

SUPPLEMENTAL AGREEMENT

WHEREAS, Orchard Mesa Sanitation District (the "District") is a special district organized and existing under the laws of the State of Colorado, and providing a sewage system to certain lands located within the County of Mesa (the "County"), State of Colorado; and

WHEREAS, the treatment of sewage from the District is provided for under an Agreement dated November 19, 1975, by and between the City of Grand Junction (the "City") and the District (the "Agreement"); and

WHEREAS, the District has, on April 1, 1980, adopted a resolution approving and accepting certain Joint Ordinances<sup>-1873</sup> and Resolutions by and between the City and the County as they relate<sup>1874</sup> to the treatment of sewage; <sup>MCM 30-49</sup>  
<sup>20-50</sup>

NOW, THEREFORE, IT IS MUTUALLY AGREED:

1. Adoption of Sewer Rates. Those rates, as they are now or may hereafter be changed or modified, pursuant to the Joint Ordinances and Resolutions and the Joint Sewage Service Agreement, by and between the City and the County, adopted May 1, 1980, which are established for treatment of sewage within the City, are hereby adopted and shall apply in like manner to charges collected by the City for treatment of the sewage of the District, provided that nothing herein shall prevent the District from directing the City to collect any additional charges, rates, fees, or tolls of the District, as the District may determine.

2. Extension of Contract. The term of the Agreement is hereby extended so that the Agreement will remain in effect for the longer of the period of the present term of the Agreement, or a period of 30 years from the date hereof.

3. Intent of the District. It is the intent of the Board of Directors of the District, because the District provides a sewage system to lands located within the Grand Junction/Mesa County 201 Planning Area, to adopt those rates, tolls, fees and charges which are established to comply with Environmental Protection Agency (EPA)

requirements as to fair and equitable charges, and the EPA or any holder or holders of Mesa County, Colorado, Sewer Improvement Revenue Bonds, Series 1980A, or Mesa County, Colorado, Sewer Refunding Revenue Bonds, Series 1980B (together, the "Bonds"), may rely hereon as to that intent. Nothing herein is to be construed as a pledge of the credit of the District for payment of the Bonds.

4. Ratification, Approval and Confirmation. All action not inconsistent with the provisions of this Supplemental Agreement heretofore taken by the Board of Directors of the District or its officers and employees, or by the City Council or its officers or employees, directed toward adopting the rates established to comply with EPA requirements or extending the term of the Agreement, is hereby ratified, approved and confirmed.

5. 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 Agreement are hereby repealed, except that this repealer shall not be construed to revive any such act, order, resolution, or part thereof heretofore repealed.

6. Effective Upon Passage. This Supplemental Agreement shall take effect immediately upon its adoption.

ADOPTED AND APPROVED this 5th day of August, 1980.

DISTRICT

Kenneth C. Snyder  
President  
Board of Directors

(DISTRICT)  
( SEAL )

ATTEST

Richard H. Gault  
Secretary  
Board of Directors

ADOPTED AND APPROVED this 3 day of September, 1980.

CITY OF GRAND JUNCTION

James H. Quinlan  
Mayor

(SEAL)

James B. [unclear]  
City Clerk

RESOLUTION

OF CONCURRENCE IN REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE WATER QUALITY CONTROL COMMISSION AS TO SEWAGE TO BE TREATED BY THE PROPOSED COUNTY OF MESA WASTEWATER TREATMENT PLANT.

WHEREAS, ORCHARD MESA SANITATION DISTRICT

is a special district providing a sewerage system in a portion of the County of Mesa, Colorado; and

WHEREAS, the treatment of sewage from the system is now provided by the plant owned and operated by the City of Grand Junction and will be treated by the plant to be owned by the County of Mesa and operated under an agreement with the City of Grand Junction; and

WHEREAS, as one of the conditions of the providing of grant monies for construction of interceptors and the plant, the United States Government has required that certain matters relating to sewage and its disposal be agreed to by all to be involved in the new plant; and

