

RULES AND REGULATIONS



RMD WATER ACTIVITY ENTERPRISE

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**RULES AND REGULATIONS
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ARTICLE 1
GENERAL PROVISIONS

1.1 APPLICABILITY. The provisions of Articles 1 through 10 apply generally to the Potable Water, Non-Potable Water and Wastewater Systems. System-specific regulations for the Potable Water System are set forth in Articles 11 through 12. Specific regulations for the Non-Potable water system are set forth in Article 13. System-specific regulations for the Wastewater System are set forth in Articles 15 through 17.

1.2 AUTHORITY. These Rules and Regulations are promulgated by the Board of Directors pursuant to the authority granted in Article 35 of Title 31, and Part 10 of Article 1, Title 32, C.R.S., as a comprehensive body of regulations governing the operations of the District Systems, and shall supersede and have priority over any and all informal practices or policies of the District, whether in written form or otherwise. Except as expressly provided in specific cases herein, no person acting or purporting to act on behalf of the District may alter or waive any provision hereof without express, case-specific written authorization from the Board of Directors.

1.3 AMENDMENTS; REPEALS; ADDITIONS. Additions and amendments to and repeals and reenactments of any of the provisions of these Rules and Regulations shall be made by Resolution of the Board taking such action by specific reference to the Part, Article or Section number hereof. Upon the effective date of any such Resolution, the District shall prepare new or reprinted pages incorporating herein the changes so enacted, and such new or reprinted pages shall be prima facie evidence of such action until such time as these Rules and Regulations, as subsequently amended, are readopted as a new set of Rules and Regulations.

1.4 STATE LAND BOARD LEASE. The District provides water service to numerous service areas. These Rules and Regulations apply generally to all District service areas. Unique Rules and Regulations that apply to individual service areas are set forth in Appendix E. In areas where the District is providing water service to customers located on lands owned by the Colorado State Land Board of Commissioners, these services are generally subject to the Amended and Restated Lease Agreement between the District and the State of Colorado, acting by and through the State Board of Land Commissioners (Lease No. S-37280), executed April 4, 1996, most recently amended July 10, 2014 (the "Lease"), and any amendments thereto or successor or replacement agreements. The provisions of the Lease are hereby incorporated into these Rules and Regulations (or the appropriate Appendices) verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance, or use of District facilities relating thereto.

1.5 RETURN FLOWS. The District shall have dominion and control over all water supplied or taken from any District Facilities subject to reasonable use thereof by Owners in compliance with applicable licenses, agreements, and these Rules and Regulations. Such dominion and control shall continue without interruption as to all wastewater, return flows, runoff, storm sewage or tailwater attributable to or originating from water supplied through District Facilities. No person shall discharge or allow the discharge of any sewage or other polluted waters to any natural outlet, or to any surface or subsurface system other than the District Wastewater System unless expressly authorized in writing by the District. The District shall have the exclusive right to recapture such return flows or claim credit therefrom for any exchange, replacement, augmentation, substitute supply or any other lawful purpose, and the District's dominion and control over water shall continue to attach to all such return flows even after they return to the ground. All return flows from water supplied through District Facilities remain the property of the District.

1.6 LICENSE LIMITATIONS. All water and wastewater service furnished by the District is strictly limited to the premises identified in the License therefor. No Owner of any Licensed Premises shall cause or permit water taken or received from the District to be furnished to any other premises or real property, nor shall any Owner cause or permit wastewater flows from premises other than the Licensed Premises to enter the District wastewater system through a Tap.

1.7 DISTRICT SYSTEMS

1.7.a Operation and Maintenance. The District owns, operates, maintains, repairs, and replaces the District Systems. Such services may include inspections of private premises to insure compliance with these Rules and Regulations, in addition to periodic, systematic inspection and maintenance of District facilities. All inspections, observations, testing and reviews performed by the District are for the sole and exclusive benefit of the District. No liability shall attach to the District by reason of any inspections, observations, testing, or reviews required or authorized by these Rules and Regulations or by reason of the issuance of any approval or permit for any work subject to the authority or jurisdiction of the District.

1.7.b Other System Interconnections, Cross-connections. No person shall connect any other water or wastewater system to any part of any District System, nor shall water or wastewater from any other system be introduced or permitted to enter the District System, except with the express written approval of the District under written agreement approved by the Board of Directors. The District may immediately and without notice disconnect any unauthorized cross-connection or interconnection and charge the Actual Costs thereof to any person responsible therefor.

1.7.c District System Interconnections, Cross-connections. No person shall make any interconnection or cross-connection between the District Potable Water, Non-Potable Water or Wastewater System except with the express written approval of the District under written agreement approved by the Board of Directors. The District may immediately and without notice disconnect any unauthorized cross-connection or interconnection and charge the Actual Costs thereof to any person responsible therefor.

1.7.d Interruption of Service. The District may, without notice and without liability to anyone, suspend service or modify water pressure for the purpose of making repairs or extensions to the District Systems, or for other useful or necessary purposes.

1.8 BASIS OF SERVICE; SERVICE AGREEMENT

1.8.a Service Area, Service Agreement. District service within the Service Area is furnished by contract. Any Owner who applies to Arapahoe County or any other local jurisdiction exercising land use or building authority to develop or re-develop property within the Service Area shall apply to the District for the extension of new or additional water or wastewater service to the property, and comply with the provisions of §6.2. For the purposes of this subsection 1.8.a, “develop” or “re-develop” includes without limitation any subdivision of land, or the construction of any improvements requiring water or wastewater service on property not already covered by a Service Agreement. The applicant shall furnish all information reasonably required by the District to evaluate the methods, terms, conditions and costs of extending service to the property. Upon receipt of a complete submittal the District shall within a commercially reasonable time evaluate the application and furnish the results of its evaluation to the applicant, along with a list of the requirements to be met by the Owner for the extension of new service. The service to be furnished by the District, and the requirements to be met by the Owner as a condition of such

service, shall be subject to and in accordance with these Rules and Regulations. No such service shall be extended until the Owner and the District have entered into a Service Agreement setting forth the terms and conditions of District service to the property, which Service Agreement shall be placed of record and shall bind all future owners of the property to the terms set forth therein with respect to water and wastewater service.

1.8.b Extraterritorial Service. Nothing in these Rules and Regulations shall limit the District's ability to provide service outside its Service Area under such terms and conditions as the Board of Directors may determine. No such service shall be extended except by written contract. No such service will be construed to impose upon the District any obligation to provide additional service outside of its Service Area, nor shall the existence of such service constitute an offer by the District to serve outside of its Service Area generally. Except as expressly authorized in specific cases, the District has no obligation whatever to provide any service outside of its Service Area.

1.9 CONNECTION REQUIRED

1.9.a Requirement. Unless exempted by the Board of Directors for good cause and in conformity with applicable statutes and regulations, all improvements requiring water or wastewater service that are located within the District's Service Area or other area to which the District has agreed to be the exclusive provider of water and/or wastewater service shall be connected to the appropriate District Systems. Such connection shall be made and any necessary Main Extension commenced within 60 days after written notice to the Owner by the District, and any existing private water or wastewater disposal facilities serving such improvements shall thereupon be properly emptied, cleaned, chlorinated and filled with sand or dirt and abandoned.

1.9.b Non-Potable System. Unless expressly exempted by the District for good cause, each customer having water demands for landscape irrigation (or other approved non-potable water uses) who obtains water service from the District shall be required to implement and construct a separate outdoor buried non-potable system that utilizes non-potable water to meet these demands and that requires a separate tap and service line from the District Non-Potable System. No above-ground fixtures or outlets to which hoses having standard connections can readily be connected shall be permitted to connect to any irrigation service line or non-potable system piping.

1.9.c Fire Protection Systems. Unless expressly exempted by the District for good cause, each customer requiring water for a fire protection system shall be required to obtain said water from the District Potable Water System.

1.9.d Exemptions. For temporary construction projects or operations where no permanent premises are to be constructed, portable toilet facilities may be used in accordance with regulations of the Tri-County Health Department and Colorado Department of Public Health and Environment. Additionally, the Board of Directors may conditionally authorize a private wastewater disposal system and/or private water supply system upon its determination that connection to the District System is not practical and that the use of the private system will not jeopardize public health, and upon the Owner's obtaining all necessary regulatory approvals therefor. Service from a private system shall be viewed as temporary, lasting only until it is practical to obtain service from the District System, and exclusively for the specified improvements. The private system shall not be used to serve any other customers without the District's approval. To the extent practical, all service lines for private systems shall be constructed in accordance with these Rules and Regulations in order to facilitate the future conversion to District service. Within sixty days after written notice to the Owner by the District that service is available from the District System, as evidenced by District

Facilities being extended to within 400 feet of the improvement's property boundary, the Owner shall make application for and otherwise commence any necessary Main Extensions and service connections, shall diligently pursue the construction thereof and connection thereto, and shall abandon any existing private water or wastewater disposal facilities promptly after service is obtained from the District facilities.

1.10 DUTY TO REPORT. Any person who (1) destroys, damages or alters any District Facility; (2) causes or permits any foreign materials to enter a District System; (3) causes any obstruction in the flow of water or wastewater in any District Facility; (4) causes or permits water or wastewater to escape from a District System; or (5) causes a cross-connection between the District Potable Water System and any other water or wastewater system, and any person who discovers, observes, or has reasonable cause to believe that any of the foregoing has occurred, shall immediately report the same to the District.

1.11 OTHER WATER SYSTEMS PROHIBITED. Unless specifically authorized in writing by the District, no person shall furnish or supply water to or take, use or consume water from any water system other than the District Systems within the District's Service Area.

1.12 NOTICE OF EXCAVATIONS. Except in emergencies, any person who excavates in any area where District Facilities are located shall give written, personal or telephone notice of the date, extent, and duration of such excavation to the District at least two business days before beginning any such work. Providing notice to the District shall in no way relieve the person performing the excavation from their responsibilities to contact and make arrangements with the Utility Notification Center of Colorado or any other or successor firms authorized by Rangeview and other utilities to locate buried utilities.

1.13 PLUMBER'S LICENSE REQUIRED. No person who is not a licensed, bonded plumber shall perform any work on water or wastewater Service Lines or other appurtenances directly or indirectly connected or intended to be connected to the District System. This provision shall not apply to duly authorized District personnel.

1.14 ENTERPRISE. The District Systems are owned and operated by the Rangeview Metropolitan District Water Activity Enterprise pursuant to Resolution of the Board of Directors of the District adopted and approved September 11, 1995. In the context of water and wastewater service, all references in these Rules and Regulations to the "District", the "District System", and the "Board of Directors" mean the Rangeview Metropolitan District, acting by and through the Rangeview Metropolitan District Water Activity Enterprise, the water and wastewater systems owned and operated by the said Enterprise, and the Enterprise Board, respectively, all as provided by said Resolution.

1.15 SEVERABILITY. Should any one or more sections or provisions of these Rules and Regulations be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions hereof, the intention being that the various sections and provisions are severable.

ARTICLE 2
DEFINITIONS

2.1 As used in these Rules and Regulations, unless the context clearly indicates otherwise the words defined below shall have the respective meanings set forth for them:

Active or Activated. When referring to a tap, means a tap for which the customer has paid all fees and has the legal authorization to connect to and use the District System for service to the licensed premises, for which the physical connection to the District system has been made and approved by the District, the Service Line for which has been installed, and, in the case of a water Tap, the meter for which has been set in accordance with these Rules and Regulations. An active tap is being charged the monthly service rates, even if it is not actually taking water or discharging wastewater.

Actual Costs. All direct and indirect costs attributable to any project or undertaking. Actual costs to the District shall include its engineering, legal, labor, material, equipment, administrative, and overhead expenses, and all direct payments to third parties, at cost.

Approved. Approved means accepted by the District as meeting the applicable requirements of these Rules and Regulations. By granting their approval, the District does not assume any liability or responsibility for compliance with any applicable laws, ordinances, regulations, or requirements of any other regulatory or governmental agency having jurisdiction.

Board or Board of Directors. The duly elected Board of Directors of the District, which acts as the governing body of the District.

BOD (Denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.

Contractor. Any person, firm, partnership, corporation, or other entity who performs any work, either for himself or another, on any water or wastewater facilities, public or private, within the District, including all subcontractors, agents, employees, officers and other representatives of such person.

Customer. “Customer” is synonymous with the term “Owner” as defined herein.

Customer Standards. The technical specifications/design and engineering standards, as now or hereafter constituted, adopted by the Board of Directors, which prescribe the minimum standards and requirements for the design, installation, construction, operation, use, maintenance, repair and replacement of water and wastewater facilities owned by the Owner.

Design and Construction Documents. Drawings, specifications and other information establishing that the design and construction of facilities described therein will be in conformance with these Rules and Regulations and other applicable laws. Design and Construction Documents for Water Main Extensions shall be prepared by the Owner’s Engineer. Design and Construction Documents for Service Lines shall be prepared by the Owner’s licensed plumber.

District. Subject to the provisions of §1.14, "District" means the Rangeview Metropolitan District, Arapahoe County, Colorado, its employees, agents, service provider contractors, officers, directors, insurers, and professional consultants.

District System. The plant, facilities, supplies, systems, assets, and appurtenant property rights owned or directly controlled by the District. That portion of the District System used and useful to supply treated water suitable for consumption may be referred to as the "District Potable Water System". That portion of the District System used and useful to collect, transmit, treat and discharge Wastewater may be referred to as the "District Wastewater System". That portion of the District System used and useful to supply water for irrigation and other approved uses of non-potable water may be referred to as the "District Non-Potable Water System". The District Potable Water System and the District Non-Potable Water System may collectively be referred to as the "District Water Systems."

Facility. A component part of a District System.

Foreign Materials. Objects or substances not appropriate for transmission by the District Wastewater System, including without limitation paving or construction materials or debris, furniture, appliances, clothing, bicycles, dirt, gravel, sand, trash, grease, oil, grass, brush, tree clippings, etc.

License. The written authorization from the District to make a Tap for water or wastewater service.

Licensed Premises. The land area and improvements thereon to which water or wastewater service is limited under any particular License.

Main. Pipelines and appurtenant facilities owned and operated by the District to distribute water and carry wastewater along public streets, easements, or rights-of-way deeded or licensed to the District.

Main Extension. The construction of local or retail Facilities of any kind whatsoever, wherever located, or the Facilities themselves, which are designed and intended to serve particular local areas or land development, and which are intended to become or have become a part of the District System upon acceptance by the District.

Manager. The person engaged by the Board of Directors to act as the administrative supervisor of the affairs of the District.

Master Plans. Shall refer to the District's Potable and Non-Potable Water Distribution Systems Master Plan and Wastewater Collection System Master Plan.

Minimum Design Standards. The technical specifications/design and engineering standards, as now or hereafter constituted, adopted by the Board of Directors, which prescribe the minimum technical standards and related requirements for the design, installation, construction, operation, use, maintenance, repair and replacement of District owned and operated water and wastewater facilities. The Minimum Design Standards are part of these Rules and Regulations and are attached hereto as Appendix B.

Non-Potable Water. Water distributed in the District Non-Potable System which is not intended for consumption by humans or pets but which is intended to be used for landscape irrigation and other

uses as provided for herein and approved by the District in accordance with applicable regulations and permits held by the District. Non-Potable Water may be raw or partially treated groundwater or surface water, reclaimed wastewater, potable water, or any combination thereof at the discretion of the District.

Owner. Any person who, whether solely or with others, owns real property within the service area. When property is owned by more than one person, the term includes all owners thereof. As used in these Rules and Regulations, the term shall apply to such person only in connection with his ownership of any specific parcel of real property involved in any specific matter governed by these Rules and Regulations. For purposes of clarity, the masculine singular pronoun is used in these Rules and Regulations to refer to Owner.

Person. Includes associations, corporations, firms, partnerships and bodies politic and corporate, as well as individuals.

pH. The negative logarithm of the concentration of hydrogen ions in grams per liter of solution.

Record Drawings. A separate set of full-scale construction drawings marked to indicate completely and accurately the field-installed location and condition of District Facilities as constructed.

Retail Facilities. Water, wastewater and non-potable facilities which serve a particular portion of the District Service Area in which property owned or being developed by the Owner is located. Retail Facilities are designed and constructed at the sole cost of the Owner, and are conveyed at no cost to the District for operation and maintenance, all as provided by Article 5 of these Rules and Regulations. Water distribution pipelines and collection sewers are typical examples of Retail Facilities.

