

SECOND AMENDED AND RESTATED RULES
AND REGULATIONS FOR EAST RIVER
REGIONAL SANITATION DISTRICT
GUNNISON COUNTY, COLORADO
EFFECTIVE
May 1, 2017

**EAST RIVER REGIONAL SANITATION DISTRICT
RULES AND REGULATIONS
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SECTION 1

INTRODUCTION

1.1 **SCOPE.** These Rules and Regulations shall govern the operation and functions of the East River Regional Sanitation District, and shall be liberally construed to effect the powers granted to the District and its Board of Directors by the Colorado Special District Act or other laws.

1.2 **PURPOSE.** It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public need and convenience and are necessary to insure and protect the health, safety, prosperity, security, and general welfare of the residents of the District. The purpose of these Rules and Regulations is to regulate the relationships between the District and its customers and to provide for the control, management and operation of the sewage transportation and treatment facilities of the District, as the same may be hereafter expanded or modified, and sewage service and collection facilities owned by others which contribute sewage to the District's facilities.

1.3 **DEFINITIONS.** Except as provided below, the words used within these Rules and Regulations shall have their ordinary and common meaning. Other terms used herein shall have those definitions as set forth below:

1.3.1 "Inclusion Application Fee" shall mean the payment of a fee by an applicant in advance of inclusion of territory into the District's boundaries as set forth in Section 5, for administrative costs associated with the District's review and processing of such application for inclusion.

1.3.2 "Board" and "Board of Directors" shall mean the governing body of the East River Regional Sanitation District.

1.3.3 "Collection Lines" shall mean the Wastewater Lines defined in Section 2.10.2.

1.3.4 "Collection Line" shall mean the pipe, line, conduit and appurtenances used to convey Wastewater from a customer's service line to the District's facilities, not owned or maintained by the District.

1.3.5 "Contractor" shall mean any person, firm or corporation performing work and furnishing materials therefor within the District.

1.3.6 "Customer" shall mean any person, partnership, company, corporation, public entity, authority, or agency, or their lessees or tenants, supplied with Wastewater service by the District, either directly or indirectly through collection facilities owned by others.

1.3.7 "Customer's Wastewater Service Line" or "Service Line" shall

mean the lines defined in Section 2.10.1.

1.3.8 “District” shall mean the East River Regional Sanitation District.

1.3.9 “District Engineer” shall mean the Colorado Registered Engineer appointed by the District to review and observe new construction, or to advise the District on technical matters.

1.3.10 “District Manager” or “Manager” shall be the person appointed by the Board to manage the District and enforce the District’s Rules and Regulations.

1.3.11 “Inclusion Fee” shall mean the payment of a fee by an applicant for inclusion of territory into the District’s boundaries as set forth in Section 5, for the applicant’s proportionate defrayment of costs associated with existing capital improvements, infrastructure and assets of the District, and for any necessary expansion of the District’s Wastewater System by the District needed to serve territory within its boundaries.

1.3.12 “Licensed Plumber” or “Pipe Layer” shall mean a person who has been approved to work in the District and is properly licensed by the State of Colorado.

1.3.13 “Permit” shall mean written permission of the District to connect to a Wastewater main or collection line within the District pursuant to these Rules and Regulations.

1.3.14 “Person” shall mean any individual, partnership, limited liability company, association, society, corporation, or public entity.

1.3.15 “Public Entity” shall be any state or local government or subdivision or agency.

1.3.16 “Sampling” shall mean the periodic collection of Wastewater or water samples for analysis.

1.3.17 “Wastewater System” shall mean all facilities owned by the District and used for transporting, pumping, treating and disposition of Wastewater.

1.3.18 “Wastewater” shall mean any liquid, including organic or inorganic material in suspension or solution originating from residential, commercial or industrial buildings and entering into the Wastewater System.

1.3.19 “Wastewater Treatment Works” shall mean those devices, facilities or locations to which Wastewater is conveyed by wastewater mains for

the purpose of reducing the pollution content.

1.3.20 “Wastewater Main” shall mean any pipe, system of piping and appurtenances used as a conduit for Wastewater, owned by the District, excluding wastewater service lines.

1.3.21 “Tap” shall mean the connection of a Service Line from customer’s property to a Collection Line, or Wastewater Main connecting to the District’s Wastewater System, either directly or indirectly through collection lines owned by other organizations.

1.3.22 “Testing” shall mean the analysis of samples of Wastewater.

1.3.23 “Tap Fee” shall mean the payment of a fee by a customer to directly or indirectly connect to the District’s Wastewater System. It shall not include any fees charged by other improvement districts or homeowners’ associations for their collection systems which may connect a customer to the District’s Wastewater System. It shall also not include the waste water service charge provided for in Section 4 and authorized by the applicable adopted District resolution for the imposition of such charge, nor shall it include costs associated with inclusion of territory into the District provided for in Section 5.

1.3.24 “Unit” shall mean one parcel of real property used as a living unit in single or joint ownership.

1.3.25 ANY OTHER TERM not herein defined shall be defined as presented in the “GLOSSARY - Water and Sewage Control Engineering” American Public Health Association, American Society of Civil Engineers, and Water Pollution Control Federation, latest edition.

