

St. Mary's Glacier Water & Sanitation District

Rules and Regulations

Adopted April 2016

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ST. MARY'S GLACIER WATER & SANITATION DISTRICT

ARTICLE I – WATER

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PART 1: GENERAL PROVISIONS

1.1 PURPOSE AND POLICY:

These Rules and Regulations set forth uniform requirements for users of the water supply system of St. Mary's Glacier Water and Sanitation District. The objectives of these Rules and Regulations are:

- A. To establish the minimum requirements for connection to the District's water supply system;
- B. To establish responsibilities for construction and maintenance of service connections to the District's water supply system;
- C. To protect the structural and operational integrity of the District's water supply system;
- D. To facilitate efficient use of the District's water supply system; and
- E. To enable the District to control the right to use the District's water supply system by conditional grants of permission which are subject to future conditions, suspension, and revocation.

These Rules and Regulations shall apply to all users of the water supply system, and authorize the issuance of water connection permits; establish conditions for service; provide for enforcement activities, and provide for setting fees for the equitable distribution of costs resulting from the program established herein.

PART 2: DEFINITIONS

2.1 DEFINITIONS:

Unless the context specifically indicates otherwise, the following definitions, as used in this Article, shall have the meanings hereinafter designated:

BOARD: The District Board of Directors

CONTRACTOR: A "Contractor" is defined as a person or entity licensed pursuant to the county, state, or other applicable jurisdiction, and who shall carry all insurance required by law, these Rules, and the Board.

CURB STOP: The place on the Service Line at which a shutoff valve is placed. The District shall have a perpetual right to access the Curb Stop and to shut off service as authorized under these Rules and Regulations.

DISTRIBUTION MAIN OR MAIN: That portion of the water supply system which transmits and distributes water from treatment or storage facilities to users, excluding portions of Service Lines as provided in this Article. The District shall own, operate, and maintain all Distribution Mains.

DISTRICT: The St. Mary’s Glacier Water and Sanitation District.

DISTRICT ENFORCEMENT OFFICER: Any person appointed by the Board as a District Enforcement Officer.

MASTER PLUMBER: A Master Plumber is as defined in and licensed pursuant to Title 12, Article 58, CRS, as the same may be hereinafter amended.

RULES AND REGULATIONS: These Rules and Regulations of the St. Mary’s Glacier Water and Sanitation District, as may be amended by the Board from time to time. The Rules and Regulations may be referred to herein as “Rules” or “Regulations.”

SERVICE LINE: The water line extending from the property, building, establishment or grounds up to and including the connection to the Distribution Main. Service Lines shall be owned by the property owner, and maintained and repaired at the property owner’s sole expense.

SERVICE CONNECTION: Water is conveyed from Mains owned by St. Mary’s Glacier Water and Sanitation District to Service Lines and their appurtenances. The service connection comprises the Tap and Service Line, which together move water from St. Mary’s Glacier Water and Sanitation District’s Main to the plumbing within a customer premises. Meters are installed on the Service Line.

OWNERSHIP: The Service Line and fittings through which a customer receives water service from the facilities of the water system, including the meter pit and the meter, shall be owned by and installed at the expense of the customer, except as otherwise provided by these Rules and Regulations.

SINGLE FAMILY EQUIVALENT (SFE): The base monthly water usage rate established by the District for a single-family dwelling, and used for determining fees, rates, tolls, charges and penalties for both water and Wastewater services and facilities.

USER: Any person who uses, takes water from or is connected to the water supply system of the District. This may include property owners, renters, developers, or other individuals or entities. The owner of the property being served shall be ultimately responsible for payment of all amounts due to the District and compliance with these Rules and Regulations.

PART 3: WATER SERVICE

3.1 SERVICE; APPLICATION FOR:

- A. Any person desiring to connect a Service Line to the water supply system of the District shall make application to the District for water service. The application for service shall be supplemented by any plans, specifications, or other information deemed necessary by the District’s Board or its designated representatives to determine compliance with all Regulations or Rules concerning the water system. The Board shall review and approve

or disapprove the application as complying with all Regulations or Rules concerning the water system. Upon approval by the Board of such application, all applicable fees and charges shall be paid at the time the connection permit is issued. The application form is included in Appendix B to these Rules and Regulations.