Section; Article. A specific portion of these Rules and Regulations. A Section may be designated herein using the § symbol.

Service Agreement. An agreement setting forth the methods, terms and conditions of District Service to a specific property or area, which agreement is made and entered into pursuant to the provisions of §1.8.a of these Rules and Regulations.

Service Area. The area within which the District offers and intends to provide water and wastewater service generally, consisting of the Sky Ranch Service Area, Lowry Range Service Area, Fairgrounds Service Area and any additional areas expressly brought within the Service Area by resolution of or contract approved by the Board of Directors.

Service Lines. All pipes, fittings, and appurtenances which are intended or used to convey water from the District Water System to the plumbing of the Licensed Premises and/or any sewer lines or portions thereof which are intended or used to convey wastewater from Licensed Premises to the District Wastewater System. The dividing point between the District Water Systems and privately-owned water Service Lines is the downstream end of the service line water meter. The dividing point between the District Wastewater System and privately-owned wastewater Service Lines is the property/ROW line.

Shall; May. Whenever "shall" is used herein, it shall be construed as a mandatory direction; whenever "may" is used herein, it shall be construed as a permissible but not mandatory direction.

Single Family Equivalent (SFE): The measure of demand placed upon the District Systems in increments of a defined typical single family residence as defined in §4.2, with a typical single family detached residence being assigned an SFE of one (1.0) for both water and wastewater service.

Suspended Solids. Solids, expressed in parts per million by weight, that either float on the surface of or are in suspension in the water, sewage or other liquids, and which are removable by filtration.

Stub-Out. A connection to a Main made for the purpose of installing a Service Line prior to the paving of streets. Such connection shall include fittings necessary to extend the Service Line to the property line.

System Development Charges: Charges designed to allow the District to recover the cost of developing Wholesale Facilities. System Development Charges (also called Tap Fees) must be paid by the Owner prior to being issued a Potable Water, Non-Potable Water, or Wastewater tap.

Tap. The physical connection to a District Main which, together with the License for same, effects water or wastewater service to a Licensed Premises.

User. “User” is synonymous with the term “Owner” as defined herein.

Wastewater. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions. “Sanitary Wastewater” shall mean the combination of liquid and water-carried wastes discharged from toilets and other sanitary plumbing facilities. “Industrial Wastewater” shall mean the combination of liquid and water-carried wastes resulting from any trade, manufacturing or other processes carried on at the premises, including the wastewater from pretreatment facilities and polluted cooling water.

Wholesale Facilities. Water, wastewater, and non-potable facilities which are designed, constructed, installed, operated, maintained and repaired exclusively by and at the sole cost of the District. Wholesale Facilities serve entire Service Areas or major regions or portions thereof and are typically funded by System Development Charges and other rates, fees and charges collected by the District. Wells, treatment plants, pumping stations, tanks, reservoirs, transmission pipelines, and major sewage lift stations are typical examples of Wholesale Facilities. Where major water or sewer transmission pipelines also serve a direct water distribution or wastewater collection function, only the oversize portion of said pipelines shall be considered as a Wholesale Facility. In summary there are: 1) Wholesale Facilities funded by tap fees and owned and maintained by the District, 2) Retail Facilities funded by the responsible developer and ultimately owned and maintained by the District 3) Service Lines funded by the owner of the property being served and maintained by the owner.

Xeriscape: Xeriscape is a landscaping type that utilizes low water use plants, mulch, rocks and efficient drip or micro-spray irrigation.

ARTICLE 3
(RESERVED)

ARTICLE 4
SERVICE CONDITIONS AND CRITERIA

4.1 LICENSE

4.1.a License Required; Application. No person shall cause or permit any connection to any District System or Facility without first obtaining a License therefor as provided in this Article 4. A separate License is required for connection to each of the District Systems: Potable Water, Non-Potable Water and Wastewater. Any person who desires to obtain new service shall make written application therefor at the office of the District upon such forms as may be prescribed and furnished by the District. Such person shall also furnish such additional information about the Premises as may be required by the District to determine the method and conditions of service to such premises.

4.1.b Unauthorized Connection; Penalty. There is hereby imposed upon any person who makes or causes, or who permits, solicits, aids or abets any other person to make or cause any connection to a District Facility without a proper License therefor a civil penalty in accordance with §8.7.a.

4.1.c Revocation. The District may revoke any License, before or after the Tap is activated, upon a determination that the application therefor contained false or inaccurate information.

4.1.d Expiration. A License shall automatically expire 365 days after the date of its issue if the Tap is not made and activated within that time, unless within that time the Owner notifies the District in writing that he desires to extend the License by paying to the District one-half of the service charge applicable to the licensed Tap, and thereafter continues to make timely payments thereof. The License may also be extended by express written agreement between the District and the Owner deferring the expiration date to a date certain or until the occurrence of a specific, identified event. Any License extended pursuant to either of the preceding sentences shall automatically terminate upon the failure of the Owner to make the payments required or upon the lapse of time or occurrence of the event described in the agreement.

4.1.e Non-Transferability Of License. Each License applies only to the Premises identified thereon and is not deemed in any sense to be personal property. No License may be transferred from one premises to another, but a License shall be deemed to follow any transfer or sale of the fee ownership of the Licensed Premises.

4.1.f Approval Conditions. Upon a determination that all of the following conditions exist or have been met with respect to the application, the District shall issue a License for the service requested:

- i) The written application and information submitted therewith are accurate, complete, and proper as to form; and
- ii) The person making application has the authority or consent to do so from the Owner; and
- iii) All applicable fees and charges imposed by or through the District are or have previously been paid at the time of application; and
- iv) The property proposed for service is within the District Service Area or another area expressly authorized for service by the Board of Directors; and

v) The Main on which the Tap will be made has been accepted by the District and all conditions necessary under Article 5 below for Conditional Acceptance of District Facilities used or useful to serve the Tap existing at the time application for service is made. Prior acceptance of such facilities by the District does not conclusively establish that this requirement is met; and

vi) The District System is adequate to serve the proposed Tap; and

vii) In the case of a water Tap, the requirements of §11.8 for water dedication have been met.

4.1.g Conformity with District Standards. Notwithstanding any other provision of these Rules and Regulations to the contrary, the District may terminate or withhold Licenses or approvals for service from any facilities, public or private, which do not conform to these Rules and Regulations or approved Design and Construction Documents.

4.2 WATER BUDGET TAP FEE ASSIGNMENT

4.2.a Water Budget Method. Aligning the cost of tap fees and predicted monthly water usage for each individual property receiving water is generally called the water budget method. Tap fees are calculated using a tap calculator as presented in Appendix D. This method is a proven method for both equitably allocating system development charges and encouraging long-term efficient water use. For all new service connections within Rangeview's service area including the Lowry Range, Fairgrounds, and Sky Ranch Service areas, a water budget must be developed prior to the property being issued a water tap from the District.

i) Application and Assignment of System Development Charges. To establish the budget, the builder or property owner is required to complete a land and water use application. The responses to these questions are used to characterize the anticipated water need for the property and an associated indoor and outdoor annual water budget is developed. The total indoor and outdoor water use anticipated for the year is used to calculate the Water System Development Charge through the tap calculator. Responses to additional questions are used to identify the capacity (flow) needs for the Potable Water Systems and (where applicable) Non-Potable Water System. Water System Development Charges and Non-Potable System Development Charges are calculated based on the calculated capacity needs of the property. Appendix D provides typical examples of the calculation of water budgets and System Development Charges for a typical Single-Family Dwelling, Multi-Family Development, Commercial Development, and Non-Potable Irrigation Tap. Table 4-1 summarizes the water and wastewater unit rates generally utilized in the water budget method.

ii) Single Family Equivalent (SFE). As shown in Appendix D, water budgets and capacity needs of the various systems are calculated based on the unique (property specific) responses to land use and water use questions. The resulting demand on the District System can be calculated to determine the demand a given tap will place upon the District Systems in increments of a typical single family equivalent. As general guidance when calculating water SFE values, one water SFE shall be deemed to place a maximum total demand, when averaged over any ten year period, not to exceed 0.4 acre feet per year.

4.2.b Special Cases. Notwithstanding anything in §4.2.a to the contrary, the District may establish water budgets for any premises whose characteristics are inconsistent or incompatible with the assumptions upon which the values in §4.2.a are established, or which would impose a greater

demand upon the District Systems than would normally be recognized by the standard methods used in §4.2.a .

4.2.c Post Tap Sale Water Budget Adjustment. Should it be necessary for the District to estimate the rate or volume of water demands or wastewater flows or the quality of wastewater from any premises that requires extensive judgment in order to determine the water budget for the premises, the District may require the Owner to enter into a written agreement for a subsequent evaluation and possible adjustment of the water budget and resulting System Development fees based upon actual experience when the premises has been continuously operated at substantially full capacity for at least two years. Any such agreement may be placed of record in the office of the Clerk and Recorder of the County in which the property is located.

4.3 TAPS

4.3.a Sizing. The size of Taps and Service Lines shall be determined by the District. For a typical single family residential unit, the Tap and Service Line shall be ¾” potable water and 4” sanitary sewer.

4.3.b Change in Use. Before the effective date of any change in the use or configuration of a Licensed Premises which increases the SFE value established for it pursuant to §4.2, the Owner thereof shall notify the District of the change. Any increase in Water and Wastewater System Development Charges for the Licensed Premises resulting from such changes shall be determined by the District and paid by the Owner in accordance with §12.1 for water charges and §17.1 for wastewater charges at then current rates. An application for service which would increase the SFE value for any existing service shall be treated as an application for new service to the extent of the increase. An Owner who requests an increased service which is sufficiently large to require a Main Extension is subject to the provisions of Article 5 of these Rules and Regulations.

4.3.c Failure to Notify. If an Owner fails to notify the District as required in §4.3.b, the District may, after giving the Owner notice and an opportunity to be heard, determine the increased System Development Charges for the premises, and invoice the Owner for the amount due to the District, plus interest at twelve-percent per annum from the date of the change in use.

4.3.d Tap Installation. When the Service Line intended to serve a new Tap has been installed and before the trench therefor has been filled, the Owner shall request the District to schedule an inspection. At the time so determined, if the District approves the Owner's installation the Owner, acting through a Licensed Plumber, shall make the Tap in accordance with the Minimum Design Standards, at his sole cost, while District personnel are present to observe. The District shall install the water meter at the sole cost of the Owner.

4.3.e Inspection. Owner shall notify the District not less than two business days before making a Tap to set a time for the District's observation thereof. No Tap shall be activated until it has been inspected and accepted by the District. Inspection fees are listed in Appendix C.

4.3.f Record Drawing. Within two weeks after the Tap has been installed, Owner shall supply the District with a Record Drawing of the installation showing the location of the Tap and Service Line.

4.3.g Multiple Structures.

i) Each independent structure requiring water or wastewater service shall be individually licensed and metered, and served by a single tap unless, except as to structures located on a lot used for single-family residence purposes, the District, in the exercise of its reasonable discretion, determines that other means are more suitable in the operation of the District system. For the purposes of this section, structures shall be considered to be independent if they do not have a common foundation, walls and roof. Any District authorization for more than one (1) structure on the same service line, meter or tap must be in writing, signed by the District Manager, and must specifically identify all structures so served.

ii) Upon receipt of an order to cure any installation not conforming to this section, the Owner(s) shall be responsible for all costs of disconnecting structure(s) from the common service line and installing separate service lines and taps. Unless all affected owners agree otherwise in writing, the owner of that part of the licensed premises closest to the tap, following the route taken by the existing service line, shall be entitled to keep the original tap, and the owner of each other structure shall be required at his or her sole expense to obtain a new and separate license for his or her premises. Such arrangements shall be completed within sixty (60) days after the date of the order to cure. Any violation of this section which continues after that date shall be deemed an unauthorized tap or service connection to the District system.

4.3.h Redevelopment; Consolidation Of Taps. Whenever an Owner desires to eliminate an existing Tap serving the site of a future project containing one or more new buildings, the conversion of existing Taps and credits for District System Development Charges to the new project shall be determined by the District on a case-by-case basis.

4.3.i Abandonment Of Tap. If any activated Tap is not used for a period of five consecutive years, the License will be deemed abandoned and void. For purposes of this section, "not used" shall mean that for five consecutive years no water has been taken or used at the premises. If the premises is also served by a wastewater Tap, the License for the wastewater Tap shall be voided concurrently with the voiding of the License for the water Tap. At the discretion of the District, the Taps and Service Lines may thereupon be disconnected at the Main. No refund of System Development Charges shall be made for any License voided under this section. Any reinstatement of a service terminated pursuant to this section shall be treated as an application for new service, except that the Owner shall be entitled to a credit in the amount of the System Development Charges actually paid for the abandoned Taps against the amount of the System Development Charges in effect at the time of application.

4.3.j Voluntary Termination. Any Owner desiring to have water and wastewater service terminated shall apply to the District for a Cut-off Permit. Upon approval thereof the Owner shall at his sole expense physically disconnect his Service Line from the Main and plug the Main as directed by the District. From and after District approval of said work, the District shall not assess any service charges for the services so terminated. No refund of System Development Charges shall be made for any License terminated pursuant to this section. Any reinstatement of a service terminated pursuant to this section shall be treated as an application for new service, except that the Owner shall be entitled to a credit in the amount of the System Development Charges actually paid for the terminated Taps against the amount of the System Development Charges in effect at the time of application.

4.3.k Tap Relocation. When proper management, operation or maintenance of the District system requires, the District may relocate, adjust, repair or replace the Tap and the Service Line and

fittings through which a customer receives service, at District expense. All service lines and fittings so relocated shall become the property of the customer when installed.

4.4 CONVEYANCE, RECONVEYANCE OF EASEMENTS. As a condition of new or continued service to any property served or proposed to be served by the District, the Owner of such premises shall, to the extent of his legal ability, upon written request by the District, dedicate and convey at no cost to the District any and all easements or other property interests necessary to cover District facilities, such as well sites, access, water, sewer and electrical lines, *etc.*, used or useful to serve such premises. This requirement shall also apply to easements or other property interests which may have been lost due to the foreclosure of a senior lien, by the failure of a legal description, or by the failure of the District's title thereto for any other reason.

**TABLE 4-1
TYPICAL WATER AND WASTEWATER USE RATE ASSUMPTIONS**

A. Residential Indoor Water Use: Residential indoor water use assumes 55 gallons per day per resident or gallons per day per capita (gpcd). The justification for the use of this value is shown below:

Indoor Residential Unit Water Rates

Water Use Type	Gallons per Capita Per Day (gpcd)
Toilets	8.2
Clothes Washers	15.4
Showers	10.3
Faucets	11.2
Other	3.9
Dishwashers	1.0
EPA Total	49.9
Allowance for Leaks / Other Uses	5.1
District Total	55.0

- (1) All values shown within the EPA subtotal are from: EPA Water Use per Water-Efficient Single-Family New Home Specification, EPA (2008).
- (2) EPA does not provide an allowance for leaks in the “Other” category. However, 1999 AWWA Residential End Use Study shows historical indoor leakage averages 9.5 gpcd. Allowance of 5.1 gpcd is used for future District housing considering the presence of newer fixtures and focus on water efficiency.

B. Single-Family Dwelling Residents Per Unit: The allocated water tap sizing for single family dwellings is based on the size of the home as shown below:

Finished Floor Space	Assumed District Wide Average # of Residents Per Dwelling
Less than 2,000 Square Feet	2.5
2,000 to 3,500 Square Feet	3.2
More than 3,500 Square Feet	3.75

Note that the water tap fee is based on the assumed District wide average number of residents per dwelling type. This is because it is not likely that every dwelling will be housing residents at or near its design capacity and using the average avoids overestimate demands and over collecting System Development Charges.

C. Multi-Family Dwelling Residents Per Unit: The allocated water budget for multi-family dwellings is based on the size of the home as shown below:

Number of Bedrooms	Assumed District Wide Average # of Residents Per Dwelling
1	1.7
2	2.5
3+	3.2

D. Landscape Irrigation Unit Water Use: Perspective new water customers must estimate the square footage of grass and Xeriscape for their property, where Xeriscape is a landscaping type that utilizes low water use plants, mulch, rocks and efficient drip or micro-spray irrigation. The water budget for the property will be estimated based on 60 gallons per day per 1000 square feet (annual average) for grass and 20 gallons per day per 1000 square feet (annual average) for Xeriscape. At a minimum, single family lots will use a value greater or equal to 65% for the percent of landscaping area that will be irrigated lawn space. This ensures that the home builder will have paid a sufficient tap fee to provide water capacity to plant sod on a reasonable portion of the landscaping area of the lot.