SECTION 2

WASTEWATER SYSTEM - CONDITIONS OF USE

2.1 **POLICY**. The District is responsible for provision of wastewater treatment services for residents within the District, and for residents in other areas subject to service agreements with the District, subject to the capacity of its system and its financial resources to expand its system from time to time to meet build-out demand within the District. Since the District has been formed with the intention to serve as a regional District, it will accept petitions for inclusion of areas contiguous to the present limits of the District or contracts for providing service outside the limits of the District, but subject to its obligations to provide adequate service within the present limits of the District for the anticipated build- out therein, and subject to such terms and conditions as the District may deem appropriate to assure the integrity of its systems and properties and to assure a proper financial basis for continuation of service to its Customers in the future. Provision of service shall be in accordance with federal and state laws and regulations, and in a sound and economical manner in accordance

with these Rules and Regulations, as the same may be amended from time to time. Services provided by the District are limited to transportation, treatment and disposal of Sewage, using the District's facilities as presently located. Collection, transportation and delivery of Sewage to the District's lines and the facilities required therefor are the responsibility of the Customers, or special improvement districts or associations formed for those purposes. In order to assure the integrity of its services and properties the District has enacted these Rules and Regulations which shall control its relationships with its customers.

2.2 LIABILITY The District shall assume no liability and no claim for damage shall be made against the District by reason of the following: Any interruption or deficiency in service resulting from blockage, breakage or other problems occurring in any wastewater facilities not owned by the District. Blockage in the Wastewater System causing the backup of Wastewater. Damage caused by "smoking" of lines to determine drainage connections to District lines. Breakage of Wastewater Mains by District personnel; interruption of wastewater service and the conditions resulting therefrom where said interruption of service is brought about by request of a claimant, or by circumstances beyond the District's control.

2.3 WASTEWATER SERVICE. Wastewater service will be furnished by the District in the manner provided for by these Rules and Regulations, and anyone receiving such service shall be deemed to have read, understood and agreed to be governed by these Rules and Regulations.

2.4 TERMINATION OF SERVICE. Wastewater service may be terminated by the District for any violation of these Rules and Regulations or upon non-payment of fees and charges owing to the District. In the event of a violation of these Rules and Regulations (including non-payment of fees), the Customer shall be given ten (10) days' notice of a hearing to terminate service by registered or certified mail. Service of said notice shall be deemed complete upon mailing to the last known address of the customer. Said hearing shall be held by the District at a regular or special meeting of the Board, at which time the Customer shall have the opportunity to present testimony and evidence to the Board. Following said hearing, the Board's decision shall be final, and in the event such decision is to terminate wastewater service, service to the Customer's property shall be terminated by blocking or disconnecting the appropriate lines, either public or private, serving the property. Discontinuation of service fees shall be charged as provided in Section 4.8. In addition to the forgoing, the District, at any time it determines that emergency conditions exist which threaten the integrity of its sewage transportation or treatment facilities or adversely affect its ability to meet local, state or federal water purity standards, or which threaten damage to its facilities, may shut off service to any of its Customers, without prior notice thereof and without hearing, until such time as the District may determine the emergency conditions to have been corrected. In the case of termination or emergency shut-off of service, the Customer causing this action shall reimburse the District for its costs incurred in such action, in addition to any other fees or charges which may result from such occurrence, and service shall not be restored to the Customer until the District receives payment.

2.5 RESPONSIBILITY FOR SERVICE AND COLLECTION LINES. The District shall not have any responsibility for operation, maintenance or replacement of wastewater service or collection lines owned by others. Each Customer or his association or special district shall be responsible for all such facilities.

2.6 WATER CONSERVATION REQUIRED. No person shall discharge, or cause to be discharged, any bleeding water flow. Customer shall prevent unnecessary waste of water, and shall keep all water outlets closed when not in actual use. Hydrants, outside water faucets, urinals, water closets, bathtubs and other fixtures shall not be left running for any purpose other than that for which they are intended. Prior to the connection of any new service, or during construction of any new structure within the District, the Customer is encouraged to install, at the Customer's expense, water conserving toilets acceptable to the District. The Customer is encouraged to install showerheads and faucets which are designed to conserve water by regulation of water flow.

2.7 PROTECTION FROM DAMAGE. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, equipment or appurtenance which is part of the District's Wastewater System. Any person violating this section is subject to criminal prosecution pursuant to state law, and upon conviction shall be subject to fines and/or imprisonment as established by the court for each violation, and shall become liable to the District for any expense, loss or damage occasioned by reason of such violation.

2.8 SYSTEM INTEGRITY AND INFILTRATION.

2.8.1 All surface water drainage must be disposed of in a manner which will not affect the operation of the District's Wastewater System. The District's Wastewater System has not been designed to take on any surface drainage; therefore, stormwater, groundwater, roof runoff, subsurface drainage, and uncontaminated cooling water are prohibited from being introduced into the District's Wastewater System. No public or private swimming pool shall be connected to the District's Wastewater System, unless authorized on a case by case basis.

2.8.2 No person shall discharge, or cause to be discharged, into any District facilities, either directly or indirectly, any wastewater or any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment or personnel of the District, or interference with the proper operation of the Wastewater System.

2.8.3 Without limiting the general prohibition set forth in Section 3.2.2, no person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the District's system, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

c. Any waters or wastes having a PH lower than (5.5) or higher than a (9.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the District.

d. Solid or viscous substances in quantities or size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any waters containing any toxic metals such as lead, mercury, selenium, or the like.

2.8.4 The following described substances, materials, waters, or waste shall be limited in discharges to District systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The District Manager may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the District Manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, construction materials of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the District Manager are as follows:

a. Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).

b. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or produce of mineral oil origin.

c. Wastewater from industrial use containing floatable oils, fat, or grease.

d. Any food waste that has not been properly shredded. Food waste grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where food waste originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

e. Any wastewater or wastes containing non-toxic metals, such as iron, chromium, copper, zinc and/or other objectionable substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the District Manager for such materials.

f. Any wastewater or wastes containing odor-producing substances exceeding limits which may be established by the District Manager.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District Manager in compliance with applicable state or federal regulation, or as may be set forth in the future by the District's engineer.

h. Quantities of flow or concentrations which adversely affect the performance of the District's Wastewater System, or the District's treatment works.

i. Wastewater or wastes containing substances which are not amenable to treatment or reduction by industry standard sewage treatment processes employed.

j. Any wastewater or wastes which, by interaction with other wastewater or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

k. Groundwater or surface water infiltrating the Wastewater System due to leaks in the service lines or Collection Lines, or otherwise.

