

SUPPLEMENTAL
SEWER SERVICE AGREEMENT

WHEREAS, the Orchard Mesa Sanitation District ("District") is a special district organized and existing under the laws of the State of Colorado, and providing a sewage system to certain lands within the County of Mesa ("County") State of Colorado, and within the Persigo Wastewater Treatment Plant 201 Service Area; and

WHEREAS, the collection and treatment of sewage from the District by the City of Grand Junction ("City") as Manager/Operator of the regional wastewater system for the Persigo service area is provided for by Agreement dated November 19, 1975, and as supplemented by Agreement dated September 3, 1980; and

WHEREAS, the District has on April 3, 1984 adopted a Resolution numbered 1 approving, adopting and incorporating the Industrial Pretreatment Ordinance passed by the Grand Junction City Council on January 4, 1984; and

WHEREAS, said Resolution provides for delegation to the City of administrative and enforcement power concerning the District's pretreatment program;

NOW, THEREFORE, IT IS MUTUALLY AGREED:

1. Delegation of Pretreatment Powers. The District hereby delegates to the City, and the City hereby accepts administrative, managerial and enforcement authority concerning the District pretreatment program as applied to industrial users of the City's and County's regional wastewater system. The City will act as the District's agent in pretreatment matters to the extent necessary to allow direct regulatory and health-related control by the City over industrial users within the District.

2. Intent of the District. It is the intent of the Board of Directors of the District to authorize the City to act as its agent in pretreatment matters so as to enable the City and County to comply with all federal and state grant and discharge permit requirements applicable to the City and the Persigo 201 Service Area.

3. Intent of the City. It is the intent of the City Council to exercise this authority on behalf of the District, other connector districts, the County and all users of the regional wastewater system so as to cooperatively administer a uniform and non-discriminatory pretreatment program encompassing the entire Persigo 201 Service Area consistent with all state and federal requirements.

4. Hold Harmless. The City hereby holds the District harmless from any and all liability whatsoever which may result either directly or indirectly from the City's acts or omissions arising from or related to the administrative, managerial or enforcement authority concerning the District's pretreatment program which is delegated herein.

5. Term of Contract. The term of this Agreement shall extend for thirty years, or until underlying sewer service agreements are terminated, whichever occurs sooner.

6. Repealer. All prior acts, orders, resolutions, ordinances, agreements or parts thereof, of the Board of Directors of the District or the City Council in conflict with this Supplemental Sewer Service Agreement are hereby repealed, except that this repealer shall not be construed to revive any such act, order, resolution or part thereof heretofore repealed.

7. Effective Upon Passage. This Supplemental Sewer Service Agreement shall take effect immediately upon its adoption.

ADOPTED AND APPROVED this 3rd day of April,
1984.

ORCHARD MESA SANITATION DISTRICT

By: /s/ Kenneth O. Snyder

(DISTRICT)
(SEAL)

ATTEST:

Name Kenneth O. Snyder
President, Board of Directors

[Signature]
Secretary, Board of Directors

ADOPTED AND APPROVED this 18 day of April, 1984.

(CITY)
(SEAL)
ATTEST:

CITY OF GRAND JUNCTION, CO

By /s/ [Signature]

Name [Signature]
President of the Council

Deputy Theresa J. Mering
City Clerk