E. Commercial Unit Water Use: The following table presents the default water use per gross square foot of commercial build space for typical commercial business types. Perspective customers with similar existing facilities are encouraged to provide building drawings and at least two years of historical water bills to allow for confirmation or adjustments to these default unit water usage amounts. In addition, as described in §4.2.c post tap sale adjustments to System Development Fees and Water Budgets may be required. Note that the below is for indoor water use only. A separate meter will be required for outdoor water use with water budgets developed as outlined in “D” above.

Business Type	Gallons per day per 1000 Gross Square Feet	Water SFE Per 1000 Gross Square Feet	Wastewater SFE Per 1000 Gross Square Feet
Office Buildings	200	0.56	1.14
Restaurants	500	1.40	2.84
Bar & Lounges	300	0.84	1.70
Hotels & Motels	350	0.98	1.99
Neighborhood Stores	200	0.56	1.14
Department Stores	200	0.56	1.14
Laundries & Dry Cleaning	1000	2.80	5.68
Banks & Financial Buildings	300	0.84	1.70
Medical Buildings & Clinics	300	0.84	1.70
Warehouses	100	0.28	0.57
Meat & Food Processing Plants	2800	7.84	15.91
Car Washes	1900	5.32	10.80
Service Stations	20	0.06	0.11
Auto Dealer, Repair & Service	150	0.42	0.85
Super Market	200	0.56	1.14
Trade Businesses - Plumbers, etc	200	0.56	1.14
Mobile Home Dealer, Lumber, etc	300	0.84	1.70
Places of Assembly: Churches etc	600	1.68	3.41
Factories - Manufacturing	800	2.24	4.55

ARTICLE 5
MAIN EXTENSIONS

5.1 DESIGN AND CONSTRUCTION. Any Owner who desires water or wastewater service shall at his sole cost and expense design, construct, and install all Main Extensions, including without limitation frontage extensions, reasonably required by the District to serve the Owner's property. All such work shall be in conformity with and subject to the District's Master Plan, these Rules and Regulations and approved Design and Construction Documents. If, subject to standard minimum-size requirements, District capital improvement plans require any main extension to have greater capacity than that needed for service to the Owner's property, the District may require the Owner to oversize such facility or facilities, subject to Owner's right to seek reimbursement for the over-sizing costs pursuant to §5.13. Unless exempted by the District, in writing, for good cause in a specific case, the Owner shall extend Water and Wastewater Facilities to the most distant point(s) of the property frontage. For Water Mains, the facilities shall be extended to such points and locations as will facilitate the formation of adequate loops and avoid dead end mains.

5.2 CONVEYANCE AND ACCEPTANCE. In accordance with the provisions of §5.9 through 5.11 inclusive, Owner shall convey to the District all Main Extensions constructed by him.

5.3 APPROVAL REQUIRED. No Owner shall commence any construction upon a Main Extension until the Design and Construction Documents therefor have been reviewed and approved by the District as conforming with these Rules and Regulations and the District's Master Plan and a preconstruction meeting has been held. The District shall inform the Owner in writing of the reasons for any disapproval. If required by the District, the Owner shall enter into a written Main Extension Agreement with the District setting forth any and all terms and conditions applicable to the Main Extension. Upon approval of the Design and Construction Documents, the District will schedule the preconstruction meeting.

5.4 CONSTRUCTION OBSERVATION. Owner shall notify the District at least two business days before commencing construction and at any and all other times specified by the District for observation, inspection or testing.

5.5 STOP WORK ORDERS

5.5.a Order. The District may revoke any approval for work and issue a Stop Work Order upon determining that the Owner or his contractor has violated or is about to violate any condition of the District's Rules and Regulations. A Stop Work Order shall take effect immediately upon the entry thereof by the District and notice to the Owner or his contractor, and shall remain in full force and effect until rescinded in writing by the District.

5.5.b Effect. It is a violation of these Rules and Regulations for any person to do any work in violation of the terms of any Stop Work Order issued pursuant to this section except such as may be necessary or prudent to render and maintain the construction site safe and secure.

5.6 LOCATION. Main Extensions shall be located only in easements deeded to the District, or in roads or streets which a city, county, the Colorado Department of Transportation, or other public agency has accepted for maintenance as a public right-of-way.

5.7 DEEDED EASEMENTS. Deeded easements necessary to cover Main Extensions not located in public rights-of-way shall be granted at no cost by the Owner to the District at such time and upon such

terms as the District may reasonably require. To facilitate the District's preparation of appropriate conveyance instruments, the Owner shall comply with the following minimum requirements:

5.7.a Legal Description. The Owner shall furnish a legal description of all easement parcels to be granted by any single conveyance instrument, consisting of a printed legal description, certified by a land surveyor registered in the State of Colorado, and an accurate survey drawing of each parcel, including north arrow and scale, tying each parcel to a survey land corner or corner of a platted and monumented parcel of land.

5.7.b Evidence of Title. The Owner shall furnish suitable evidence of title, consisting of a commitment for or a title insurance policy, an attorney title opinion, a subdivision certificate, or a written ownership and encumbrance report, dated within 30 days before the date of submission to the District. Evidence of title must show all current mortgages and deeds of trust, liens, and other encumbrances against the property. The District may require reasonable evidence of the authority of the individuals executing the conveyance instrument to bind Owner thereto.

5.7.c Release of Encumbrances. The District may require a properly executed and acknowledged release or other suitable instrument to exempt any easement parcel from prior liens or encumbrances. If so required, the District will not accept the Main Extensions or other facilities for maintenance until it receives all required releases. The District reserves the right to require additional or supplemental evidence of title when the release is recorded.

5.8 RIGHT-OF-WAY ACQUISITION COSTS. Owner shall be responsible for and pay all costs and expenses of whatever kind associated with the acquisition and approval of all easements required hereunder. These expenses may include those associated with eminent domain proceedings, but this shall not be construed as imposing any obligation whatever upon the District to commence or prosecute any such action.

5.9 CONDITIONAL ACCEPTANCE

5.9.a Standards. Upon completion of construction, Owner shall initiate the dedication process by submitting a request to the District for a preliminary inspection of the Main Extension. The Main Extension will qualify for Conditional Acceptance when all of the following conditions have been met:

i) District Review. The District has determined that the Main Extension has been constructed and connected to District facilities in conformity with these Rules and Regulations and the approved Design and Construction Documents, has passed all required tests, and has been approved for use by all other governmental entities and agencies having jurisdiction.

ii) Owner Submittals. Owner has tendered and the District has approved and accepted the following:

- ◆ Record drawings and certified test results;
- ◆ Key map pages consistent in form and content with current District requirements as to key maps showing the location of all component parts of the Main Extension, or other arrangements approved in writing by the District have been made for the preparation thereof;

- ◆ A twelve-month maintenance bond in an amount equal to ten-percent of the costs of constructing the Main Extension, or such greater amount as may be reasonably determined by the District on account of special circumstances of the particular Main Extension, or any portion thereof;
- ◆ A duly executed written statement that all suppliers of labor and materials have been fully paid, with lien waivers attached;
- ◆ A duly executed written assignment of all manufacturer's warranties on materials and equipment;
- ◆ Any and all deeds, bills of sale, agreements and other conveyance instruments required by the District to vest merchantable title to all component parts of the Main Extension, including without limitation all necessary easements and other property interests in the District;
- ◆ All releases of encumbrances required pursuant to §5.8.c; and
- ◆ Payment of all sums then due to the District in connection with the Main Extension.

iii) Property Interests. The Main Extension is located in or on property owned by the District, or within or upon which the District has the legal right to construct, install, operate, maintain, repair and replace its facilities.

5.9.b Approval. The District shall evaluate the request and give written notice to the Owner of its action, stating any special conditions attached to Conditional Acceptance, or the reasons for denial of the request for Conditional Acceptance, if applicable. Except for stub-outs approved by the District, no Taps to the Main Extension will be permitted until the District has conditionally accepted the Main Extension. The District will not accept applications for Taps to the Main Extension until the District has conditionally accepted the Main Extension.

5.9.c Effective Date. Conditional Acceptance shall be effective as of the date the District executes written documentation thereof. As of such date, the Main Extension shall be deemed operational, and any person may apply to the District for Taps or service connections thereto. The District's acceptance of the Main Extension, whether conditional or final, does not, however, guarantee that Taps will be available. Availability of Taps is governed at all times by the provisions of Article 4, and such availability is determined in accordance therewith at the time proper application for service is made.

5.10 MAINTENANCE AND REPAIR. Until Final Acceptance of the Main Extension, Owner shall be solely responsible for all routine maintenance and for correction of any and all defects in the Main Extension, as set forth below:

5.10.a Routine Maintenance. Owner shall, at his sole cost, protect the Main Extension and perform all routine maintenance thereon so as to keep it in good repair and operating condition. Such obligations shall include the repair or replacement of any part or parts thereof damaged as a result of street construction, paving, other utility installation or vehicular traffic. In addition, Owner shall, at his sole cost, correct any soil subsidence or erosion and any damages associated therewith which the District determines occurred in connection with or as a result of construction of the Main Extension.

5.10.b Cure of Defects. Owner shall, at his sole cost, correct, repair or replace any part or parts of the Main Extension which the District reasonably determines were not constructed in conformity with these Rules and Regulations and the approved Design and Construction Documents, or which the District determines to be defective, of poor or un-workmanlike quality, or not in conformity with any applicable warranty. Cure of defects by Owner shall be administered and enforced under the rules set forth in §8.5 and in the Minimum Design Standards.

5.11 ACCEPTANCE FOR MAINTENANCE (Final Acceptance)

5.11.a Standards. At the expiration of one (1) year from the date of Conditional Acceptance, or any longer period of time reasonably determined by the District on account of the particular circumstances of the Main Extension or any portion thereof, Owner may request the District to perform a final inspection and accept the Main Extension for maintenance. Upon such request, the District shall inspect the Main Extension and shall accept the same for maintenance when all of the following conditions are met:

i) District Review. The District determines that the Main Extension has been constructed and connected to District facilities in conformity with these Rules and Regulations and the approved Design and Construction Documents, has passed all necessary tests, and has been approved for use by all other governmental entities and agencies having jurisdiction.

ii) Maintenance and Repair. Owner has fully performed all maintenance and repair obligations imposed upon it by §5.10 during the period of Conditional Acceptance.

iii) Owner Submittals. Owner has tendered and the District has approved all of the following:

- ◆ A verified statement of Actual Cost of the Main Extension, itemized as the District may require;
- ◆ Any and all deeds, bills of sale, or other conveyance instruments necessary to vest title to all component parts of the Main Extension in the District with warranties of title;
- ◆ All required releases or subordination of prior encumbrances;
- ◆ All drawings, maps and construction notes pertaining to any changes in the Main Extension made during the period of Conditional Acceptance;
- ◆ Payment of all sums due to the District from Owner on account of the Main Extension.

5.11.b Effective Date. The District's acceptance of the Main Extension for maintenance shall be effective as of the date the District executes written documentation thereof. As of such date, all of Owner's right, title and interest in and to the constructed Main Extension, including all mains, pipelines, valves, manholes, and related parts and materials which comprise the constructed Main Extension, shall be deemed immediately to pass to and vest in the District, free and clear of all liens and encumbrances, and Owner shall warrant and defend the conveyance of such Main Extension to the District, its successors and assigns against all and every person or persons whomsoever. As of the date of Final Acceptance, the District shall operate and maintain the Main Extension at its expense. Nothing contained herein, however, shall be construed to relieve Owner from his warranty obligations set forth in the Minimum Design Standards. Notwithstanding Final Acceptance, Owner, his

successors and assigns shall remain responsible for all Service Lines and private water and wastewater facilities as provided in §11.1.b and §15.1.b.

5.12 DISTRICT MAIN EXTENSIONS. Notwithstanding any other provision of this Article 5, the District reserves the right to extend Mains in situations which it determines may be in the best interests of the District and its constituents, upon such terms and conditions as the District may reasonably determine.

5.13 REIMBURSEMENT. This section sets forth standards and procedures for the consideration, administration and enforcement of plans to reimburse an Owner who has constructed a Main Extension at his cost, either by himself or with others, from fees and charges imposed upon future Users of such facilities.

5.13.a Applications. Any Owner who desires reimbursement under this section ("Applicant") may file written application therefor with the District. Any such application shall state the name, address, and telephone number of the Applicant, and shall contain an express promise by the Applicant to reimburse the District for its actual costs incurred in evaluating, processing, and considering the application, regardless of whether the same is ultimately approved.

5.13.b Reimbursement Plan. The application shall be accompanied by a proposed Reimbursement Plan meeting the requirements set forth in §5.13.c, and which shall in addition thereto contain or be accompanied by the following:

- i) A map clearly identifying the facilities for which reimbursement is sought ("Reimbursement Facilities").
- ii) The Applicant shall determine and certify to the District the total cost of construction of the Reimbursement Facilities, including without limitation design and engineering fees, construction costs, District inspection and approval fees, and right-of-way acquisition costs. Applicant shall further submit documentary evidence of all such costs and of the fact that they have been paid in full.
- iii) A detailed statement of the method proposed to determine the sources and amounts of reimbursement charges and the proposed allocation thereof among those who have previously contributed to the cost of the Reimbursement Facilities.
- iv) A deposit of \$2,500 against the costs of District review and processing of the application.

5.13.c Minimum Plan Requirements; Agreement. Reimbursement will be approved only under the terms of a written Reimbursement Agreement between the District and the Applicant. Although the specific terms of each Reimbursement Agreement will vary according to the particular circumstances of each case, each Reimbursement Agreement shall contain in substance all of the following provisions, which shall also be deemed to be minimum requirements of any Reimbursement Plan.

- i) The Applicant will notify the District of any proposed new service which would be subject to a reimbursement charge ("Reimbursement Charge") as soon as he becomes aware of the same.
- ii) The District will collect the Reimbursement Charge in full at the time application is made for new service to property subject to the same, and remit the net amount of any charges so collected to the persons entitled thereto within forty five days of such collection. Notwithstanding the foregoing, however, in no case will the District be liable to such person for

any Reimbursement Charges not actually collected by the District, or for any alleged damages resulting from such failure to collect.

iii) Any right to receive distributions of Reimbursement Charge proceeds will be personal to Applicant and any subsequent payors of the Reimbursement Charge, but such right may be assigned to any third person by written instrument delivered to the District. Any unclaimed or undeliverable distributions shall revert to and become the sole property of the District one year after attempted delivery to the person entitled thereto. For the purposes of this Paragraph, the term "delivery" shall mean deposited in the United States mail, first class postage prepaid, addressed to the person entitled thereto at the address furnished in writing by such person to the District.

iv) The Applicant will indemnify and hold harmless the District from any and all claims, expenses and demands arising out of or in any way involving the District's collection or attempted collection of Reimbursement Charges.

v) The District and Applicant will cooperate fully with each other in responding to any challenge to or refusal to pay the Reimbursement Charges, but Applicant will pay in advance all of the costs and expenses associated therewith, and the District shall be released from any obligation under this Paragraph (v) in the event of Applicant's default in payment.

vi) Notwithstanding any other provision of the Reimbursement Agreement, the District will have no liability to Applicant in any case in which the Reimbursement Charge is or has been determined by a court of competent jurisdiction for any reason to be invalid or unenforceable.

vii) The Reimbursement Charge to be imposed by the District shall terminate on a date specified in the Reimbursement Agreement, which date shall in no event be later than fifteen years from the date of Conditional Acceptance of the Main Extension.

viii) If the District determines that Applicant has violated any provisions of the Rules and Regulations applicable to the Reimbursement Facilities and has failed after notice and a reasonable opportunity to cure such violation, the District may terminate the Reimbursement Agreement, and thereupon any right of the Applicant to collect reimbursement pursuant thereto shall terminate and be of no further force or effect.

ix) The District shall be entitled to deduct an administrative fee to defray its expenses in administering the Reimbursement Agreement from the sums distributable to Applicant and any other person entitled thereto.