2.8.5 If any wastewater or wastes are discharged, or are proposed to be discharged to the District's sewers, which waters contain the substances or possess the characteristics enumerated in this Section, and which in the judgment of the District Manager, may have a deleterious effect upon the wastewater

facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District Manager may:

- a. Reject the wastes, and in connection therewith, use whatever cutoff devices may be necessary or appropriate to protect District facilities and personnel from harm;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of these Rules and Regulations.

When considering the alternatives the District Manager shall give consideration to the economic impact of each alternative on the discharger. If the District Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District Manager.

2.8.6 The District Manager may require a user of wastewater services to provide information needed to determine compliance with this ordinance. These requirements may include:

- a. Wastewaters discharge peak rate and volume over a specified time period.
- b. Chemical analyses of wastewater.
- c. Information on raw materials, processes, and products affecting wastewater volume and quality.
- d. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- e. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

2.8.7 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be

determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the District Manager.

2.9 TRANSFER OF PROPERTIES. The District assumes no responsibility to persons acquiring interests in Lots served by the District. It shall be the responsibility of such persons to ascertain whether tap fees and other charges have been paid by the grantor and no Lot subject to lien for fees and charges of the District shall be relieved therefrom by reason of conveyance or encumbrance of part or all of such Lot to another. **Regardless of ownership, or of failure of the District to collect tap fees or other charges at the time of the issuance of permits, or any other act or omission of the District, unpaid tap fees and other charges shall constitute a first and perpetual lien which may be foreclosed as is provided by law for mechanics liens.**

2.10 RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE AND OPERATION COSTS.

2.10.1 Construction, operation and maintenance of wastewater line and appurtenances within the District involves the following areas of responsibility:

a. All Service Lines and facilities lying within the Customer’s property, are owned by the Customer. The Customer has sole responsibility for construction, operation and maintenance of such lines and appurtenances.

b. All Collection Lines and facilities, lying between the Customer’s property and the Sewer Mains, including the Wastewater Mains typically lying in a street, will be the property of another district or homeowners’ association, which shall have responsibility for the construction, operation and maintenance of those lines and facilities. Arrangements and responsibilities for these lines and facilities will be a matter for agreement between the Customer and the other district or homeowners’ association owning such. In the case of a direct connection from the Customer to the District’s Wastewater Main, the Customer will be responsible for payment of construction of such lines and facilities.

c. The Wastewater Main and Wastewater Treatment Works owned by the District and lying within its property and easements are the sole responsibility of the District.

2.10.2 All Wastewater Facilities within the District, whether owned, operated and maintained by customers, their homeowner’s association, or others, shall be constructed in accordance with these Rules and Regulations in order

to assure the functionality of the District's Wastewater System.

2.11 DISTRICT AUTHORIZATION NOT TRANSFERABLE. No person authorized by the District to perform work within the District may permit his authorization to be used by persons not so authorized. However, plumbing work contracted for by an approved licensed plumber may be performed by him through journeymen plumbers or apprentices, under his direct supervision. Work performed through journeymen plumbers or apprentices shall not relieve the licensed plumber from any responsibility.

2.12 REVOCATION OF AUTHORIZATION. The violation of any of these Rules and Regulations, or the District's installation specifications, shall constitute sufficient grounds for revocation of the authorization of the person found guilty of any such violation.

2.13 RIGHT OF ENTRY. Whenever necessary to make an inspection, to enforce these Rules and Regulations, or whenever there is reasonable cause to believe there exists in any building or upon any premises within the jurisdiction of the District, a violation of any Rule or Regulation, any authorized official of the District may, upon presentation of proper credentials, enter such building or premises at any and all reasonable times to inspect the same or to perform any duty imposed upon him by these Rules and Regulations; provided that, except in emergency situations, he shall give the occupant, or the owner if there is no occupant, if such person can be reasonably located, twenty-four (24) hours written notice of the authorized official's intention to so inspect. In the event the occupant, or the owner if there is no occupant, refuses entry, said official is empowered to seek assistance from any Court of competent jurisdiction in obtaining such entry.

SECTION 3

CONNECTION TO WASTEWATER SYSTEM

3.1 CONNECTION TO WASTEWATER SYSTEM REQUIRED. All buildings or structures constructed or existing within the District which require wastewater service for domestic or commercial use shall connect to the District's Wastewater System before occupancy. Septic tanks with leach fields, or other individual treatment and disposal systems, are prohibited, without the express written consent of the District.

3.2 APPLICATION FOR CONNECTION AND SERVICE.

3.2.1 Applications for connection to the District's facilities either directly or indirectly through collection facilities owned by others, and for wastewater service must be filed with the District, on the District's standard forms, and be accompanied by appropriate plans and specifications or other materials as specified by the District, together with payment of all applicable

fees and charges, prior to action by the District. Customers, Developers and others who wish to connect sewer collection systems to District lines must complete the application process and obtain Service or District Approval, prior to institution of Service. The application process may include an application for Inclusion as detailed in Section 5.

3.2.2 Situations may arise where the owner of property located within the boundaries of the District, but not previously served, submits an application for connection to the District's facilities. In such case, prior to approving the application for connection, the District shall consider all factors related to its current and future capacity to serve the property, the impacts that such connection and service may have on the District's existing Wastewater System, the need for additional infrastructure to provide the requested service, the financial costs related to such service, the burdens placed on existing Customers or any other factors deemed relevant by the District. The District may require that, prior to approving the requested connection and service, the property owner satisfy certain conditions, including but not limited to, proportionately defraying the cost of existing capital improvements, infrastructure and assets of the District and any necessary expansion of the District's Wastewater System needed to serve such property. The determination of the District to serve such property, despite its location within the boundaries of the District, shall be contingent upon the District's capacity to provide service to the subject property and the property owner's compliance with the obligations established by the District in accordance with this Section.

