability therefore and intend merely to avoid litigation.

The undersigned further declares and represents that there may be unknown or unanticipated personal injury, property damage or other loss resulting from the above-stated incident, casualty or event, and in making this Release, it is understood and agreed that this Release is intended to include such damage or loss.

The undersigned further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned and that this Release contains the entire agreement between the parties hereto, that no insurance proceeds have been received by the undersigned for any damage, injury or loss sustained by reason of the above-referenced incident, casualty or event and that the terms of this Release are contractual and not a mere recital.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

## **Exhibit 2**

### **Notice Regarding Bathroom Appliance Discharge**

Southwest Metropolitan Water and Sanitation District periodically utilizes high pressure water cleaning equipment to clean and scour District owned sanitary sewer mains. Occasionally this equipment causes a vacuum effect in the sewer main which, if not vented through properly functioning plumbing ventilation pipes, may result in a minor discharge from sinks, toilets or bathtubs. As a courtesy and an accommodation to affected residents, the District will provide a payment of up to \$150 to assist in the cleanup of such discharges. In order to obtain the reimbursement payment you must first submit an itemized damage claim, sign an appropriate release (sample attached), and allow a District representative to inspect the damage.

Please understand that cleaning District owned sanitary sewer mains is necessary to prevent wastewater stoppages, backups, spills, and to protect public health and safety. District operations staff take great care to avoid impacts to customer plumbing systems during these cleaning operations, but cannot determine where a malfunctioning ventilation system may cause a discharge. In order to prevent future discharges, you are advised to inspect and confirm that your plumbing ventilation system is operating correctly.

If we can be of further assistance to you, please contact the Southwest Metropolitan District office at (303) 979-2333.



**SOUTHWEST METROPOLITAN WATER AND SANITATION DISTRICT**  
**ARAPAHOE, DOUGLAS AND JEFFERSON COUNTIES, COLORADO**

**RESOLUTION NO. 7-1-01**

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**A RESOLUTION RESTATING AND AMENDING THE  
DISTRICT'S WATER AND SEWER TAP FEE POLICY FOR  
THE FOOTHILL'S PARK AND RECREATION DISTRICT.**

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WHEREAS, by duly adopted Resolution dated April 23, 1982 the Board of Directors of the Southwest Metropolitan Water and Sanitation District ("Southwest") formally adopted a policy waiving payment by the Foothills Park and Recreation District ("Foothills") of water and sewer tap fees due from Foothills to Southwest for recreation facilities constructed within Southwest and connected to Southwest's water and/or sewer mains; and

WHEREAS, such policy was implemented by Southwest's Board of Directors in recognition of the fact that Southwest and Foothills share a substantial identity of taxpayers, and that Southwest would, over time, receive nonmonetary consideration equivalent to its tap fees for the issuance of water and sewer tap permits to Foothills because Foothills grants, and has historically granted to Southwest, water and sewer line easements over and across undeveloped Foothill Park property as requested by Southwest for the expansion and extension of its water and sewer collection systems; and

WHEREAS, this favorable reciprocal relationship between the two Districts has eliminated the unnecessary transfer of cash back and forth, has promoted cooperation, and has been in the best interests of the public health, welfare and safety of both Districts; and

WHEREAS, approximately 19 years have elapsed since the adoption of this policy and the circumstances and needs of the respective Districts have changed over the years; and

WHEREAS, Southwest's infrastructure is now substantially complete and its need for new additional water and sewer line easements is far less extensive than in prior years; and

WHEREAS, Foothills is now commencing development of much of its undeveloped parkland and has recently begun requesting a substantial number of water and sewer tap equivalents from Southwest to serve various recreational facilities; and

WHEREAS, Southwest would like to continue its cooperative effort and relationship with Foothills insofar as, but only insofar as, Southwest continues to receive fair and adequate nonmonetary consideration for the issuance of water and sewer tap permits for connection to Southwest's facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Southwest Metropolitan Water and Sanitation District, Counties of Arapahoe, Douglas and Jefferson, State of Colorado, that:

Section 1. The existing Southwest policy waiving payment of water and sewer tap fees for Foothills Park and Recreation District facilities that are constructed within Southwest and which connect to water and/or sewer line facilities of Southwest shall remain in full force and effect; provided, however, the policy shall be evaluated on a case by case basis each time the District receives a request from Foothills Park and Recreation District for a waiver of tap fees.