5.13.d Procedure.

i) An application and Plan which meet all the requirements of §5.13.a through §5.13.c shall be reviewed by District staff. Such review shall address all aspects of the Plan, including the reasonableness of the costs of construction, and whether and to what extent such costs should be subject to reimbursement.

ii) As part of the review process, District staff shall prepare a written Reimbursement Agreement which conforms to §5.13.c and contains such additional provisions as staff deems appropriate under the circumstances. Such Reimbursement Agreement shall be submitted to Applicant for signature before being referred to the Board for approval or disapproval.

iii) Any differences between District staff and Applicant as to the terms of the Reimbursement Agreement may be resolved by the Board of Directors, following reasonable notice to the Applicant.

iv) Approval or disapproval of any Reimbursement Agreement shall be given only by the Board of Directors. No such Agreement shall be effective for any purpose, nor shall any Reimbursement Charge be due or payable from any person, until the Reimbursement Agreement is executed by both the District and the Applicant.

5.13.e Board Discretion. Because of the serious and adverse impact which unforeseen development patterns can have upon the administration and enforcement of any Reimbursement Plan, the Board of Directors may deny any application for reimbursement when, in its sole judgment, future development of property affected by the proposed plan is sufficiently uncertain or unpredictable as to create a risk that unacceptable, or unwarranted administrative or legal burdens may be imposed upon the District in connection with its administration or enforcement. Further, the approval of any Reimbursement Agreement shall have no value whatever as precedent with respect to any subsequent application for reimbursement, nor shall it bind or obligate the Board in any way to approve any reimbursement application or plan. It is the intent of this provision to reserve to the Board of Directors absolute discretion in determining all matters relating to reimbursement.

5.14 STUB-OUTS. An agreement may be issued for Service Line stub-outs from District Mains in order to allow the installation of the Service Lines in conjunction with the construction of the Main Extension prior to paving of streets. A stub-out shall include all fittings and pipe necessary to extend the Service Line to the property line. The Owner shall be required to execute a stub-out agreement on a form provided by the District. Any use of the Service Line prior to obtaining a tap License for the specific stub-out shall cause the stub-out agreement therefor to be canceled. Once a stub-out has been converted to a Tap, it is no longer a stub-out. A stub-out agreement does not guarantee that water or wastewater service will be made available to the Premises, nor shall it be construed to give any preference for such service.

ARTICLE 6
FEES AND CHARGES

6.1 PURPOSE AND LIABILITY

6.1.a Purpose. The purpose of the fees and charges provided in these Rules and Regulations is to provide for the payment of all costs of constructing, operating, maintaining, repairing, replacing, and expanding the District Systems, including the repayment of debt and funding of reasonable reserves to accomplish any or all of said purposes, and for contingencies. Revenues generated by and collected from operations of the Water Systems shall be used exclusively by and for the costs incurred in the development, operation and maintenance of the Water Systems; revenues generated by and collected from operations of the Wastewater System shall be used exclusively by and for the costs incurred in the development, operation and maintenance of the Wastewater System. Nothing in this section prohibits the District from allocating common expenses and resources on a fair and equitable basis with the other systems, or with other agencies or enterprises of the District.

6.1.b Liability. The fees and charges provided in these Rules and Regulations are the personal, joint and several obligations of the owners of the property for which service is furnished or the charge made, but the full amount of any such fees and charges shall also be a perpetual lien against such property. The District assumes no responsibility for any agreement made between Owners and tenants, regardless of how made and regardless of whether the District has notice thereof. Notwithstanding the foregoing, however, any Plan Review, Observation/Inspection, or Disconnection/Reconnection Fee shall also be the personal obligation of any person who orders or requests the District to perform such work, even though such person may have acted in a representative capacity when doing so.

6.2 SYSTEM REVIEW FEE. Any person who requests the District to review the feasibility, costs and methods of District service to a new development for which a Service Agreement with the District has not been executed as of the date of such request shall pay all of the Actual Costs incurred by the District to perform such review. If requested by the District, the person requesting the review shall deposit an amount reasonably estimated by the District to cover said costs when the request for review is made. The District need not perform or continue any review for such person without an adequate amount to pay the costs therefor being on deposit. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within forty five days after the review is completed or terminated. Costs incurred by the District to perform preliminary work or investigations associated with or reasonably necessitated by the requested review which are normally paid for by System Development Charges shall be charged to and paid by the person requesting the review in the event that such person does not execute a binding Service Agreement for the development under review.

6.3 DISCONNECTION/RECONNECTION CHARGES. Whenever any service is physically disconnected, interrupted, or reconnected by the District for any reason, the Owner or any other person liable therefor shall reimburse the Actual Costs incurred by the District for such work.

6.4 DESIGN REVIEW FEE. Whenever any provision of these Rules and Regulations requires District review of Design and Construction Documents, the person liable therefor shall reimburse the Actual Cost incurred by the District for such review. At the time the Design and Construction Documents are presented, the person requiring such review shall provide a deposit as shown in Appendix C. If an additional deposit becomes necessary in order to cover the estimated Actual Cost of the District's review, the District may estimate an additional amount required for deposit and collect the same from the person

requiring plan review before incurring plan review costs in excess of amounts already deposited. Any unused portion of the deposit will be refunded to the person who paid the same within thirty days after completion of the District's review. Any deficit will be invoiced to and paid by the person requesting the District's review.

6.5 INSPECTION/OBSERVATION FEES. Whenever any provision of these Rules and Regulations requires or provides for observation or inspections of any kind by the District, the person liable therefor shall reimburse the Actual Costs incurred by the District for such observation or inspection. If required by the District, the person requesting or needing the observation shall deposit an amount reasonably estimated by the District to cover such costs when the request for or notice of the needed observation is made. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within 30 days after the observation. Inspection fees are listed in Appendix C.

6.6 PERMIT REVIEW FEES. Whenever any provision of these Rules and Regulations requires that the Owner obtain a permit, the applicant shall reimburse the Actual Costs incurred by the District for its review and evaluation of the permit application. If required by the District, the Applicant shall deposit an amount reasonably estimated by the District to cover such costs when the request for or notice of the needed observation is made. Any unused portion of the deposit will be refunded, and any deficit will be invoiced, to the applicant within 30 days after the District completes its review of the application.

6.7 LICENSE EXPIRATION. If a License expires as provided in §4.1.d, the Owner is not entitled to a refund of any System Development Charge previously paid, but the Owner shall be entitled to a credit in the amount of those charges previously paid against the amount of the System Development Charges due and payable at the time any subsequent application is made for service to the same Premises. In such event the Owner shall pay any difference between the then-current System Development Charges and the amount of the credit.

6.8 CHANGE OF USE. The amount of any increase in System Development Charges for a Licensed Premises due pursuant to §4.3.b shall be calculated using the amounts of such charges in effect at the time payment for the new License is paid. The Owner shall be required to pay the then-current charges for the new SFE value for the premises less a credit in the amount of the then-current charges for the SFE value of the premises immediately prior to the increase. No refund of any charges previously paid for service to the premises shall be made in connection with a reduction in the number of SFE established for the premises.

6.9 CURE CHARGES. Whenever the District cures any defect, deficiency, nonconformity or violation as provided in these Rules and Regulations, any person who is responsible under these Rules and Regulations to cure such condition, or whose act or omission resulted in the necessity for the curative action, shall be liable and obligated to reimburse the Actual Costs incurred by the District for such undertaking.

6.10 CIVIL FINES PASS-THROUGH. Any person who, by act or omission, causes the District to incur any fine or penalty assessment imposed by county, state or Federal authorities shall be fully liable to the District for the total amount of the fine or penalty so assessed, together with the Actual Cost incurred by the District in investigating and defending the interests of the District in any proceedings which resulted in the fine or penalty.

6.11 BILLING; LATE CHARGES AND INTEREST; COLLECTION

6.11.a Monthly Rates. Rates for water and wastewater service will be billed monthly. Water and wastewater rates are billed in arrears. If payment in full is not received by the District on or before the 10th day of the month next following the month in which the charges were billed, they shall be deemed delinquent.

6.11.b Other Fees and Charges. Fees and charges for disconnection/reconnection, plan review, construction observation, repair, cure of defects, and Owner-initiated water meter reads will be invoiced by the District within thirty days following completion of the work, and shall thereupon be deemed for all purposes to be charges for water or wastewater service, depending upon which system is involved.

6.11.c Delinquent Payment. When any amount invoiced pursuant to these Rules and Regulations becomes delinquent, a late charge as listed in Appendix C shall be added to the amount thereof. Further, any delinquent amount of one hundred dollars (\$100) or more shall draw interest at the rate of two (2) percent per month, compounded monthly, from the date of delinquency until paid. Any person liable for such fees and charges shall also be obligated to pay the Actual Costs incurred by the District for collection, including reasonable attorney fees.

6.11.d Returned Check Fee. When any check tendered for and pursuant to these Rules and Regulations is returned due to insufficient funds, a service charge as listed in Appendix C will be charged and invoiced on the first monthly statement following the return of the check and shall thereupon be deemed for all purposes to be charges for water service.

6.11.e Application of Payments. Any and all monies received by the District as payment for District rates and charges shall be applied first to delinquent amounts for water and wastewater service, and then to current amounts for water and wastewater service. The term *charges* includes penalties and interest where applicable.

6.11.f Collection as Taxes. In addition to and without waiving any other available remedies, the District may also certify any and all delinquent charges imposed pursuant to these Rules and Regulations, together with penalties and accrued interest, to the Treasurer of Arapahoe County, to be collected in the same manner as are general taxes.

6.12 WITHHOLDING APPROVAL AND PERMITS. Notwithstanding any provision of these Rules and Regulations to the contrary, the District may withhold permits, approvals, or other authorizations from any person until all sums then due to the District from such person are paid in full.

ARTICLE 7

PROHIBITIONS

7.1 PROHIBITED ACTS. The acts and omissions listed below are prohibited. Any person who causes or attempts to cause, or who permits, solicits, aids or abets any other person to cause or attempt to cause, any of said acts or omissions, shall be deemed to have committed a violation of these Rules and Regulations:

7.1.a Failure to Comply with Rules and Regulations. Fail or refuse to comply with any requirement imposed elsewherein these Rules and Regulations or in the Design Standards.

7.1.b Unauthorized Service Connection. Make any connection to any District facility to secure water, non-potable water or wastewater service without all District licenses or permits required therefor.

7.1.c Unauthorized Use of Water. Take or use water from a District System without proper authorization from the District.

7.1.d Groundwater; Storm Runoff. Cause or permit any groundwater or storm runoff to enter the District Wastewater System.

7.1.e Unauthorized Discharge. Discharge into the District Wastewater System without proper authorization from the District.

7.1.f Discharge Through Taps Only. Cause or permit the entry of any wastewater into the District Wastewater System except through a Tap or Service Connection duly authorized by the District for the uses actually made thereof. This provision shall specifically include, without limitation, discharging any wastewater into the District Wastewater System through manholes.

7.1.g Violation of License or Permit. Take or use District water, non-potable water or wastewater service in violation of the terms of an applicable License or permit, including the supplying of water, or the furnishing of wastewater service, from a Licensed Premises to any premises not covered by the License.

7.1.h Unauthorized Water Supply. Supply, take or use water within the Service Area or other area served pursuant to a service agreement, from any water system other than the District Water or Non-Potable Water System.

7.1.i Unauthorized Wastewater System. Provide or use any wastewater service within the Service Area from a wastewater system other than the District Wastewater System.

7.1.j Escape of Wastewater. Cause or permit the escape of any wastewater from the District Wastewater System.

7.1.k Inefficient Use of Water. Cause or permit the use of water from the District Water or Non-Potable Water system in such a way that such water is wasted or lost to beneficial use. Strict adherence to the measures outlined in Appendix A Water Efficiency Measure is required.

7.1.l Violation of Conservation or Curtailment Order. Take or use water from the District Water or Non-Potable Water System in violation of any order of the District or other lawful authority relating to the curtailment or conservation of water.

7.1.m Unauthorized Entry. Open or enter any District facility or property without District authorization.

7.1.n Foreign Materials. Cause or permit the entry of any foreign materials into any facility connected to or being a part of any District System.

7.1.o Interconnection; Crossconnections. Cause or permit any physical connection between any District System and any other water, wastewater or non-potable water system, including another District System, without the written approval of the District.

7.1.p Right-of-Way/Easement Violations. Breach or violate any provision of an easement, right-of-way or other agreement granting the District the right to occupy or use real property.

7.1.q Interference. Cause or permit any interference with employees or agents of the District in the performance of their duties.

7.1.r Tampering. Bypass, break, damage, destroy, remove, uncover, alter, deface, or otherwise tamper with any portion of a District System.

7.1.s Obstructing Flow. Cause or permit any act that obstructs or is reasonably likely to obstruct the flow of water or wastewater in any District System.

7.1.t Violation of Termination/Suspension Order. Take, use or consume any water from the District Water or Non-Potable Water Systems, or discharge wastewater into the District Wastewater System, in violation of a Suspension or Termination Order under 8.4.

7.1.u False Official Statement; Report. Make or file with the District any statement, report or application which the person knows or has reasonable cause to know is false or substantially inaccurate, or the omission of any material fact in connection with such statement, report or application when the omission leaves the remainder of the information given misleading or substantially inaccurate.

7.2 SEPARATE VIOLATIONS. For the purposes of this Article 7, a separate and distinct violation shall be deemed committed upon each day or portion thereof that any such violation shall occur or continue.

NOTE: The following state statutes are potentially applicable. Any suspected violation may be reported to local or state authorities and prosecuted in State Courts:

18-4-401	Theft
18-4-501	Criminal Mischief (Damage to or destruction of property)
18-4-502 & 504	Trespass
18-5-505 & 506	Tampering (Interruption of Service; unauthorized connection)
18-8-102	Obstructing Government Operation
18-8-106	Refusing Inspection
18-8-111	False Reporting

18-8-112 Impersonating Public Servant
18-8-114 Abuse of Public Records

ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

8.1 MANAGER AUTHORITY. Except as the Board of Directors may expressly delegate authority to act in a specific case to some other person, the Manager shall have full authority to act for and on behalf of the District in any matter involving the administration and enforcement of these Rules and Regulations, and for the performance of any duty or function authorized to or required of the District pursuant to these Rules and Regulations.

8.2 JURISDICTION OF STATE LAND BOARD. Pursuant to §1.4, water and wastewater service furnished by the District on the Lowry Range is subject to the Lease. Every person who undertakes any work on District Facilities located on the State Land Board property or who uses or seeks to use such Facilities shall comply with applicable provisions of the Lease. District personnel are hereby authorized and empowered to enforce any and all such provisions with the same force and effect as if such provision were set forth verbatim in these Rules and Regulations.

8.3 RIGHT OF ENTRY. Duly authorized representatives of the District, bearing proper credentials and identification, shall be permitted to enter upon property served by the District at reasonable times for the purpose of inspecting, observing, measuring, sampling, and testing in connection with the enforcement and administration of these Rules and Regulations, and for the performance of any duty or function authorized to or required of the District pursuant to these Rules and Regulations.

8.4 SUSPENSION OR TERMINATION OF SERVICE. In addition to and without waiving any other available remedy, the District shall have and may exercise the right to suspend or terminate service to any property where or as to which a violation of these Rules and Regulations, or of any License, approved Design and Construction Documents or applicable contract occurs or continues, in accordance with the following:

8.4.a Immediate Suspension/Termination. The District may immediately terminate service upon revocation of any License, or suspend service when such suspension is necessary to stop or prevent any condition which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or interference with or damage to District Facilities, or violation of any condition of the District's discharge permit; or when suspension is necessary to stop or prevent any use or escape of water or wastewater which presents or may present a risk of substantial loss of water or any imminent and substantial endangerment to the property, health or welfare of any person. The Owner shall have the right to a prompt hearing following such termination or suspension as provided in §8.4.b.