3.2.3 Application for connection and wastewater service shall be acted upon by said Board or its appointed designee within a reasonable time from the date of receipt of the completed application. If approval is denied by the District Manager, the Applicant shall have the right to appeal the decision of the District Manager to the District Board, and be heard thereon at the District Board's next regular meeting. The District Board's decision shall be final.

3.2.4 The District may deny an application for service on any of the following grounds:

- a. For misrepresentations in the application concerning the property and fixtures contained therein, or as to the use of District service; or
- b. An unresolved obligation between the District and the applicant; or
- c. Inadequate treatment or transportation line capacity for the service requested; or
- d. Any violations of these Rules & Regulations; or

e. That approval of the application would create an unreasonable risk to the health, safety or welfare of the residents within the District; or

f. Such other reasons as determined by the District.

3.2.5 The District may revoke any application previously granted, before service has been provided. District approval of an application for sewer may permit the applicant to delay in connecting or using the service, provided the applicant includes as part of the application a request for a grace period prior to effectiveness of approval.

3.3 TAP AND CONSTRUCTION REQUIREMENTS.

3.3.1 No person shall obtain a building permit from Gunnison County public officials for any structure requiring sewage service, unless such person first receives District approval to such person's application, as required by Section 3.2 hereof and a tap permit is issued by the District to such person. No unauthorized person shall uncover, make any connection with, make any opening into, use, make alteration to, or disturb any District Wastewater Main or appurtenances of the District except as herein provided. All physical tappings of District lines shall be performed by a contractor or other person approved by the District for that purpose. No tap of a District line or any other line connecting to a District line shall be made unless prior issuance of a District permit. No permit shall be issued to any prospective customer until the District receives payment of all tap fees and charges. It shall be the customer's responsibility to familiarize himself with the Rules and Regulations of the District to ensure that service lines and work relating thereto is performed in accordance with these Rules and Regulations.

3.3.2 No permit shall be issued for connection to a District line until the installing contractor has filed with the District proof of the following minimum insurance coverage: \$500,000.00/\$500,000.00 personal liability, \$50,000.00 property damage, and appropriate Workman's Compensation coverage, all of which policies shall name the District as an additional insured.

3.3.3 No permit shall be issued for connection to a District line until the installing contractor shall first have filed its written plan of construction setting forth the beginning and ending construction dates, construction plan and specifications, detailing exact location of tap and methods of construction and material description, and a plan of traffic control and public safety protection.

3.4 INSPECTION OF CONSTRUCTION.

3.4.1 The District reserves the right to inspect construction of all water and wastewater lines within the District, including all Service Lines and

Distribution Lines, and Collection Lines, and all connections to Distribution Lines, Collection Lines, and Mains, in order to assure that such construction and connections conform to these Rules and Regulations. The connection and service permits issued by the District will advise the applicant of the District's intentions with respect to inspection.

3.4.2 The Customer or his or her Contractor or Licensed Plumber or Pipe-Layer shall call the Manager for an open ditch inspection of all such construction or connections. If the District fails to conduct such inspection within two full business days following the day of such call, then construction and ditch fill may proceed without further delay or notice.

3.4.3 In the event that the District determines that any construction or connection is substandard, it shall provide notice thereof to the Contractor or Licensed Plumber or Pipe-Layer at the site (either by personal delivery or by posting) and no further work or fill shall be undertaken until the deficiencies are remedied or the matter is otherwise resolved by agreement between the District and the Customer.

3.4.4 If the construction involves the placement of Distribution Lines or Collection Lines, or connection directly to a Main, then the District may mandate such special inspection procedures as it deems necessary for the protection of its systems as a condition to and part of its approval of the Customer's application under Paragraph 3.2.

3.4.5 Inspections of Service Line construction shall not result in any fee payable by the Customer. Inspection of other construction or connections to Mains may result in fees based upon the District's costs thereof; in such cases the method of computing such fees shall be a part of the District's approval of the Customer's application, and payment of such fee shall be a condition to the District's approval of said application under Paragraph 3.2.

3.5 SERVICE AND COLLECTION LINE SIZING. In order to adequately serve the building or structure, wastewater service lines must be properly sized. A four (4) inch diameter wastewater service line is the smallest size line acceptable for use within the District. Four inch service lines are only acceptable for serving one single family residence with a caretaker's apartment, providing the total length of the service line, from the Wastewater Main to the building or structure, does not exceed 250 feet. Where the maximum distance of 250 feet is exceeded, six (6) inch diameter pipe must be used. The following table has been provided to serve as a guide in the selection of the proper service line size.

TYPE OF SERVICE	MINIMUM INSIDE DIAMETER OF PIPE
Single Family Unit w/Caretaker's Apartment (Total - Length Less than 250 feet)	4 Inches
Single Family Unit w/Caretaker's Apartment (Total Length Greater than 250 feet)	6 Inches
Duplex Unit w/Two Primary Dwelling Units (Total Length Less than 250 feet)	6 Inches
Duplex Unit w/Two Primary Dwelling Units (Total Length Greater than 250 feet)	8 Inches
Two - Single Family Units w/Caretaker's Apartments (Total Length Less than 250 feet)	6 Inches
Two - Single Family Units w/Caretaker's Apartments (Total Length Greater than 250 feet)	8 Inches
Apartment or Condominium Structure with Two Primary Dwelling Units (Total Length Less than 250 feet)	6 Inches
Apartment or Condominium Structure with more than two Primary Dwelling Units	8 Inches
All Collection Lines	Equal to largest service line connection, minimum 6 inches

****NOTE:** Commercial establishments shall be considered on a case by case basis.

3.6 SERVICE AND COLLECTION LINE MATERIALS. All service and collection lines shall consist of Polyvinyl Chloride (PVC) plastic pipe of the appropriate size with a maximum Standard Dimension Ration (SDR) of 35 and shall conform in all respects to ASTM-D3034 or other standards approved by the District's Engineer. All fittings shall be of a type manufactured specifically for use with PVC sewer pipe and shall also conform with ASTM-D3034. Connections shall be either push-on with a bell and spigot or push-on with twin gasket couplings, with rubber gaskets conforming in all respects with ASTM D3212 or other standards approved by the Districts Engineer.