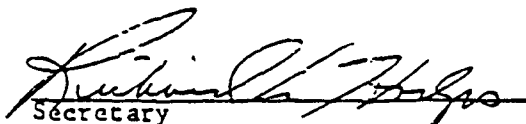
WHEREAS, there have been submitted to the District, Joint Resolutions and Ordinances, marked as Exhibits A and B and included herein by this reference, embodying, among other matters, those requirements which must be agreed to and observed by the District in the operation of its sewerage system and the collection and billing for sewage treatment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ORCHARD MESA SANITATION DISTRICT :

1. Those portions of Exhibits A and B which relate to the treatment of sewage are accepted, approved and will be observed by the Board in the operation of the system within the District.
2. Except as the Board of the District may otherwise contract, the District will retain its autonomy over the District and its sewerage system.

PASSED and ADOPTED this 1st day of April, 1980.

Attest:

  
Secretary

  
President of the Board

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 30<sup>th</sup> day of April,  
1984.

ORCHARD MESA SANITATION DISTRICT

By: /s/ Kenneth O Snyder

(DISTRICT)  
(SEAL)

*[Handwritten signature]*  
Secretary, Board of Directors

ATTEST:

Name Kenneth O Snyder  
President, Board of Directors

ADOPTED AND APPROVED this 11 day of April, 1984.

(CITY)  
(SEAL)  
ATTEST:

CITY OF GRAND JUNCTION, CO

By /s/

Name [Handwritten signature]  
President of the Council

[Handwritten signature]  
City Clerk

RESOLUTION NO. 1

A RESOLUTION OF THE ORCHARD MESA SANITATION DISTRICT ESTABLISHING AN INDUSTRIAL PRETREATMENT PROGRAM BY CONCURRENCE IN AND ADOPTION OF THE CITY OF GRAND JUNCTION'S PROGRAM, AND PROVIDING FOR DELEGATION OF PROGRAM ADMINISTRATION AND ENFORCEMENT AUTHORITY TO THE CITY IN ORDER TO COMPLY WITH APPLICABLE FEDERAL AND STATE WATER QUALITY REQUIREMENTS.

WHEREAS, Orchard Mesa Sanitation District is a special district providing a sewerage system in a portion of the County of Mesa, Colorado; and

WHEREAS, the transmission and treatment of sewage from the District is provided by the City of Grand Junction as Manager/Operator of the City's and County's regional wastewater treatment system; and

WHEREAS, Clean Water Act grant requirements and state NPDES discharge permit conditions require the wastewater plant owners and managers to possess and exercise direct physical and legally enforceable control over industrial users concerning pretreatment of industrial wastes; and

WHEREAS, in order to accomplish this goal each connecting special Sanitation District within the Persigo 201 Service Area must adopt uniform pretreatment program and contractually authorize the Plant Manager/Operator to enforce that program on the District's behalf; and

WHEREAS, the City has submitted to the District a copy of its Ordinance adopting a pretreatment program, marked as Exhibit A and incorporated herein by reference, and has requested the District to concur in, approve and adopt that program or one parallel to it, and to delegate program authority to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ORCHARD MESA SANITATION DISTRICT:

1. The District Board of Directors, having fully examined said City Ordinance, and having considered the federal and state pretreatment requirements imposed on the treatment plant

Manager/Operator does hereby concur in, approve and adopt the City of Grand Junction's Industrial Pretreatment Ordinance found in Article X of Chapter 25 of the City Code of Ordinances, as it appears in Exhibit A. Said ordinance shall hereupon be effective as the District rules and regulations concerning industrial pretreatment. Penalties, fines and remedies for violation of any of the District's pretreatment rules and regulations shall be as provided for in Exhibit A.

2. This Resolution is contingent upon the City agreeing to hold 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.

3. Except as the Board of the District may otherwise contract, the District shall retain all jurisdiction and autonomy over the District and its collection system.

PASSED and ADOPTED this 3rd day of April, 1984.

ORCHARD MESA SANITATION DISTRICT

By: /s/ Kenneth H. Inglin  
Name \_\_\_\_\_

President of the Board

(DISTRICT)  
(SEAL)

ATTEST:

[Signature]  
Secretary