8.4.b Notice and Opportunity for Hearing.

i) When it appears that any fees or charges imposed under these Rules and Regulations have become delinquent, or that any other cause for suspension or termination of service exists, the District may mail or deliver to the Owner of the property where or as to which the deficiency occurs, at the service address or a known current mailing address for the Owner, a notice advising him of the following: (1) the alleged deficiency; (2) that service to the property will be suspended or terminated on account of such deficiency on a date not less than ten days from the date of the notice unless the stated deficiency is sooner cured; (3) that he has the right to a hearing at which he may be heard concerning the alleged deficiency; and (4) that if he desires a hearing, he must request the same before the suspension or termination date specified

in the notice. Posting the notice conspicuously at the service address shall constitute delivery thereof to the Owner.

ii) If the Owner does not cure the stated deficiency or request a hearing within the time provided, the District shall forthwith suspend or terminate the service, as appropriate.

iii) If the Owner makes timely request for hearing, the District shall promptly schedule and hold such hearing before a neutral and detached hearing officer appointed by the Board of Directors. The proceedings shall be recorded and a record thereof made. The Manager or his designee shall present evidence in support of the proposed suspension or termination, together with such other relevant evidence as he deems appropriate. The Owner may be represented by counsel at his expense, and shall be permitted to present evidence that the alleged causes for suspension or termination do not exist, and evidence in mitigation. The hearing officer must interpret and enforce these Rules and Regulations and any other applicable authority as written and has no authority to alter or waive any provision thereof. The hearing officer shall issue a written Findings and Order determining the issues heard and stating the reasons supporting his decision. Except as provided in §8.4.a, suspension or termination of service shall be stayed until the hearing officer holds the hearing and issues his Findings and Order. Upon an adequate showing of mitigating circumstances by the Owner, the hearing officer may extend the stay for up to ten days following the date of his decision.

iv) The Findings and Order of the hearing officer shall be deemed the final action of the District. No appeal from such action shall be available except to a court of competent jurisdiction.

8.4.c Execution of Order. If the cause for the suspension or termination is not cured within the time required, the District shall forthwith order the service suspended or terminated, as appropriate. Any person notified of a suspension or termination of wastewater service shall immediately stop or eliminate the discharge of any and all wastewater from the property affected by such order. Any person notified of a suspension or termination of water service shall immediately stop or eliminate the taking of water from the water system at the property affected by the order. The District may take such additional steps as deemed necessary, including a physical interruption or disconnection of service, in order to enforce the suspension or termination order.

8.4.d Grounds for Termination; Effect. Service shall be terminated and not merely suspended if (1) the License therefor is revoked; or (2) the connection providing such service was not authorized when made; or (3) the service was suspended at least two times within the preceding five years as a consequence of the acts or omissions of the same Owner. Any service terminated under this section may not be reinstated. The Owner of any property served by a service which has been so terminated may apply for new service for such property as provided in Article 4.

8.4.e Reinstatement of Suspended Service. Any suspension shall be rescinded by the District upon a determination that the deficiency forming the basis for such suspension has been cured and that no further or other nonconforming conditions or uses of the District System are evident on the property. The District shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection charge and the District's reasonable estimate of any applicable Reconnection Charge imposed under Article 6, and any and all other amounts then due to the District from such person pursuant to these Rules and Regulations.

8.5 CURE OF VIOLATIONS

8.5.a Order to Cure. If the District determines that any Facilities are not in conformity with these Rules and Regulations or any approved Design and Construction Documents, or that the terms of any easement or other agreement between the District and an Owner are being violated, it may give written notice thereof to the Owner at the service address or any other address for such person known to the District. Such notice shall specify the non-conformity, direct the Owner at his cost to perform specified remedial work, and specify the period of time determined by the District to be reasonably necessary for completion of the remedial work.

8.5.b District Cure at Owner Cost. If the Owner fails within the specified time following such notice to cure the non-conformity stated therein, the District may, in addition to and without waiving any other remedy, perform the work and charge the Owner for its Actual Costs incurred in connection therewith.

8.6 APPEALS. The appeal procedures set forth in this section apply to matters arising out of the interpretation or enforcement of these Rules and Regulations and approved Design and Construction Documents. They do not apply to cases involving suspension or termination of service, which are administered pursuant to §8.4 above, personnel matters, or matters arising out of contracts.

8.6.a Initiation of Appeal. Any person affected by an action taken by the Manager on behalf of the District may, within three business days after such action, request the Manager to reconsider the same and the Manager shall do so, giving the complainant a written response setting forth his action on reconsideration. The complainant may appeal the Manager's action to the Board of Directors by giving written notice thereof to the Manager within ten days after the date of the Manager's action on reconsideration. Such notice shall identify the action complained of, state in reasonable detail the factual and legal bases for the complainant's position, and request a hearing before the Board of Directors. The Manager shall transmit the notice to the Board of Directors at its next regular meeting. The Board of Directors shall schedule a hearing thereon to be held not more than forty five days after such meeting and give notice thereof to the complainant.

8.6.b Hearing. Proceedings at the hearing shall be recorded and record thereof made. The complainant may appear in person with counsel at his expense if he desires and may present evidence in support of his position. The complainant shall have the burden of persuading the Board of Directors that his interpretation of the Rules and Regulations or other applicable authority is both correct and preferable as a matter of policy to that advocated by the Manager. The complainant may also assert that the Rules and Regulations, or other applicable authority over which the Board has control, should be altered or waived to accommodate his particular situation, but he shall also have the burden of persuasion on claims of this kind as well.

8.6.c Final Action. Within thirty days after the hearing concludes the Board of Directors shall issue a written Findings and Order determining the issues heard and stating the reasons supporting its decision. The Findings and Order shall be deemed the final action of the District. No appeal from such action shall be available except to a court of competent jurisdiction.

8.7 PENALTY CHARGES. For the purposes of defraying the District's costs and expenses incurred in discovering, investigating, curing, and repairing the consequences of violations of applicable requirements, and in order additionally to deter persons from committing such violations, there is hereby imposed upon any person who the District finds and determines causes, or attempts to cause, or who permits, solicits, aids or abets any other person to cause or attempt to cause, by act or omission, any of the violations set forth below, the penalty charge set forth for such violation. For the purposes of this section, it shall be presumed, subject to rebuttal, that the Owner of any property where or upon which such

violation exists, or of any property which directly benefits from such violation, is the person who caused or permitted the same to occur. A separate and distinct violation shall be deemed committed upon each day or portion of thereof that any such violation shall occur or continue. The provisions of Article 6 applicable to invoicing and collection of fees and charges shall apply to any and all charges imposed under this §8.7.

8.7.a Unauthorized Connection. Any connection made to a District System without a proper License therefor: An amount equal to the System Development Charge for the connection, calculated as provided in §12.1 or §17.1 below, as applicable. Payment of the penalty amount specified herein, in addition to the System Development Charges and other charges associated with issuance of a License, shall be required as a condition of obtaining a License for the premises.

8.7.b Unauthorized Use of Water. Taking or using water from the District System without a valid License therefor, or taking or using water from a Licensed Premises for service on any other premises not covered by the License: 200% of the effective rates and charges for the water taken, with a minimum fine of \$100.

8.7.c Violation of License. Taking or using water from the District System in violation of the terms of any License: 200% of the effective rates and charges for the water taken, with a minimum fine of \$100.

8.7.d Interconnection; Cross-connection. Making any physical interconnection or cross-connection between the District Potable Water System and Non-Potable Water System or between any District Water System and any other water system without the written approval of the District, or doing so without implementing required cross-connection or backflow prevention methods: \$1,000, or damages as provided pursuant to §25-1-114, *et seq.*, C.R.S., at the election of the District.

8.7.e Escape or Waste of Water. Causing or permitting the escape of water from the District System in such a way that water is wasted or lost to beneficial use will result in the financial penalties as outlined in Appendix A being imposed.

8.7.f Unauthorized Supply. Supplying, taking or using water within the Service Area from any water system other than the District System: for supplying, \$500; for taking or using, \$500.

8.7.g Violation of Conservation Order. Taking or using water from the District System in violation of the terms outlined in Appendix A will result in the financial penalties as outlined in Appendix A being imposed.

8.7.h Unauthorized Discharge. Discharging or otherwise putting wastewater or foreign materials into the District Wastewater System without authorization or in violation of any provision of these Rules and Regulations other than by the means described in §8.7.a: \$2,000 in cases involving industrial wastes; \$250 in all other cases.

8.7.i Interceptor Violations. Bypassing, failure to have, failure to use or failure to maintain any grease, sand or oil interceptor pursuant to §15.3: \$250.

8.7.j Swimming Pool Discharge Violations. Failure to obtain or comply with the terms of a swimming pool discharge permit as required by §15.7: \$250.

8.7.k Interference, Failure to Permit Inspection. Interfering with the employees or agents of the District in the performance of their duties, or refusing to permit District employees or agents to inspect the premises: \$150.

8.7.l Basement and Roof Drains. Connecting a basement drain and/or a roof drain to the District Wastewater System: \$250.

8.7.m Tampering. Bypassing, breaking, damaging, destroying, removing, uncovering, altering, defacing, or otherwise tampering with any grease or sand interceptor, water meter, backflow prevention or cross-connection protection device, or any portion of the District System, obstructing the flow of water or wastewater in the District System, or obstructing access to District Facilities: \$2,000, or damages as provided pursuant to §40-7.5-101, *et seq.*, C.R.S., at the election of the District.

8.7.n Easement Violations. Placing any prohibited plant or structure within the boundaries of any District right-of-way or easement: \$150.

8.7.o Unauthorized Entry or Use. Opening any manhole or entering any portion of the District System or operating any fire hydrant or valve without authorization: \$250.

8.7.p Infiltration. Knowingly permitting excessive infiltration, storm runoff, or groundwater to enter the District System: \$250.

8.7.q Escape of Wastewater. Permitting wastewater to escape from the District System: \$100.

8.7.r Failure to Report. Failing to report damage to or alteration of any District Facility, or any foreign materials or obstruction in the flow of water or wastewater in any District Facility: \$100.

8.7.s Failure to Notify of Use Changes. Failure by Owner to notify the District of any use change resulting in need for grease or sand interceptor, Swimming Pool Permit, or payment of additional System Development Charges: \$250.

8.7.t Violation of Stop Work Order. Performing or continuing to perform any unauthorized work in violation of a Stop Work Order: \$500.

8.7.u Failure to Provide Record Drawings. Failing to furnish record drawing of Taps as installed: \$250.

8.7.v Violation of Suspension/Termination Order. Failure to stop taking water or to eliminate the discharge of wastewater from a property affected by an Order suspending or terminating service to such property: \$250.

8.7.w False Official Statement. Making or filing with the District any statement, report or application which the person making or filing same knows or has reasonable cause to know is false or substantially inaccurate, or omitting any material fact in connection with such statement, report or application when the omission thereof leaves the remainder of the information given misleading or substantially inaccurate: \$250.

8.7.x Failure to Notify of Excavations. Failing to notify the District of excavations in the area of District Facilities at least two business days before beginning such excavation: \$250. (Cross-reference: §9-1.5-103(3), C.R.S.)

8.8 CIVIL DAMAGES. In addition to and without waiving any other available remedy, the District may recover civil damages from any person liable under the laws of the United States or the State of Colorado as a result of any violation of these Rules and Regulations or other unlawful act or omission. Such damages shall include the District's Actual Costs of discovering, investigating, curing, mitigating and repairing the consequences of such violation or other unlawful acts or omissions.

8.9 INJUNCTIVE RELIEF. In addition to and without waiving any other available remedy, the District may seek injunctive relief from any act or omission which violates these Rules and Regulations, or which otherwise jeopardizes the property or health of any person, including the District.

8.10 REMEDIES CUMULATIVE. The remedies available to the District under these Rules and Regulations, and under the laws of the United States or the State of Colorado shall be deemed cumulative, and the utilization by the District of any single such remedy or combination thereof shall not preclude the District from utilizing any other remedy or combination thereof.

ARTICLE 9
CROSS-CONNECTION AND BACKFLOW CONTROL REGULATION

9.1 **PURPOSE:** This Cross-Connection and Backflow Control Regulation is adopted and enforced to enhance the public health and safety through the following described measures:

9.1.a To protect the District Potable Water System from the possibility of contamination or pollution by backflow or backsiphonage.

9.1.b To promote the elimination or control of existing cross-connections, actual or potential, between its customers' potable water system(s) and nonpotable water systems, plumbing fixtures and industrial piping systems.

9.1.c To provide for the maintenance of an ongoing program of cross-connection and backflow control, which will systematically and effectively prevent the contamination or pollution of the potable water system.

9.2 **AUTHORITY:** The authority to implement, administer and maintain the District's Cross-Connection and Backflow Control Regulation is contained in the following legislative actions and regulations: C.R.S. §§ 25-1-114 and 25-1-114.1; Article 12 of 5 CCR 1003-1, Colorado Primary Drinking Water Regulations, Colorado Department of Public Health and Environment; and 29CFR Section 1910.141 of the Occupational Safety and Health Administration.

9.3 **STANDARDS:** In addition to the above-listed authorities, the codes and regulations listed below are adopted and incorporated herein by reference to establish administrative and technical requirements for the District's Cross-Connection and Backflow Control regulations. The standards set forth therein are applicable to all installations served by the District Systems. If provisions of one such code or regulation contradict those of another, the provisions which are more stringent, in the opinion of the District, shall control.

9.3.a Colorado Cross-Connection Control Manual by the Water Quality Control Division of the Colorado Department of Public Health and Environment and the Colorado Cross-Connection Control Advisory Committee

9.3.b Uniform Plumbing Code of the International Plumbing and Mechanical Officials (IAPMO)

9.3.c Uniform Swimming Pool, Spa and Hot Tub Code of the IAPMO

9.3.d Uniform Solar Code of the IAPMO

9.3.e Colorado Swimming Pool and Mineral Bath Regulations

9.3.f Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14

9.3.g Manual for Cross Connection Control of the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

9.4 COSTS: All costs for complying with the provisions of the District’s Cross-Connection and Backflow Control Regulation, including design, installation, maintenance, testing, and repair, shall be borne by the customer/owner unless specifically stated otherwise herein.

9.5 DEFINITIONS

9.5.a Air-gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the edge of the receptacle or vessel from which water overflows (i.e., the flood level rim). An approved air-gap will be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel and, in no case less than one inch.

9.5.b Approved Backflow Preventer: A backflow preventer of a specific manufacturer, model and size that has been manufactured in full conformance with requirements established in the Colorado Cross Connection Control Manual. All approved backflow preventers shall be listed on the “List of Approved Backflow Prevention Assemblies” of the Foundation for Cross-Connection Control and Hydraulic Research and/or be listed and approved by the American Society of Sanitary Engineers.

9.5.c Atmospheric Vacuum Breaker (AVB): An assembly consisting of a body, a checking member and an atmospheric opening; suitable for isolation where not subjected to continuous downstream pressure for more than twelve consecutive hours and where there are no downstream valves.

9.5.d Backflow: The undesirable reversal of the direction of flow of water or mixtures of water and other liquid, gases, or other substances into the distribution pipes of the District Potable Water System from any source or sources caused by backpressure and/or backsiphonage.

9.5.e Backflow Preventer: An approved device or method designed to prevent backflow or backsiphonage into the District Potable Water System by containing or isolating the owner’s water system from the District Potable Water System.

9.5.f Back-Pressure: A situation where pressure in an owner’s water system is greater than that in the District Potable Water System, possibly caused by a pump, elevated tank, boiler or other means, that could cause the backflow of water or other liquids, mixtures, or substances into the District Potable Water System.

9.5.g Backsiphonage: The backflow of water or other liquids, mixtures or substances into the District Potable Water System from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

9.5.h Certified Cross-Connection Control Technician: A person who has passed a State approved and/or sponsored course and who is listed by the State as being qualified to perform tests, inspections, and repairs of backflow prevention devices and methods.

9.5.i Check Valve: A self-closing device designed to permit the flow of fluids in one direction and to close if there is a reversal of flow. A single check valve is not considered to be a suitable backflow preventer.

9.5.j Contamination: The impairment of the quality of potable water by pollution from sewage, industrial fluids or waste liquids, compounds or other materials to a degree that creates a hazard to the public health.

9.5.k Containment: Protection by containment shall mean the installation of an approved backflow prevention assembly, or method, on the water service line(s) serving any premises, location, facility, or area. Protection by containment shall be used whenever the District Potable Water System may be contaminated or polluted by substances used or stored within a building or premises.

9.5.l Cross Connection: Any physical arrangement whereby the potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the potable water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross connections.

9.5.m Cross Connections, Controlled: A connection between a potable water system and a nonpotable water system with an approved backflow preventer properly installed that will continuously afford the protection commensurate with the degree of hazard.

9.5.n Double Check Valve (DC): An assembly of two independently operating check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for independently testing each check valve. A double check valve is suitable for both isolation and containment of low risk hazards.

9.5.o Hazard, Degree of: The term derived from an evaluation of the potential risk of public health and the adverse effect of the hazard upon the potable water system.