3.7 COLLECTION LINE INSTALLATION STANDARDS.

3.7.1 Location and Alignment: All collection lines shall be installed along true horizontal and vertical alignments. Where bends are required or necessitated, the appropriate fitting (11'4°, 22½° or 45° bends) shall be installed in conjunction with a cleanout. Cleanouts should also be installed at one hundred foot intervals along long collection lines. Cleanouts shall consist of a prefabricated wye with riser installed to the finished grade, and shall be the same diameter as the collection line. All collection lines must be located in recorded easements of sufficient width to permit maintenance and replacement. Collection Lines shall not be installed in the same trench as water service lines. A minimum horizontal clearance of ten feet shall be maintained between water and wastewater lines.

3.7.2 Minimum Slopes. All Collection Lines shall be installed at the following minimum slopes. The slope between bends shall be true or uniform and in no case less than the following:

SERVICE LINE SIZE	MINIMUM SLOPE OR GRADE
4"	2.0% or 1/4" per foot
6"	1.0% or 1/8" per foot
8"	0.5% or 1/16" per foot

3.7.3 Depth. All Collection Lines shall have a minimum depth of cover of five (5) feet at all points along the line to prevent freezing where such line will be covered with snow, but in plowed streets, sidewalks and parking lots the minimum depth of cover shall be 7 feet.

3.7.4 Excavation. Excavation of the trench shall be done in a workmanlike manner providing a trench that is straight and true with a flat bottom containing no rock or other deleterious material that could damage the pipe. After completion of the excavation and before the pipe or bedding is laid, a representative of the District shall observe the trench for time, grade, rock and cover, and either accept or reject the trench. Before either bedding or pipe is installed, all groundwater must be removed from the trench by pumping or other acceptable means.

3.7.5 Bedding and Pipe Laying. All collection lines shall be bedded from four (4) inches under the pipe to six (6) inches over the pipe with sand or a fine gravel, free of frozen, organic, or other deleterious material, with no stones larger than one inch in diameter. The bedding shall be thoroughly compacted with hand tampers or mechanical equipment so that a firm base results. Compaction must be accomplished with equipment specifically designed for earthwork compaction. After placing and compacting the four (4) inch layer beneath the pipe, the pipe shall be laid along the center of the trench

in true horizontal and vertical alignment. After placing of the pipe, the six (6) inch layer of bedding shall be placed and compacted. All bedding and pipe must be installed in a completely dewatered trench.

3.7.6 Backfill. Backfill requirements will vary depending upon the location where work is being performed. Any work within the public roadway and beneath driveways or parking lots will require the placement and compaction of backfill in layers. In these areas, backfill shall consist of native materials, with no rocks larger than eight (8) inches in diameter. Backfill shall be placed in 8" lifts and thoroughly compacted with rollers or vibration tampers. Compaction must be accomplished with equipment specifically designed for earthwork compaction. Provision must be made for resurfacing streets, driveways, and parking lots which are damaged during service line installation. All backfill in these areas must be installed in a completely dewatered trench. In areas where roadways, driveways or parking lots are not affected, a minimum standard proctor density of 90% to 95% must be provided.

3.8 SERVICE AND COLLECTION LINE TESTING. All Service and Collection Lines which will be connected to the District's Wastewater System may be required to be tested for infiltration or exfiltration and alignment in accordance with the following procedures. Due to the high groundwater table throughout the District, particular attention will be paid to infiltration. Exfiltration and alignment testing will be performed at the option of the District. All testing must be performed while being observed by a representative of the District. No service or collection line will be finally connected to the District's facilities until all tests have been performed and are acceptable.

3.8.1 Infiltration. Infiltration tests shall be conducted on all service and collection lines where it could be anticipated that groundwater may rise above the flow line of the pipe. Tests shall be conducted by placing an approved calibrated V-notch weir in the pipe at the end of the service line. Sufficient time will be allowed to permit the water level behind the weir to stabilize before reading. Any foreign material hanging to the weir shall be dislodged before reading. Successive readings shall be taken until consistent results are obtained. The maximum allowable infiltration shall be two (2) gallons per day per inch of pipe diameter per 100 feet of pipe.

3.8.2 Exfiltration. Exfiltration testing may be required where existing groundwater levels are below the invert of the pipeline to be tested. The service line shall be tested by plugging the pipe at its low end, filling the pipe with water, and observing the water level for a minimum period of two (2) hours. Exfiltration shall not exceed two (2) gallons per day per inch of pipe diameter per 100 feet of pipe.

3.8.3 Air Test. As an alternative to the exfiltration test specified above, the owner, with approval of the District, may conduct an air test. An air test shall be conducted in the following manner:

3.8.3.1 Flush and clean the sewer pipe prior to testing in order to wet the pipe surfaces and produce more consistent results. Plug and brace all openings in the sewer service line. Connect air pump and check all pipe plugs with a soap solution to detect any air leakage. If leaks are found, release the air pressure, eliminate the leaks and start the test procedure over again.

