

METROPOLITAN SEWER SUBDISTRICT RESTRICTED ACCESS COLLECTION SYSTEM POLICY

The Commissioners of Metropolitan Sewer Subdistrict ("Metropolitan") have determined that it is necessary and desirable to adopt a formal policy regarding the ownership and operation of Restricted Access Collection System.

Definitions: For purposes of this policy, the following definitions apply:

"Restricted Property Site" shall mean any property site that is subject to access restrictions by the property owner and/or tenant in possession, without provision for Metropolitan to have continuous and unrestricted access that is necessary for the operation and maintenance of all Collection Systems owned by Metropolitan and in compliance with regulatory requirements.

"Restricted Access Collection System" shall mean (i) any collection system (including, but not limited to, force mains, pump stations, gravity sewer lines which are a minimum of 8-inches in diameter, manholes and laterals) serving a Restricted Property Site or (ii) any collection system located upstream of pretreatment facilities.

Policy Purpose: Due to various operational and security requirements imposed by owners and tenants of Restricted Property Sites which restrict access and also violate established rights of way and/or easements in favor of Metropolitan, the ability of Metropolitan to operate and maintain its sanitary sewer collection system (the "Metropolitan System") located on or within a Restricted Property Site is adversely impacted. As result of these limitations, Metropolitan is adopting the following Restricted Access Collection System policy to provide a framework for Metropolitan to prevent and resolve service and maintenance problems created by limited access to Restricted Access Collection System.

Section 1. In the event that any portion of the Metropolitan System is located on or within a Restricted Property Site or is otherwise deemed to be a Restricted Access Collection System by the Metropolitan staff, Metropolitan shall convey such Restricted Access Collection System, in its current existing condition to the legal owner of the Restricted Property Site by and through a quit claim deed. Upon such conveyance, all rights and obligations relating to the collection of sanitary sewer on or within the Restricted Property Site and the Restricted Access Collection System shall be the responsibility of the owner of the Restricted Property Site.

Section 2. Provided that the use and operation of the Restricted Access Collection System conveyed to an owner pursuant to this policy fully comply with all Metropolitan rules and regulations and state and federal environmental law, Metropolitan shall continue to collect the sanitary sewer from the Restricted Access Collection System at a location outside of the Restricted Property Site.

Section 3. In the event that an owner of a Restricted Property Site refuses to accept ownership of the Restricted Access Collection System and does not otherwise provide Metropolitan with complete and continuous access over and upon the Restricted Property Site in accordance with the established right of way and/or easement applicable to the Restricted Access

Collection System, Metropolitan shall have the right to take any and all legal action available to Metropolitan. Said legal action will likely include the commencement of legal proceedings for damages incurred for violating the lawful access rights granted to Metropolitan under any right of way and/or easement applicable to the Restricted Access Collection System, including, but not limited to, damages to the Metropolitan System, relocation costs and expenses, costs of obtaining new rights of ways, collection costs and attorney fees.

[END OF POLICY]

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