9.5.p Hazard, Health: Any condition, device, or practice in the water supply system and its operation that could create, or in the judgment of the District, may create a danger to the health and the well being of the water consumer.

9.5.q Hazard, Plumbing: A plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow preventer. Unprotected plumbing type cross connections are considered to be a health hazard.

9.5.r Industrial Fluids System: Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted to such a concentration that could cause a health hazard if introduced into a potable water supply. This may include, but not be limited to, polluted or contaminated waters; all types of process water and "used waters" originating from the public water system which may be deteriorated in sanitary quality; chemicals in fluid form; cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention ponds, irrigation canals or systems, etc.; oils, gases, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire fighting purposes.

9.5.s Isolation: The control of cross-connections within a building's plumbing system by the installation of approved backflow prevention assemblies or methods at or near the potential sources of pollution or contamination.

9.5.t Nonpotable Water Supply: Any water supply on or available to the premises other than the District Potable Water System. The non-potable water supply may include water from the District Non-Potable System or from any natural source such as a well, spring, river, stream, pond, lake, etc., or used waters.

9.5.u Pollution: The presence of any foreign substance (organic, inorganic, radiological, or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.

9.5.v Potable Water: Water from the District Potable Water System that complies with bacteriological, chemical, and radiological quality criteria established by the Colorado Primary Drinking Water Regulations.

9.5.w Pressure Vacuum Breaker (PVB): An assembly consisting of a body, one or two independently operating, internally load check valves and an independently operating, loaded air inlet valve plus properly located test cocks. PVBs are suitable for isolation where subjected to continuous downstream pressure.

9.5.x Reduced Pressure Principle Device (RP): An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks, for the testing of the check and relief valves. The device will operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two check valves will be less than the pressure on the public water supply of the device. In case of leakage of either of the check valves, the differential relief valve will operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve will open to the atmosphere. The RP device is suitable for isolation and for containment of both low and high risk hazards.

9.5.y Residential Dual Check Valve (RDC): An assembly of two check valves in series and suitable only for containment at residences where there is no nonpotable water piping extended to within the residential structure and where there are only typical household hazards. Residential dual check valves shall be approved under Standard 1024 of the American Society of Sanitary Engineers.

9.5.z Submerged Inlet: A water pipe or extension thereto supplied from the District Potable Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

9.5.aa Any Other Term: Any term not defined within this section shall be defined as presented in Article 2 of these Rules and Regulations, and if not listed therein, as defined in the Colorado Cross-Connection Control Manual.

9.6 REQUIREMENTS

9.6.a General Requirements: No service connection to any District Water System shall be installed or used unless the requirements of this Article 9 and state laws and regulations specified in §9.3 are fully complied with. A violation of these Rules and Regulations shall be deemed to occur in cases where a backflow preventer is required but is not satisfactorily installed, tested and maintained, or if a backflow preventer has been removed, disabled, or bypassed, or if an unprotected cross-connection exists on the premises.

9.6.b Backflow Preventers Required: A backflow preventer, of a type commensurate with the degree of hazard, shall be installed on all potable water service lines. Only approved backflow preventers shall be used. Backflow preventers shall be installed upstream of all potential hazards. Although the type of backflow preventer required for a specific premises will be determined on a case-by-case basis, the following information describes the type of backflow preventer typically required for various situations:

i) Typical Residential Service. At a minimum, a residential dual check valve shall be installed as an integral component of the meter setter for each potable water meter at residential occupancies having a service line size of 1-inch and smaller. Also, each exterior hose bib, hydrant, faucet or other exterior outlet from the potable water system shall have an integral, non-removable atmospheric vacuum breaker. No piping from the District Non-Potable System shall be extended to within a residential structure.

ii) Industrial Fluid System, District Non-Potable System, or Auxiliary Water Supply. The potable water service for any premises having an Industrial Fluid System or any piping from the District Non-Potable System or from any auxiliary water supply extended to within the structure shall be protected by an air gap separation or an RP device.

iii) Fire Protection System. Generally, fire protection shall be provided by the potable water system. At a minimum, a double check valve assembly shall be located on the potable water service line and also on the fire protection service line if separate and supplied from the District Potable Water System. If the fire protection system contains chemicals (e.g., antifreeze, foam, etc.) or otherwise poses an increase risk, RP devices shall be used. Where the fire protection system is supplied from the District Non-Potable System, the fire protection system shall be kept totally separate from the potable water system and an RP device shall be installed on the potable water service. Water from the District non-potable water system shall not be used to supply fire protection sprinklers at residential units.

iv) Irrigation with Potable Water: At a minimum, a double check valve device shall be installed where the irrigation system connects to the potable water system. An RP device or air gap separation shall be provided when fertilizers, pesticides, and other substances are injected or siphoned into the irrigation system.

v) Irrigation with Nonpotable Water: Piping and plumbing from the District Non-Potable System or other nonpotable irrigation system shall be kept totally separate from the potable water system. Where the irrigation system is supplied from the District Non-Potable System, a backflow preventer is required.

vi) Fire Hydrants: Only District approved meters and backflow preventers shall be used for the withdrawal of water from District hydrants. The only authorized methods of backflow prevention for the withdrawal of water from a District hydrant are an air gap or an RP device. Where an RP device is used, testing records shall be maintained with the device and be available for District review upon request.

9.6.c Existing Conditions: The laws and regulations set forth in this Article 9 regarding cross-connection and backflow control shall apply regardless of the age of the facility. Any uncontrolled cross-connection shall be immediately abandoned and taken out of service upon being identified.

9.6.d Submittal of Building Plans: Although the building authority issues the building permit, portions of the building plans detailing the potable and any nonpotable water piping, plumbing and equipment need to be submitted to the District for approval before commencement of the project. Submitted information shall describe and show the following items:

- i) Location and size of all potable and non-potable water service lines and meters serving the premises
- ii) Location, size, and type of proposed backflow preventers and including a description of the hazard to be controlled by each backflow preventer, and
- iii) Any piping, plumbing, vessels or other equipment which presents or could present an increased hazard of cross-connection or backflow which is not present at a typical residential dwelling, including a written description of the hazard

9.6.e Right of Access for Inspection. Customer facilities shall be open for inspection at all reasonable times to allow authorized representatives of the District to determine whether cross connections or other hazards, including violations of these regulations, exist.

9.7 INSTALLATION:

9.7.a District Notification: The District shall be informed of all backflow preventers that are installed on any premises. Upon installation, the device shall be inspected and tested as provided for in §9.8 below.

9.7.b General Guidelines: Each backflow device shall be installed in full accordance with the manufacturer's recommendations and with adequate clearance to facilitate testing, maintenance and repair. Upstream piping shall be thoroughly flushed prior to installation of the device. Precautions shall be taken to protect above ground installations from freezing. Valves integral to backflow prevention assemblies shall not to be used as the inlet or outlet valve of the water meter. Test cocks shall not to be used as supply connections.

9.7.c Residential Dual Check Valves: Refer to the Minimum Design Standards for requirements concerning the installation of residential dual check valves.

9.7.d Atmospheric Vacuum Breaker: The device shall be located so as to never be subjected to backpressure and be installed a minimum of 6 inches above the highest downstream piping or outlet. No valves shall be permitted downstream of the device.

9.7.e Pressure Vacuum Breaker: The device shall be located so as not to be subjected to continuous pressure and be installed with the air inlet in a level position and at least 12 inches above the highest downstream piping or outlet.

9.7.f Double Check Valves Assemblies and Reduced Pressure Backflow Preventers: The device shall be installed where no part of the device will be submerged and at least 12 inches above the floor. Devices shall typically be installed above grade except that, with District approval, devices may be installed in a basement or in a manhole or vault provided that adequate drainage with a

minimum effective opening of twice the diameter of the device is provided. For RP devices, proper and adequate drainage shall be provided for the relief valve and may be piped away from the device provided that an air gap separates the relief valve from the drain line.

9.7.g Fire Service Systems: Backflow preventers used on fire service lines shall have OS&Y valves, be listed by the National Fire Protection Association (NFPA), and be classified by Underwriters Laboratories for fire system use. All underground fire sprinkler systems shall conform to the latest NFPA requirements regarding hydrostatic testing and allowable leakage.

9.8 TESTING AND MAINTENANCE:

9.8.a General. The owner shall maintain each backflow preventer in good working condition.

9.8.b Testing. In order to ensure that backflow preventers will operate satisfactorily, all devices, except for residential dual check valves, shall be tested at the time of installation and on an annual schedule thereafter. At least once per year, it will be the duty of the customer/user at any premises where a backflow preventer, other than a residential dual check valve, is installed to have certified tests made of these devices. Where the District deems the hazard great enough, the District may require testing at more frequent intervals. Testing shall be performed by a certified cross-connection control technician and be conducted in accordance with the requirements of the Colorado Cross Connection Control Manual. A copy of the test/inspection report shall be forwarded to the District, Attn: Backflow Prevention Coordinator, within five working days following the completion of the testing, inspection, repair or replacement.

9.8.c Failed Devices. Any failed devices, as evidenced on a test/inspection report, must be repaired or replaced within ten (10) business days following the test. Notwithstanding the above, should the owner, certified cross-connection control technician, or District deem the hazard great enough, there shall be made an immediate physical disconnect of the piping protected by the failed device until the device is repaired or replaced and satisfactorily tested.

9.8.d Failure to Test. If the District does not receive a copy of the test/inspection report showing the satisfactory operation of the backflow preventer within two weeks of the annual due date, the District may notify the Owner. The Owner shall have ten working days after notification by the District to have the backflow preventer tested/inspected and to provide a copy of the report to the District. Notwithstanding the above, should the cross connection risk be associated with the District Non-Potable System, the District may immediately and without further notice discontinue service from the Non-Potable System and withhold said service until the backflow preventer is successfully tested and any charges assessed pursuant to §8.7 are paid.

9.8.e Residential Dual Check Valves. The District will maintain and test the operation of residential dual check valves through the regularly scheduled replacement of the check valve cartridges. The District anticipates testing approximately 20-percent of the installed residential dual check valves annually.

ARTICLE 10 **(Reserved)**

ARTICLE 11
WATER SERVICE REQUIREMENTS

11.1 SERVICE LINES

11.1.a Construction. Separate and independent Service Lines, including the Tap and the extension from it to the water meter, shall be designed, installed and constructed by the Owner at his sole cost and expense for every improvement receiving service from the District Potable Water System and from the District Non-Potable System. Service Lines and any other water facilities located on the property shall be designed, installed and constructed in accordance with §4.3, the Minimum Design Standards, and approved Design and Construction Documents.

11.1.b Ownership & Maintenance. Except as provided in §11.2 with respect to water meters, the Owner shall own and be solely responsible for maintaining, repairing and replacing all plumbing fixtures, water-using appliances, and pipes on his premises, and the entire length of the Service line downstream from the water meter. Owner shall cause any and all leaks or other non-conformities in his privately-owned facilities to be repaired promptly at his sole expense. He shall further ensure that the meter pit or curb box for his Service Line are free from any materials which may obstruct or hinder access thereto by authorized personnel. In the event that a common meter pit is used for two service lines to adjacent properties, maintenance thereof shall be the joint and several obligation of the adjoining Owners.

11.1.c Responsibility for Damage. The District is not responsible or liable for damage from any cause whatsoever to privately-owned piping, fixtures, and water-using appliances, and no Owner is entitled to reimbursement for damages or payment of refunds by reason of pressure changes or stoppage of the flow of water through the District System. The protection of water-using devices and systems which require limited or sustained water pressure or a continual water supply is the sole and exclusive responsibility of the Owner, and he shall provide suitable protection devices for such apparatus at his own expense. Further, the Owner shall be solely responsible for all damage to persons or property resulting from leaks on his Service Line or from any apparatus owned by him.

11.2 WATER METERS

11.2.a Requirement. Every service on the District Potable Water System and on the District Non-Potable System shall have a water meter of a size, type and quality approved by the District for billing purposes. The term “meter” shall include the meter assembly itself along with the remote read register, wiring, and other appurtenances that allow the District to obtain meter readings. The Owner shall purchase meters two inches or smaller in diameter from the District, at the District’s Actual Cost. The Owner shall purchase meters larger than two inches in diameter directly from a supplier after obtaining the District’s approval of the meter manufacturer, type, style, and accessories. The Owner shall install the meter at the Owner’s sole expense.

11.2.b Location. All meters shall be located as provided in the Minimum Design Standards. The Owner shall keep the meters fully accessible to District personnel and keep the area around the meters free from obstructions at all times.

11.2.c Maintenance. In order to provide for the accurate measurement of water through each meter, the District shall maintain all meters which are read for billing purposes against ordinary wear and tear. Meters two-inch or smaller in need of maintenance, testing or replacement will be removed

and replaced with a properly tested meter of corresponding size and type by the District at the District's expense. Meters larger than two-inch shall be tested, maintained, repaired and/or replaced by the District at the expense of the Owner as necessary.

11.2.d Damage. The Owner shall be solely responsible for any damage to, or loss of the meter caused by vandalism, malicious mischief, theft, freezing, hot water, tampering, water hammer, or casualty other than ordinary wear and tear. When a meter has been damaged as a result of any such causes, the Owner shall bear the entire expense of removing, repairing, resetting and replacing his meter.

11.2.e Common Ownership Associations. When a common ownership or condominium association exists for multiple units receiving service from the District through a single meter, the District shall issue a single invoice to the association for service to all units served by the meter, and the association shall have the primary obligation for all rates so invoiced. In no event shall the District be required to invoice the owner of an individual unit within such common ownership or condominium property unless the service to such unit is metered separately.

11.3 FIRE PROTECTION. The right to Tap a District Main for or to take and use water from the District System for private fire protection service other than from an exterior fire hydrant is granted only upon the following conditions:

11.3.a License. The Owner has secured a License for the fire protection service, and has paid an administrative fee in the amount specified in Appendix C to these Rules and Regulations.

11.3.b Combined Service Line. If the water for fire protection is to be supplied through the same service line through which water is supplied for other purposes to the Licensed Premises, the fire protection facilities shall include a meter and backflow prevention equipment conforming to the Minimum Design Standards and other applicable regulations and building code requirements, and shall be installed so as to prevent the use of water through such fire protection facilities for any purpose other than fighting fires.

11.3.c Adequacy of Service. The District assumes no obligation or responsibility for the adequacy of private fire protection services.

11.3.d Limited Use. The only use for which water may be taken from private fire protection services is to extinguish fires. Any other use of water, except for routine testing, from said service shall be deemed unauthorized use of water.

11.3.e Flow Detection. Fire protection services shall be equipped with a flow detection device and backflow prevention equipment as specified in the Minimum Design Standards and in accordance with all relevant regulations and building code requirements.

11.4 IRRIGATION. Each Owner shall take measures to ensure the efficient use of water for irrigation of lawns and landscaped areas at the Owner's premises. Irrigation shall be scheduled and applied in such a manner as to efficiently apply the water to areas intended for irrigation and to prevent runoff and ponding. Water from the Non-Potable System shall be used in such a manner as to minimize exposure to persons, including the public, and to prevent the water from entering wading and swimming pools or decorative fountains and pools. Water from the Non-Potable System shall not be allowed to contact drinking fountains or tables used for commercial or public food service. Should conditions warrant, the District, in its sole discretion, may limit irrigation practices at a specific premises in such a

manner as to promote conservation, public health and safety, and the efficient use of water. The provisions of Article 13 shall further govern the use of water from the District Non-Potable System.

11.5 FIRE HYDRANT PERMIT. The only use for which water may be taken from fire hydrants without a permit is for the fighting of fires. Water to be used for purposes other than fighting fires, such as construction water or temporary irrigation uses, may be withdrawn from fire hydrants only if a permit authorizing the special use has been issued by the District and a meter is used to measure all flows withdrawn from the hydrant. Permits shall be valid only during the dates and only for the purposes specified therein, and all conditions of use shall adhere to those conditions specified in the permit.

11.6 TEST SAMPLES. Any Owner desiring a sample and test of water taken from the District System for the purposes of determining lead or copper content shall coordinate the same directly with the District and shall be solely responsible for paying all costs thereof.

11.7 SWIMMING POOL PERMIT

11.7.a Permit Required. Any Owner who desires to use the District Potable Water System to fill a swimming pool shall make written application for a Swimming Pool Supply Permit at the office of the District upon such forms as may be prescribed and furnished by the District.