3.8.3.2 Add air until the internal pressure of the sewer line is raised approximately 4.0 pounds per square inch (psi) at which time the flow of air shall be reduced and the pressure maintained between 3.5 and 4.5 psi for sufficient time to allow the air temperature to come to equilibrium with the temperature of the pipe.

3.8.3.3 After the temperature has stabilized, the pressure shall be permitted to drop to 3.5 psi gage at which time a watch shall be used to determine the time lapse required for the air pressure to drop to 2.5 psi gage.

3.8.3.4 If the time lapse is less than that shown in the table below, the owner shall make the necessary corrections to reduce the leakage to acceptable limits.

AIR TEST TABLE
Sewer Service Lines
Minimum holding time in seconds required for
Pressure to drop from 3.5 to 2.5 psi gage.

LENGTH OF SERVICE LINE

<u>Pipe</u> <u>Diamete</u>	<u>50'</u>	<u>100'</u>	<u>150'</u>	<u>200'</u>	<u>250'</u>	<u>300'</u>	<u>350'</u>	<u>400'</u>
4"	9	18	26	35	44	53	62	70
6"	20	40	59	79	99	119	139	158
8"	35	70	106	141	176	211	246	282

3.8.4 Alignment. Each collection line shall be tested for true grade and alignment by lamping from each end of the service line to determine whether any displacement of the pipe has occurred during installation.

3.8.5 Certification. The Contractor shall file a written certification to the District that all testing required by this Section has been performed and that all test results conform to this Section. Failure to provide such certification shall be grounds to refuse to provide service.

3.9 INSPECTION OF SERVICE LINE AND COLLECTION LINE INSTALLATION.

3.9.1 The District shall have the right, but not the obligation, to inspect installation of service lines and collection lines which connect to the District's facilities, either directly or indirectly. The service and connection permits issued by the District will advise the applicant of the District's intention with respect to inspection.

3.9.2 There shall be no inspection charges for inspections made by the District or authorized District personnel as to individual Customer construction. The District may charge a reasonable inspection fee for inspection of Collection Lines, based upon time spent by District personnel or consultants.

3.9.3 In the event that the District requires inspection, the Developer or Customer shall call the District for an open trench inspection during business hours. If inspection is not made within two business days of the call, construction may proceed without further notice. Failure to request a required inspection shall be a violation of these Rules and Regulations, and the violator shall uncover the facilities, at his expense, for inspection. The call for inspection must be made during regular business hours, and the subsequent inspection may be made only during business hours (8:00 o'clock a.m. to 5:00 o'clock p.m., Monday through Friday, excluding holidays) within said two business day period.

SECTION 4

SEWER RATES AND BILLING PROCEDURES

4.1 GENERAL. The information contained in this Section is pertinent to all charges of whatever nature to be levied for the provision of wastewater service. The rates and charges as established herein are in effect at this time and shall remain in effect until modified by the District. Nothing contained herein shall limit the District from properly modifying rates and charges in compliance with all applicable statutory and regulatory requirements, or from modifying any classification by amendment to this Section.

4.2 STATEMENTS. Statements for all charges set forth herein shall be rendered quarterly in advance. Charges for late payments, penalties, service line repairs, and other appropriate charges shall be added to the statements. Statements will be mailed the same week of every quarter and shall be payable within thirty days from the date on the statement. **Until paid, all fees and charges shall constitute a first and perpetual lien on and against the property served which may be foreclosed in a manner provided by law.** Delinquent accounts draw interest on the unpaid charges at the rate set forth in the District's then-current Collections Resolution, a copy of which is available from the District Manager upon request.

4.3 COST OF COLLECTION. In the event that it is necessary for the District to commence collection proceedings by foreclosure of any lien, or other appropriate method, the owner or customer shall be required to reimburse the District for all costs and fees incurred in the collection of the account, including court costs, recording fees and reasonable attorney's fees, in accordance with the District's then-current Collections Resolution.

4.4 TAP FEES. The District imposes a one-time fee for connection to the Wastewater System called a "Tap Fee". This Tap Fee is computed as set forth in the District's then existing Fee Resolution, a copy of which is available from the District Manager upon request. The tap fee must be paid prior to the issuance of a building permit.

4.5 RULES TO DETERMINE APPLICABLE EQRs. All fees and charges of the district for wastewater services shall be based on the EQR rating of the Customer's improvements or proposed improvements. If use of a Customer's property is changed, or improvements are modified, following initial construction or in the course of construction, then the EQR rating for the Customer's property shall be modified to conform thereto. The Customer shall have the affirmative duty to notify the District of all such modifications, and failure to do so shall be a violation of these Rules and Regulations.

EQR ratings shall be determined as follows:

A. For Single Family Residences

All such Single Family Residences, having no more than one (1) kitchen and three (3) bathrooms, shall be rated at 1.00 EQR. Each additional bathtub or shower shall increase the rating by 0.1 EQR, each additional toilet or sink or hot tub or spa, which hot tub or spa has a hardline connection to the District's wastewater services, shall increase the rating by 0.05 EQR. Additional kitchens add 0.2 EQRs. Single Family Residences with attached units shall be subject to these same add-on EQR ratings in addition to the base rate of 1.00 EQR and add-on EQRs contained within the single family residence. Single Family Residences with detached accessory dwelling units, or similar structures, shall be subject to an additional base rate of 1.00 EQR and the same add-on rating described above, in addition to the base rate of 1.00 EQR and add-on EQRs contained within the single family residence. Duplex units governed by Associations shall be treated as a single residence for billing purposes; however, each unit within said duplex will be treated as a single family residence under this section to determine its EQR. Duplex units subject to a party wall agreement shall be treated as separate single family residences, unless said duplex is subject to a party wall agreement that provides for common billing, in which case it will be treated as a duplex governed by an Association under this section for the purpose of determining its EQR.