Section 2. In connection with each case by case evaluation, the Board of Directors will require the production of satisfactory evidence, as determined by Southwest's Board of Directors, that Southwest either has received, or in the future will receive, adequate consideration from Foothills for the issuance of the water and sewer taps, either in the form of water and sewer line easements or other nonmonetary consideration.

Section 3. Should Southwest's Board of Directors at any time decide to cancel this tap fee waiver policy, then Southwest shall immediately notify the Foothills Park and Recreation District of such decision.

Section 4. Nothing contained herein shall preclude or prevent the Southwest Board of Directors from suspending and/or terminating the tap fee waiver policy at any time Southwest's Board of Directors should determine that the policy is no longer in the best interests of Southwest and the inhabitants and taxpayers thereof.

THIS RESOLUTION IS APPROVED AND ADOPTED this 27<sup>th</sup> day of July, 2001.

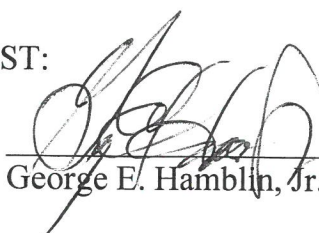
SOUTHWEST METROPOLITAN WATER  
AND SANITATION DISTRICT

By:

  
Anthony M. Dursey, President

ATTEST:

By:

  
George E. Hamblin, Jr., Secretary





# Southwest Metropolitan Water and Sanitation District

[www.swmetrowater.org](http://www.swmetrowater.org)

8739 W. Coal Mine Ave. • Littleton, Colorado 80123 • (303) 979-2333 • Fax (720) 726-5042

To: Board of Directors  
Southwest Metropolitan Water and Sanitation District

From: Patrick Fitzgerald  
District Manager

Date: April 16, 2018

Subject: District Policy Revisions

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Requested Action: 1) Approve revisions to the Policy for Responding to Bathroom Appliance Discharges Resulting from Sewer Cleaning Operations; 2) Rescind the Water and Sewer Tap Fee Policy for The Foothills Park and Recreation District

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1. In 2006, the Board of Directors established a policy for processing claims arising out of sewer cleaning operations. The policy provided that, as a courtesy to residents, the District would agree to offer a one-time payment of up to \$100 to compensate homeowners/resident for cleanup of drain-line discharges caused by routine sewer cleaning operations. Under certain conditions, sewer cleaning operations cause residential drains to discharge from toilets, showers, etc. At the time the policy was developed we believed the discharges were primarily caused by problems with plumbing vent systems at affected residences. Since then, we have found that certain sewer mains with minimal grade cause discharges at residences with properly functioning vent systems. The operations staff takes great care to avoid discharges, but adequate and effective sewer main cleaning prevents avoidance of discharges in certain locations. Thus, we are requesting a modification to the current policy to eliminate the one-time payment provision and offer compensation as many times as necessary. We are also requesting an increase in the amount of compensation from \$100 to \$150 per occurrence. Requests for reimbursement over \$150 will continue to be submitted to the District's insurance carrier for evaluation.

A copy of the proposed revised policy is attached hereto as Attachment 1.

2. In 2001, the Board of Directors adopted Resolution No. 7-1-01 restating and amending the District's Water and Sewer Tap Fee Policy for the Foothills Park and Recreation District. The amended policy provides that Southwest Metropolitan waive water and sewer tap fees for Foothills facilities upon a determination that Southwest will receive adequate compensation from Foothills in the form of water and sewer easements on Foothills properties, or other non-monetary consideration. At the time the initial policy and the amended policy were

approved, Foothills faced financial difficulties that prevented the District from paying for water and sewer taps. It was also assumed by Southwest that future growth would result in the need for easements across Foothills properties. Foothills has since largely cured its financial problems, and it is no longer believed that Southwest will require future easements from Foothills. Thus, District staff is recommending that the 2001 policy be cancelled in accordance with Section 3 of the attached Resolution 7-1-01.