11.7.b General Conditions. The District may impose such reasonable restrictions as to frequency, times, volume and rates for filling the swimming pool as may be appropriate to reduce the risk of supply, pressure or other potential problems in the District Water System. If such conditions are imposed, the Owner shall post and maintain a permanent sign stating the conditions in a prominent place at the location of the equipment servicing the pool.

11.7.c Isolation from Runoff and Irrigation System. The Owner shall take every practical measure during the design, installation, and operation of the swimming pool to prevent the entry of surface drainage and of water from the Non-Potable System into the swimming pool and to otherwise limit the exposure of swimming pool users to water from the Non-Potable System.

11.7.d Revocation. Restrictions and requirements imposed pursuant to §§11.7.b and 11.7.c shall be conditions of the Swimming Pool Permit, and a breach or violation of any of the same shall constitute a violation of these Rules and Regulations and cause for revocation thereof. Upon revocation of the Permit, the Owner shall immediately cause the swimming pool facilities to be physically severed and disconnected from the District Water System. Failure to comply with this requirement shall constitute cause for suspension or termination of all water service to the premises in accordance with §8.4.

11.8 DEDICATION OF WATER

Dedication and acceptance of any water shall be by separate agreement, defined on a case-by-case basis.

ARTICLE 12
WATER FEES AND CHARGES

12.1 WATER SYSTEM DEVELOPMENT CHARGES

12.1.a Water System Development Charge. For the purposes of defraying costs of developing Wholesale Facilities for the District Systems, there is hereby imposed a Water System Development Charge.

12.1.b Payment Due. The Water System Development Charge established in this §12.1 shall be due and payable in full at the time application for a License is made or at such time as a change in use or configuration of the Licensed Premises requires additional payments pursuant to §4.3.b.

12.1.c Amount. The Water System Development Charge is determined utilizing the water budget and tap calculator method as described in §4.2. This method uses the calculation process presented in Appendix D and that calculation process uses the service area specific cost inputs shown in Appendix E.

12.2 WATER SERVICE RATES & CHARGES

12.2.a General. For the purposes of defraying expenses of on-going potable water system operation, the water service rates and charges specified in this section are hereby imposed upon the persons and property liable therefor pursuant to §6.1. Rates for water taken from the District Water Systems consist of a consumption charge plus a base monthly service charge.

12.2.b Consumption Charges. Consumption charges are based upon the amount of water taken from the Potable Water System during the billing period, as determined by meter readings. The consumption charge for water withdrawn from the Potable Water System shall be determined in accordance with the tiered rate amounts set forth in Appendix E to these Rules and Regulations. Note that the consumption rules and regulations for water from the Non-Potable System is defined in Article 13.

12.2.c Base Monthly Service Charge. The base monthly service charge per tap is specified in Appendix E to these Rules and Regulations.

12.2.d Commencement of Service Charges. Charges for water service shall commence at the time of meter installation.

12.2.e Non-Routine Case Rates. Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in subsections 12.2.b and 12.2.c above are established shall be fixed by the Board of Directors in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the District System. Any rates so fixed shall be subject to change at any time, in the discretion of the Board of Directors.

12.2.f Meter Malfunction. If the District determines that the meter and/or the remote register serving any premises has become inaccurate, has failed to register, or has been bypassed or tampered with, the District shall adjust the billing account for that premises to prevent the same from receiving service at the expense of other users. Such adjustment shall be calculated based upon estimated consumption at the premises for the period during which the inaccuracy, or meter or register failure,

is deemed by the District to have existed, using measured consumption at the premises for similar periods in prior years and measured consumption for other similar premises. If such condition was caused by or resulted from willful or intentional bypassing, tampering or unauthorized metering as provided in Sections 40-7.5-101 *et seq.*, C.R.S., the District may assess treble damages and collection costs as authorized by Section 40-7.5-102(2), C.R.S.

12.3 MISCELLANEOUS WATER-RELATED FEES & CHARGES

12.3.a Fire Hydrant Use Fees. There is hereby imposed a fee in the amount set forth in Appendix C to these Rules and Regulations for each fire hydrant permit issued by the District pursuant to §11.5, which shall be payable in full upon application for the permit.

12.3.b Owner-Initiated Meter Read Fee. Whenever a meter reading is taken at the request of the Owner, a service fee in the amount set forth in Appendix C of these Rules and Regulation shall be paid by any person liable therefor pursuant to §6.1.b. Such charges will be deemed for all purposes to be charges for water service.

12.3.c Owner-Initiated Shutoff. Whenever a water service line is closed or reopened by the District at the request of the Owner, a service fee in the amount set forth in Appendix C of these Rules and Regulation shall be paid by the water service owner.

12.3.d Fire Protection Service Standby Charge. For the purpose of defraying the costs of additional District facilities and services associated with fire protection Service Lines, such as inspections and record keeping associated with their connection to the District Main and with the District's cross-connection and backflow control program, there is hereby imposed a fee in the amount set forth in Appendix C to these Rules and Regulations for fire protection Service Lines.

12.4 WATER BILLING ACCOUNT CREATION & TRANSFER

12.4.a Account Creation. Upon payment of a water tap fee, a water meter will be installed at the property and a billing account will be created for monthly water usage using the information in the tap fee application. All monthly water rates and charges will be billed to the original tap applicant until the property and tap are sold or transferred. At this time, the billing account may be transferred as described in 12.4.b.

12.4.b Account Transfer. Once a property and the associated water tap is transferred to another agent, the original owner must contact Rangeview Metropolitan District's billing department to transfer the water billing account to the new owner. Prior to the account transfer occurring, Rangeview will inspect the water meter and meter pit. If there are damages to the meter or meter pit outside of normal wear and tear, the original account holder will fix the damages at their sole expense and any water usage during this time will be paid by the original account holder. Once the damages are fixed and the meter pit and meter are in good working order, the account will be transferred to the new property owner.

ARTICLE 13
NON-POTABLE WATER SYSTEM

13.1 SCOPE, APPLICABILITY. Although the operation of the District Non-Potable System is similar to that of the District Potable Water System, water from each of the two systems is of a different quality and is intended to be used for different purposes. The regulations set forth in this Article 13 apply to and govern the design, construction, operation, maintenance of all facilities served by the District Non-Potable System, and all uses made of non-potable water supplied by that system. The provisions set forth in other articles of these Rules and Regulations apply generally to the District Non-Potable System, but any provisions of this Article 13 which conflict or are irreconcilably inconsistent with provisions set forth elsewhere in these Rules and Regulations shall supersede and control over the latter.

13.2 CODES AND REGULATIONS. In addition to the regulations set forth in this Article 13, the codes and regulations listed below are adopted and incorporated herein by reference to establish administrative and technical requirements for the District's Non-Potable regulations. The standards set forth therein are applicable to all installations served by the District Non-Potable System. If provisions of one such code or regulation contradict those of another, the provisions which are more stringent, in the opinion of the District, shall control. The following authorizations include requirements for using non-potable water:

- ◆ Regulation No. 84, Reclaimed Domestic Wastewater Control Regulation, Colorado Department of Public Health and Environment, Water Quality Control Commission, to the extent that reclaimed domestic wastewater is present in an irrigation system.
- ◆ The Uniform Plumbing Code as adopted and amended by Arapahoe County.

13.3 DESIGN AND OPERATING REQUIREMENTS. Design and operation of the irrigation system shall conform to the following requirements:

13.3.a Water from the Non-Potable System shall be used only for those uses approved in the Non-Potable Service License.

13.3.b Overspray and runoff shall be limited or prevented. Any exterior drinking fountains shall be protected from the direct spray or overspray from the non-potable irrigation systems.

13.3.c Irrigation facilities using non-potable water shall be designed and operated so as to apply adequate water to all use areas within the time periods set forth in the Non-Potable System License.

13.3.d The Non-Potable System shall be separate and independent from the potable water system. Cross connections are expressly prohibited.

13.3.e Minimum required separation between continuously-pressurized non-potable service lines and the potable water service lines shall be maintained at all times. Except where expressly authorized in writing by the District, non-potable service lines shall have a minimum 10-foot separation from potable water pipelines. Where a crossing is required, the non-potable line shall pass under the potable water pipeline with a minimum vertical clearance of 18 inches.

13.3.f Generally, the non-potable water system does not serve single family residences. However, the non-potable water system can serve local parks and street landscaping within residential areas. Hose bibbs or yard hydrants on the Non-Potable System are prohibited in residential areas.

13.3.g If a single family residence is provided with both a potable and non-portable water tap, each residence shall be provided with at least one exterior hose bibb supplied from the potable water system and attached to the building. The exterior hose bibb shall be used for hand watering of gardens, washing of cars, filling of wading pools, and other uses where human contact with the water is to be anticipated. Each exterior hose bibb shall have an integral vacuum breaker-type backflow preventer; screw on-type backflow preventers are not allowed. Yard hydrants or any other outlets from the potable water system that are not attached to the main building are not allowed in residential areas.

13.4 CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION. There shall be no physical connection, either temporary or permanent, between the Non-Potable System and any other water supply. The Customer's non-potable water system shall be completely isolated and separated from all piping containing potable water.

13.4.a Cross Connection Control. Cross connections between the irrigation and potable water systems are strictly prohibited. No hose bibbs or yard hydrants are permitted from the non-potable system at residential areas. No irrigation service line or piping are to be extended to within any residential structure.

13.4.b Backflow Prevention. Each potable water service shall be provided with a backflow preventer. For residences not having a fire sprinkler system or other plumbing features which cause an elevated risk of contamination to the District's water systems, a residential dual check valve located at the meter setter for the potable water service is required. A more positive type of backflow preventer is required in some cases.

13.4.c Inspection. The absence of cross connections is inspected by District personnel, including a "shutdown" pressure test procedure, at the time the service is initially placed into use and regularly thereafter.

13.5 RESIDENTIAL USER REQUIREMENTS:

13.5.a Scope, Applicability. For the purposes of this Article 13, the term "residential" shall mean all premises where people reside, regardless how the premises may be classified for other purposes, such as property taxation, land use, *etc.* The requirements set forth in this section shall apply to all residential areas and premises.

13.5.b Approved Uses. Generally, residential water users will only be connected to the potable water system. However, in select approved cases the Non-Potable System may be used to supply non-potable water to "in the ground" sprinkler systems in residential areas. Non-potable water can be used for irrigation of lawns and landscaped areas, but shall not be used for vegetable gardens or other non-approved uses.

13.5.c Gardens. Nonpotable water may be used to irrigate flower and other ornamental gardens but shall not be used to irrigate edible crops, including fruits, vegetables, herbs and spices.

13.5.d Time of Operation. Irrigation with nonpotable water is limited to those hours which provide a reduced risk to public contact with any overspray or misting. Spray irrigation shall occur only between 9:00 P.M. and 7:00 A.M. Drip and subsurface irrigation systems may operate at any time.

13.5.e Approval Required. Design of new irrigation systems must be submitted to the District for approval prior to any construction. Prior approval must be obtained from the District to extend, modify, renovate or make other major changes to a Customer's irrigation system. Evidence of compliance with applicable standards and regulations shall be prepared and submitted by the Customer whenever District approval is required.

13.5.f Approved Contractor. Construction of the irrigation system on a Customer's property shall be performed by a licensed plumbing contractor approved by the District or by an Owner who has been approved by the District to perform the proposed work. To gain approval, the contractor or Owner shall successfully complete a District-sponsored orientation class on recycled water use.

13.5.g Liability and Responsibility. Each Customer assumes all liability and responsibility for the design, construction, operation, and maintenance of his Irrigation System service line, commencing downstream of the meter, and of all components supplied with nonpotable water that are located on his property. The District is responsible for water quality and the design, operation and maintenance of the Irrigation System only upstream from the Customer Facilities.

13.5.h Efficient Use of Water. An Owner shall operate his irrigation facilities so as to achieve the efficient use of non-potable water.

13.5.i Best Management Practices. Best management practices shall be implemented by each Customer to achieve a safe and efficient irrigation system. Each Customer's irrigation system shall be designed, constructed and operated so as to minimize overspray onto passers-by and impervious surfaces. Irrigation systems located within 100 feet of any public eating, drinking or bathing facility shall incorporate low trajectory spray heads and other means and measures to avoid direct spray onto these facilities and to reduce aerosol drift. Each Customer shall maintain his irrigation system in proper working condition and adjust sprinklers and timing schedule to prevent nonpotable water from contacting the public, from pooling or ponding, and from draining onto adjacent properties, streets, storm sewers or water bodies.

13.5.j Maintenance. Each customer shall routinely monitor and inspect his irrigation system for any conditions not in conformity with applicable standards and regulations. Broken or out-of-adjustment sprinkler heads, irrigation controller malfunctions, excessive ponding or runoff of recycled water, *etc.* shall be corrected as soon as they become apparent.

13.5.k Notification and Violations. Pipeline ruptures or any cross connections shall be reported immediately to the District.

13.6 CONVERSION OF WATER SYSTEMS

13.6.a Potable to Nonpotable. Any conversion of facilities from a potable to a nonpotable water supply shall be designed and implemented in full conformity with applicable standards and requirements for service from the Non-Potable System. No conversion shall be commenced until the plans and design therefor have been approved in writing by the District. The facilities to be converted shall be fully investigated including the review of any record drawings, potholing of existing facilities, and other determinations the District may require to demonstrate full compliance therewith. The Owner shall complete and submit an application for a Non-Potable System License, pay all fees and charges associated therewith, and pay all other costs incurred in connection with the conversion. Upon completion of the conversion, the Owner shall provide written certification from a licensed plumber to the District that, based upon the plumber's thorough investigation of the premises' plumbing, there are no cross-connections between the potable and nonpotable water systems for the premises. The District may but shall not be required to perform an inspection and pressure test of all water facilities at the premises to establish that there are no cross-connections between the potable and nonpotable water systems.

13.6.b Nonpotable to Potable. The Owner shall pay all costs of converting a service from the Non-Potable Water System to the Potable Water system. Unless conversion is specifically required by the District, no conversion shall be made without prior approval by the District. The Non-Potable System service shall be removed and plugged at the District Main or abandoned in a manner approved by the District and other regulatory agencies. The on-site nonpotable water facilities shall be modified as required by the District and other regulatory agencies for use with potable water. Upon completion of the conversion, the Owner shall provide written certification from a licensed plumber to the District that, based upon the plumber's thorough investigation of the premises' plumbing, there are no cross-connections between the potable and nonpotable water system.

13.7 ENFORCEMENT. In addition to the remedies provided in Article 8 for any violation of these Rules and Regulations, the District may, in the event of repeated or ongoing misuse of nonpotable water or other violation of the provisions of this Article 13, after written notice and reasonable opportunity for the Owner to cure, in its sole discretion require the Owner to convert his premises' irrigation service line from the Non-Potable System to the Potable Water System in accordance with the requirements of section 13.6.b.

13.8 NON-POTABLE WATER SYSTEM RATES & CHARGES

13.8.a Non-Potable Water System Development Charge. For the purposes of defraying costs of developing Non-Potable Water Resources and the Non-Potable Distribution System, there is hereby imposed a Non-Potable Water System Development Charge.

i) Amount. The Non-Potable System Development Charge is determined utilizing the water budget method as described in §4.2. This method uses the calculation process presented in Appendix D for non-potable connections and that calculation process uses the service area specific cost inputs shown in Appendix E.

ii) Payment Due. The Non-Potable System Development Charge shall be due and payable in full at the time application for a Non-Potable Service License is made or at such time as a change in use or configuration of the Licensed Premises requires additional payments pursuant to §4.3.b.

13.8.b Consumption Charges. Non-Potable consumption charges are based upon the metered water delivered from the system during the billing period. These consumption charges shall be determined in accordance with the tiered rate amounts set forth within Appendix E. When determining the applicable tiered rates, adjustments may be made to reflect a 30-day billing month only for the purposes of determining which of the tiered rates are to be used.

13.8.c Base Monthly Service Charge. The base monthly service charge for non-potable water services are specified in Appendix E.

ARTICLE 14
(RESERVED)

ARTICLE 15
WASTEWATER SERVICE REQUIREMENTS

15.1 SERVICE LINES

15.1.a Construction. Separate and independent Service Lines, including the Tap, shall be designed, installed and constructed by the Owner at his sole cost and expense for every improvement requiring wastewater service from the District Wastewater System. Service Lines and any other wastewater facilities located on the property shall be designed, constructed and installed in accordance with §4.3, the Minimum Design Standards, and approved Design and Construction Documents.