B. For Multi-Family Residences (Including Lodges)

All such, having no more than one kitchen and one bathroom, shall be rated at 0.70 EQR, and all such having one bath only shall be rated at 0.50 EQR.

Additional facilities shall increase the EQR rating as in the case of single-family residences.

C. For Commercial Units

Retail stores or businesses, shall be rated at 0.75 EQR for each 2500 square feet of floor area. Accessory areas in connection with such stores or businesses, such as exercise rooms, locker rooms, convention rooms, lobbies and storage areas shall be rated at 0.75 EQR per 2500 square feet of floor area. Public laundromats shall be rated at 1.00 EQR per washing machine, regardless of square footage. Hot tubs or spas shall increase the rating by 0.10 EQR.

Applications for service which involve water uses not covered by the foregoing shall be rated by the District on a case-by-case basis.

4.6 WASTEWATER SERVICE CHARGES. All service charges for wastewater service within the District will be a product of the EQR rating applicable to the Customer receiving service and the base rate charge, as set forth in the District's then existing Fee Resolution.

Water charges shall commence for the month in which connection to the District's water system is first made and shall be prorated, as applicable.

4.7 CHANGE IN CUSTOMER'S EQUIPMENT OR SERVICE. No change in the customer's equipment or service shall be made without the prior approval of the District being first obtained. Any change in a customer's equipment or service which increases the service provided by the District shall require a redetermination of the Tap Fee, quarterly service charge, and payment of any additional Tap Fee and service charge so determined. The redetermined Tap Fee shall allow a credit for previously paid or waived Tap Fees. Changes in a customer's equipment or service which result in a decrease in the service provided by the District shall not result in a reduction or refund of Tap Fees. When buildings are removed or destroyed, the right to be connected to the District's wastewater systems shall terminate. Service charges shall be changed as needed to conform to the use of the property.

4.8 DISCONTINUATION OF SERVICE. The customer may have wastewater service discontinued by submitting a written request accompanied by a \$25.00 fee to the District. If service is discontinued due to delinquency, a \$25.00 fee will be assessed against the delinquent customer.

4.9 RESUMPTION OF SERVICE. A customer may have wastewater service restored by submitting a request in writing to the District, accompanied by a fee equal to one-half (1/2) the then current Tap Fee for the service requested. If service was turned off due to delinquency, all arrearages, including interest and penalties, must be paid in addition to paying one-half (1/2) the current Tap Fee before service shall be restored.

4.10 UNAUTHORIZED TURN-ON. It shall be unlawful for any unauthorized person to turn on or restore wastewater service. In addition to criminal penalties, the District shall assess a penalty in an amount to be determined by the District's Manager, but in no event to exceed half of the then-current District Tap Fee, against the person responsible for violation of this Section and/or the owner of the property benefited by such unauthorized activity.

4.11 UNAUTHORIZED CONNECTION FEES. An unauthorized connection fee equal to twice the normal Tap Fee due shall be payable by persons tapping onto the District's facilities without prior payment of Tap Fees, approval of application, or adequate inspection of lines.

4.12 AVAILABILITY OF SERVICE CHARGE. In the event that a parcel of property, lot, or tract within the District is located within 100 feet of an installed wastewater line or wastewater line that is ready for connection, and the parcel of property, lot, or tract has not connected to the applicable wastewater line, then the District may assess an Availability of Service Charge against such parcel of property, lot, or tract. Such Availability of Service Charge shall be assessed in compliance with Section 32-1-1006, C.R.S., as amended from time to time, and shall be assessed solely for the purpose of paying principal and interest on any outstanding indebtedness or bonds of the District, and shall not be used to pay for any operation or maintenance expenses of, nor for any capital improvements within or for, the District.

The Availability of Service Charge shall be assessed as provided in the District's then-current Fee Resolution, a copy of which is available from the District Manager upon request.

4.13 BILLING PROCEDURES FOR MULTI-UNIT PROPERTIES. Billing of all fees for (i) lots with a maximum use and density designation, as determined by the final plat, of more than one unit, and (ii) structures having more than one unit, will be made to the agent or entity designated by the owner(s) of such lot or structure for that purpose and it shall be the obligation of such owner(s) to provide for such a common agent or entity. Failure to provide for such an agent or entity or failure of that agent or entity to provide timely payment for all units within the lot or structure may result in enforcement procedures against all owners for payment deficiencies. Billing of fees for duplex lots and the structures constructed thereon, shall be made to the individual owners thereof.

SECTION 5

INCLUSIONS OF TERRITORY

5.1 INCLUSION POLICY. It shall be the policy of the District to consider inclusion of lands into the District's boundaries. The fee owner or owners of property within the territory to be included into the District shall be responsible, through payment of fees as more specifically set forth in this section, for the administrative processing of an inclusion application, and for proportionately defraying the cost of

existing capital improvements, infrastructure and assets of the District, and any necessary expansion of the District's Wastewater System needed to serve territory within the boundaries of the District. The policy of the District to consider inclusion of lands into its boundaries shall be contingent upon the District's capacity to support any proposed or pending inclusion.

5.2 PROCEDURE FOR INCLUSION. All inclusions of territory within the District shall be undertaken in the manner prescribed in Article 4 of Title 32, C.R.S. 1973, as amended, and as set forth in these Rules and Regulations.

5.3 APPLICATION REQUIRED. Prior to consideration of any petition for inclusion of territory into the District, the developer or residents of the territory proposed for inclusion in to the District shall submit a petition for inclusion and an application thereof or which includes a detailed service plan for the territory to be included. The service plan shall include, but is not limited to, the following information and exhibits:

- a. A subdivision plat with contours at not less than 5' intervals and at a scale of not less than 1' = 100'.
- b. The population density of the territory, including an estimation of anticipated wastewater for residential, commercial and industrial uses.
- c. The total number of projected wastewater taps required for the territory proposed for inclusion.
- d. A description of the water supply for the territory, including a reputable water consultant's opinion as to the adequacy of such water rights for the uses proposed for the territory.
- e. Detailed plans and specifications of the wastewater system to serve the territory, special structures in addition to the mains, a detailed description of materials to be specified for pipe and bedding materials, and such other information as may be required by the District Engineer.
- f. Such other information and exhibits as may be required by the District upon request.

5.4 SUBDIVISION APPROVAL NECESSARY. Prior to inclusion approval, the applicant shall obtain final approval of subdivision plans from the appropriate governmental body and comply with all laws governing such subdivision development.

5.5 CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY. The applicant shall convey to the District all necessary easements and rights-of-way for the purpose of the construction, maintenance and repair of District wastewater facilities and provide for adequate easements upon and across subdivision properties

for the future use of the District.

5.6 INCLUSION APPLICATION FEE. A minimum Inclusion Application Fee of \$10,000.00 shall be deposited with the submission of an application for inclusion to cover the District's administrative costs of proceedings in the review of the application and assist such inclusion. The District shall require the applicant to replenish the Inclusion Application Fee, to the \$10,000 balance to be on deposit with the District, if that balance falls below \$5,000 at any point in time prior to final approval of the proposed inclusion. Any portion of the Inclusion Application Fee unused upon the finalization of the application proceedings shall be credited to the Inclusion Fee described in Section 5.7 below. The Board, in its sole discretion, may waive the imposition of all or any part of the Inclusion Application Fee.

5.7 INCLUSION FEE. In addition to any required Inclusion Application Fee, prior to final approval of any proposed inclusion, the applicant shall be required to pay to the District an Inclusion Fee, in an amount to be determined by the Board, on a case-by-case basis, except as otherwise agreed to in writing by the Board. In determining the amount of the Inclusion Fee for an applicant, the Board may consider factors consistent with the inclusion policy set forth in Section 5.1 above, including requiring the applicant to contribute to a proportionate share of the District's existing capital improvements, infrastructure and assets, and any necessary expansion required to the District's Wastewater System by the District needed to serve territory within its boundaries.

5.8 INCLUSION AGREEMENT. At any point upon petitioning the District for inclusion to final approval of such inclusion, the Board may determine on a case-by-case basis that an inclusion agreement is required to be entered into by and between the District and the applicant for purposes of setting forth terms and conditions for the proposed inclusion consistent with the inclusion policy of the District as set forth herein and any other requirements set forth in these Rules and Regulations. Upon the Board making the determination to require an inclusion agreement, the proposed inclusion shall become contingent upon the execution of the inclusion agreement and performance by the applicant thereunder, and conformance with these Rules and Regulations.

5.9 PAYMENT OF TAP FEES. Tap Fees will be charged and made payable as set forth in Section 4 herein for costs associated with the direct or indirect connection to the District's Wastewater System.

SECTION 6

CONTRACTS FOR SERVICE OUTSIDE DISTRICT

The District may contract for provision of service to areas tying outside the District's boundaries, on such terms and conditions as the District may fix, provided that no such contract may result in denial of service to customers within the District, either at the time of the making of such contract, or thereafter during its term.

SECTION 7**PROCEDURES OF THE DISTRICT**

7.1 **DISTRICT POWERS.** All actions, powers and authorities of the District provided for in these Rules and Regulations shall be accomplished by and through its Board of Directors, and its Manager, District Engineer, or others, who may be authorized by the Board to act for the District. Excepted from the Board's powers are those matters reserved to the District's members by the Special District Act.

7.2 **BOARD PROCEDURES.** The Board may only act by resolution adopted by a majority of Directors voting thereon at a duly-called public meeting of the Board. Regular monthly meetings will be held by the Board, at which the Board will conduct such business and other matters of the District as the Board may determine. Special meetings may be called, pursuant to statutory notice, at which the Board will consider such matters included within the notice of special meeting.

7.3 **CONDUCT OF MEETINGS.** All meetings of the Board shall be public meetings, except for such portions thereof as the Board may determine to withdraw into executive session, as permitted by law. Meetings shall be chaired by the Board's President, or in his absence, by the Vice-President. Meetings shall be informal in order to permit expeditious consideration of matters coming before the meeting, unless any director calls for adoption of formal rules, in which event the meeting shall be conducted according to Robert's Rules of Order. Subject to formal rules, any member may by motion call for a decision of the Board by majority vote of those present and voting, which shall constitute the decision and act of the District.

7.4 **QUORUM AND RECORD OF MEETINGS.** The Chairman shall commence each meeting by calling the meeting to order, conducting a roll call, and declaring a quorum, if three of the five members of the Board are present. Once a quorum is declared, the meeting may proceed, and subsequent withdrawal of one or more directors shall not invalidate Board action taken at the meeting by the remaining directors. A record of proceedings shall be kept of the Board's actions by the person designated by the Chairman as secretary of the meeting. All such shall be kept and retained as part of the permanent records of the District, and shall be available to members of the public for inspection and copying at the offices of the District.

7.5 **PUBLIC PARTICIPATION AT MEETINGS.** The Chairman shall determine whether and to what extent members of the public and those having business before the Board may participate in Board discussions. Obstructive behavior by one or more present in defiance of instructions from the Chairman or refusal to leave the meeting when instructed to do so by the Chairman may result in criminal prosecution under C.R.S. §18-8-102 or C.R.S. §18-9-108, or C.R.S. §18-9-110. The Board may give notices of a public discussion meeting in order to solicit input about a topic to be considered by the Board. At such meeting each member of the public attending shall be given an opportunity to be heard, subject to time limitations, and the Board shall accept and consider written presentations proffered in lieu of oral participation