15.1.b Ownership & Maintenance. The Owner shall own and be solely responsible for maintaining, repairing and replacing all plumbing fixtures and pipes on his premises, and the entire length of his Service Line up to the property line and beyond to the upstream side of the sewer wye. The Owner shall ensure that no root infiltration, storm runoff, or groundwater enters the District System through his Service Line to the sewer main. The Owner shall cause any and all leaks, blockages, or other non-conformities in his privately-owned facilities to be repaired promptly at his sole expense.

15.2 MONITORING MANHOLES. When reasonably required by the District, an industrial or commercial user shall install and maintain at its sole expense a suitable monitoring manhole and associated equipment and appurtenances in the Service Line to facilitate observation, sampling and measurement of the wastewater flows from the Licensed Premises.

15.3 OIL, SAND AND GREASE INTERCEPTORS

15.3.a Interceptors Required. The District will determine whether an interceptor is required whenever a new Service Line is proposed, and whenever premises served by an existing Service Line changes ownership or use. The Service Line for every premises which discharges any quantity of sand, oil or other inert debris into the District System shall be equipped with a sand or oil interceptor unless expressly exempted by the District in writing. Examples of such premises include, but are not limited to: automobile service stations, mechanical repair shops, car washes, garden nurseries, and warehouses with floor drains. The Service Line for every restaurant, cafeteria, supermarket, bakery, and food processing or other food preparation facility shall be equipped with a grease interceptor. If the District determines that an interceptor is required for a specific service, the Owner shall submit engineered design documents showing the size and location of the interceptor to the District for review and approval. By-passes of interceptors are prohibited.

15.3.b Location. Interceptors shall be located on the Service Line outside the building served, upstream of the point where sanitary wastewater enters the service, and so installed and connected as to be easily accessible for inspection and cleaning.

15.3.c Size. All interceptors shall have a minimum capacity of 750 gallons.

15.3.d Construction, Ownership and Maintenance. Interceptors shall be owned, installed, operated and maintained in good working order by the Owner at the Owner's sole cost and expense. Installation, maintenance and operation shall be in accordance with these Rules and Regulations and approved Design and Construction Documents. Interceptors shall be accessible for inspection by

District personnel. Maintenance of interceptor/trap contents shall be performed by persons licensed to perform such work, no less frequently than annually. The District may require more frequent maintenance if necessary for the protection of District Facilities. Maintenance shall consist at a minimum of removing the interceptor/trap contents, which shall be disposed of properly off site. All records of maintenance of interceptors/traps shall remain onsite and be accessible for review by District personnel. Under no circumstances shall interceptor/trap contents be discharged to District Facilities.

15.3.e Change in Use. The Owner shall promptly notify the District at any time the use being made of his property changes in such a way that any oil, grease or sand interceptor may reasonably be required by the District pursuant to this section.

15.4 PRIVATE DISPOSAL SYSTEMS. Any person permitted to own and operate a private wastewater disposal system shall be responsible to operate, clean, maintain and dispose of waste materials from such system in accordance with the terms of any permit therefor. In no event shall the contents of such system be removed or transported except in a sanitary manner, through or by means of airtight tanks in such a manner as shall prevent the escape of any gases or odors.

15.5 PRIVATE LIFT STATIONS. If the elevation of any improvement is too low to permit gravity flow of wastewater to the District System, the Owner shall lift and discharge wastewater from such improvement to the District System at his sole cost and expense. Wastewater pumping equipment used for such purposes shall conform to regulations and code requirements established by the building authority and the Tri-County Health Department. Such facilities shall be owned, designed, installed, operated and maintained by the Owner at his sole cost and expense.

15.6 PROHIBITED CONNECTIONS. Basement or roof drains, discharges from sump pumps, subsurface drains or any other pipes conveying rain, snow, storm water or subsurface drainage shall not be allowed to connect to the District Wastewater System. No connection to a District Main will be permitted if the wastewater Service Line extends through or from a cesspool or septic tank.

15.7 SWIMMING POOLS

15.7.a Permit Required. Any Owner who desires to use the District System to carry discharge from a swimming pool or from swimming pool equipment, including discharge from filter backwash operations, shall make written application for a Swimming Pool Discharge Permit using such forms as may be prescribed and furnished by the District.

15.7.b General Conditions. The District may impose such reasonable restrictions as to frequency, times, volume and rate of such discharge as may be appropriate to reduce the risk of surcharge or other potential problems in the District System which may result from the entry of swimming pool discharge into the District System. If such conditions are imposed, the Owner shall post and maintain a permanent sign stating the conditions in a prominent place at the location of the equipment servicing the pool.

15.7.c Mechanical Controls. The District may further require Owner, at his sole cost, to install such equipment as the District may prescribe to insure that the general conditions of the Permit are observed. If required, such equipment shall be subject to the exclusive control of the District and shall not be modified, altered, removed or bypassed without the express written consent of the District.

15.7.d Revocation. Restrictions and requirements imposed pursuant to §15.7.b and §15.7.c shall be conditions of the Permit, and a breach or violation of any of the same shall constitute a violation of these Rules and Regulations and cause for revocation thereof. The District shall afford Owner notice and an opportunity to be heard before revoking any Swimming Pool Permit. Upon revocation of the Permit, Owner shall immediately cause the swimming pool facilities to be physically severed and disconnected from the District Wastewater System. Failure to comply with these requirements shall constitute cause for suspension or termination of all wastewater service to the Premises in accordance with §8.4.

15.8 TRUCKED OR HAULED POLLUTANTS. Trucked or hauled pollutants shall not be discharged to the District Wastewater System unless expressly permitted by the District in writing.

ARTICLE 16
WASTEWATER DISCHARGES

16.1 DISCHARGE RESTRICTIONS. No person shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater which will interfere or reasonably could be expected to with the operation or performance of the wastewater treatment system. Further, discharge of any of the following substances to the District System is prohibited:

16.1.a Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or to the operation of the System. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, and any other substances which the District, State, or Federal government has determined is a fire hazard or a hazard to the District System. No waste streams shall have a closed cup flashpoint of less than 140° F using the test methods specified in 40 CFR 261.21. No waste stream from a premises shall be such as to cause the reading on an explosion hazard meter in the atmosphere at the point of discharge into the District Wastewater System to be more than ten percent (10%) of the lower explosive limit of the meter.

16.1.b Solid or viscous substances which may obstruct the flow in a sewer or cause other interference with the operation of wastewater treatment facilities, such as but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, cinders, sand, spent lime, stone or marble dust, metal, glass, ashes, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, mud, grinding or polishing wastes, and other like or similar materials.

16.1.c Any wastewater having a pH less than 5.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel used or employed in the District System.

16.1.d Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the System.

16.1.e Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to prevent entry by District personnel into the sewers for their maintenance and repair.

16.1.f Any substance which will cause the System to violate its discharge permit or the receiving water quality standards.

16.1.g Any wastewater with objectionable color not removable in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

16.1.h Any pollutants, including oxygen demanding pollutants (BOD, etc.) which the person discharging such substance knows or has reason to know will cause interference to the District System, including without limitation the District treatment works.

16.1.i Any wastewater having a temperature which will cause the temperature of the influent to the wastewater treatment plant to exceed one hundred four degrees Fahrenheit and/or inhibit the biological activity in the District System, including without limitation the District treatment works.

16.1.j Any water or waste containing free, floating or insoluble oil or other substances that will solidify or become viscous between 32° to 150° F.

16.1.k Waters containing garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in the District sewer Mains.

16.1.l Unusual concentrations of dissolved solids.

16.1.m Any wastewater containing BOD, total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

16.1.n Ammonia nitrogen or substances readily converted thereto, in amounts that would cause the District System, including without limitation the District treatment works, to fail to comply with its discharge permit.

16.1.o Any material or substance not specifically mentioned in this section which in itself is corrosive, irritating, or noxious to human beings or animals, or which by interaction with other water or waste in the District System could produce undesirable effects or create any other condition deleterious to structures, treatment processes, and quality of the receiving stream, is hereby prohibited.

16.1.p Any material or substance which interferes with the treatment process even if it is within the concentration limits stated in §16.2, following written notice to the Owner by the District.

16.1.q Any other material or substance in quantity or concentration that is or may be prohibited by State or Federal regulation from being discharged into domestic wastewater treatment facilities.

16.2 SPECIFIC POLLUTANT LIMITATIONS. No person shall discharge to the District Wastewater System wastewater containing pollutants in excess of the following maximum concentrations:

<u>Pollutant</u>	<u>Maximum Concentration (mg/l)</u>
Oil and Grease	250
Arsenic	0.25
Cadmium	0.07
Chromium (total)	1.0
Chromium (hexavalent)	0.22

Copper	1.5
Cyanide	0.4
Lead	0.15
Mercury	0.02
Molybdenum	0.15
Nickel	1.1
Selenium	0.25
Silver	0.5
Zinc	2.5
Benzene	0.05
Total BETX	0.75

Compliance with the above numeric standards shall in no way relieve any categorical industrial discharger from their obligations to fully comply with the effluent limitations, pretreatment standards, and new source performance standards adopted by the U.S. EPA or with other requirements of these Rules and Regulations.

16.3 COMMERCIAL/INDUSTRIAL WASTEWATER PERMITS.

16.3.a C/I Permit Required. Every commercial and industrial (C/I) customer which the District determines in its sole discretion is or may be a significant contributor to the District Wastewater System shall obtain and maintain in good standing a C/I Wastewater Permit from the District as a condition of receiving service from the District System. For the purposes of this section, any operation subject to the national categorical pretreatment standards shall automatically be considered a significant contributor.

16.3.b Application. An Owner who requires a C/I Wastewater Permit shall complete and file with the District an application on forms prescribed by the District, including such other information as may be required by the District to determine and completely characterize the nature of all wastewater discharges anticipated from the commercial or industrial operations at the Owner's premises. Upon its preliminary evaluation of the permit application, the District may require additional information.

16.3.c Issuance. The District shall issue a C/I Wastewater Permit if all of the following conditions are met:

- i) The proposed discharge will not interfere with the normal and efficient operation of the District Wastewater System.

ii) The proposed discharge is in compliance with the prohibitions and limitations established herein.

iii) The proposed discharge will not reasonably result in a violation by the District of the terms and conditions of its NPDES permit or with other regulations governing the operation of the District Wastewater System.

16.3.d Denial. If an application for a C/I Wastewater Permit is denied, the District shall notify the applicant in writing of the grounds for such denial with a degree of specificity which informs the applicant of measures or actions that the applicant must take prior to the issuance of a permit. The applicant may appeal a denial pursuant to §8.6.

16.3.e Requirements, Conditions and Limitations. The Customer's operations on the premises shall be expressly subject to all requirements established in the C/I Wastewater Permit and to all other applicable regulations. Permits may contain, but are not limited to, the following requirements and limitations:

i) Limitations on the average and maximum wastewater flow rates, contaminant concentrations, and contaminant mass loadings.

ii) Requirements for the installation of flow equalization facilities.

iii) Requirements for pretreatment facilities to reduce contaminant concentrations in discharges to the District Wastewater System and to enable and, to the largest degree practical, ensure compliance with all provisions of the C/I Wastewater Permit.

iv) Requirements for a sampling and monitoring program to allow for the accurate characterization of wastewater flow rates and contaminant loadings.

v) Requirements for the installation and maintenance of inspection and sampling facilities.

vi) Requirements for Owner's periodic submittal to the District of technical reports establishing the compliance with the permit conditions or describing any violations thereto.

vii) Requirements for maintaining and retaining records relating to Owner's wastewater discharges and affording the District with access thereto for its review and copying.

viii) Requirements for the Owner's notification to the District in the event of any noncompliant wastewater discharge.

ix) Other conditions as deemed appropriate by the District to ensure compliance with this Article.

16.3.f Wastewater Strength Surcharges. Sewage entering the District's system, when analyzed, shows an average of more than 300 milligrams per liter of Total Suspended Solids or more than 300 parts per million of 5 day BOD or an average concentration of more than 750 milligrams per liter of COD, or an average concentration of more than 7.5 milligrams per liter of Total Phosphorus will impose wastewater strength surcharges as shown in Appendix E.

16.3.g Duration. C/I Wastewater Permits shall be issued for a specified time period not to exceed five years. The Owner shall apply for renewal thereof at least 180 days before expiration of the existing permit.

16.3.h Modifications. Upon the promulgation of any new or revised national categorical pretreatment standards affecting the Owner's commercial/industrial operations, the Owner shall apply

to the District for modification of provisions of the C/I Wastewater Permit such that the new standards are met within the time prescribed by such standards. In the event that any substantive change is proposed to the Owner's operation, the Owner shall complete a permit application describing such changes and submit it to the District at least 180 days before implementing said changes. Changes to the Owner's operation shall not be implemented without the District's approval and issuance of a new C/I Wastewater Permit covering the changed operation. In the event that the discharge from the Owner's operations, even though compliant with the C/I Wastewater Permit, is determined to damage or interfere with the normal and efficient operation of the District Wastewater System or to cause or increase the likelihood of a violation of the District's NPDES permit, the Owner shall, upon notice from the District, proceed immediately to modify such discharges and apply to the District to amend the C/I Wastewater Permit in a timely manner, so as to prevent such damage, interference, or violation.

16.3.i Transferability. C/I Wastewater Permits are issued to a specific Owner for specific operations and shall not be assigned or transferred to a new Owner without the express written approval of the District. The District will permit assignment or transfer only if there are no material substantive changes in the commercial or industrial operation previously permitted for the premises, and the new Owner commits in writing to abide by all conditions of the existing permit.

16.3.j Violation. It shall be a violation of these Rules and Regulations for any Owner to violate or fail to comply with any condition of his C/I Wastewater Permit.

ARTICLE 17
WASTEWATER FEES AND CHARGES

17.1 WASTEWATER SYSTEM DEVELOPMENT CHARGE

17.1.a Purposes. For the purposes of defraying the costs of furnishing Wholesale Facilities for the District System, there is hereby imposed a Wastewater System Development Charge.

17.1.b Payment Due. The Wastewater System Development Charges shall be due and payable in full at the time application for a License is made, or at such time as a change in use or configuration of the Licensed Premises requires additional charges pursuant to §4.3.b.

17.1.c Amount. The Wastewater System Development Charges are presented in Appendix D and that calculation process uses the service area specific cost inputs shown in Appendix E to these Rules and Regulations.

17.2 WASTEWATER SERVICE CHARGES

17.2.a General. For the purposes of defraying expenses of providing wastewater service, the wastewater service rates and charges specified in this section are hereby imposed upon the persons and property liable therefor pursuant to §6.1.

17.2.b Monthly Service Charge. The fixed monthly service charge for wastewater service is specified in Appendix E to these Rules and Regulations.

17.2.c Wastewater Generation Charge. Wastewater generation charges are based upon the average amount of water taken from the Potable Water System during the months of December through February. That average amount (expressed as 1000 gallons per month) times the wastewater generation rate defined in Appendix E (expressed at \$/1000 gallons) represents the monthly wastewater generation charge.

17.2.d Commencement of Service Charges. Charges for wastewater service shall commence as of the date that the potable water Tap serving the premises is activated. For improvements not served by the District Water System, such charges shall commence as of the date the wastewater Tap is activated.

17.2.e Special-case Customers. Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in subsections 12.2.b and 12.2.c are established shall be fixed by the Board of Directors in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the District System. Any rates so fixed shall be subject to change at any time, in the discretion of the Board of Directors.

17.3 MISCELLANEOUS WASTEWATER-RELATED FEES & CHARGES

17.3.a Interceptor Inspection Fee. Where an oil, sand or grease interceptor is required pursuant to §15.3, the District may from time to time inspect the interceptor as it deems necessary. The Owner shall be liable for the Inspection/Observation Fees as set forth in §6.5. Nothing in this section shall be construed to require or to impose upon the District any duty to perform such inspection.

17.3.b C/I Wastewater Permit Fees. When any Owner is required to have a Commercial/Industrial Wastewater Permit pursuant to Section §16.3, the Owner shall be liable for the Permit Review Fees as set forth in §6.7 and for the Inspection/Observation Fees as set forth in §6.5.

17.3.c Wastewater Strength Surcharges. Wastewater strength surcharges may be imposed as set forth in §16.3.f and Appendix E.