- B. No premises shall be supplied with a permanent water connection from the water system unless the same shall be designated by official street name and number and such number shall be placed and maintained conspicuously thereon. Upon issuance of a connection permit, customers are deemed to have consented to these Rules and Regulations. Any use of water not authorized by or consistent with these Rules and Regulations shall subject the customer to damages for violations to the Rules and Regulations, including but not limited to any amounts the District may incur for unauthorized use of water, including use of unmetered water.

PART 4: CONNECTION AND INSTALLATION OF SYSTEM

4.1 CONNECTION REQUIRED:

The owner of any house or other building occupied for residential or business purposes, situated within the District and abutting any street, alley, or right-of-way in which there is located a Distribution Main, is required to connect such house or building by means of a Service Line directly with the Distribution Main in accordance with the provisions of these Rules and Regulations. The point or points at which connection is made to the Distribution Main shall be determined by the Board. The owner shall indemnify the District for any loss or damage to the District that may directly or indirectly be occasioned by the installation of such Service Line.

The District, at its sole cost and expense, will construct in a manner it deems most appropriate the Service Line from the Distribution Main up to and including the Curb Stop. The owner, at owner's sole cost and expense, shall construct the Service Line from the Curb Stop to the building to be served by the District.

4.2 CONNECTION REQUIRED; VIOLATION:

It shall be unlawful for any person who owns any house or other building occupied for residence or business purposes situated within the District to fail to connect such house or building to the water supply system in accordance with the requirements of these Rules and Regulations.

4.3 CONNECTION PERMITS:

No connection to the water supply system shall be made without first obtaining a permit issued by the District in the form attached to these Rules as Appendix B.

4.4 CONNECTION TO SYSTEM; EXCLUSION OF LIABILITY:

The applicant for the water connection permit shall notify the Board when the Service Line is ready for inspection and connection to the Curb Stop. The connection and testing

required by the District shall be made under the supervision of the Board. The District shall not be subjected to any liability for any deficiency or defect which is not discovered by inspection, nor shall the owner or developer of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

4.5 INSTALLATION; EXCAVATIONS FOR:

All excavations for water service installation or repair shall be performed in accordance with the Rules and Regulations. Such excavations shall be performed only by contractors as defined in these Rules, and shall meet all applicable safety standards, including any requirements as to barricades and lights, and any requirements of the County of Clear Creek. Streets, sidewalks, parkways, and other public property disturbed shall be restored in a manner satisfactory to the District and County of Clear Creek or other applicable government entity.

4.6 SERVICE LINE; SEPARATE FOR EACH BUILDING; EXCEPTIONS:

The owner shall have a separate and independent Service Line, and an individual meter for each and every structurally independent residential or commercial building, whether or not they are on a single platted lot under common ownership. Each residential dwelling unit in a duplex must have a separate Service Line.

4.7 SERVICE LINE; CONFORMANCE TO RULES AND REGULATIONS:

The size, slope, alignment, and materials of construction of a Service Line, and the methods to be used in excavating, placing of the pipe, joining, testing, backfilling, and inspection of a trench shall all conform to the requirements of applicable building and plumbing codes, and any requirements of the District.

4.8 SERVICE LINES; STANDARDS FOR:

- A. All Service Lines for connection to the water supply system shall be installed in accordance with these Rules and Regulations.
- B. All Service Lines and pipes appurtenant thereto which are laid in streets, alleys, or other public grounds, shall be of type “K” copper, and shall be equipped with an above-ground heating connection as specified by the District to allow the connection of equipment to thaw frozen Service Lines.
- C. All connections shall have a Curb Stop with a working shutoff valve so that water may be shut off from the Service Line at any time. Curb Stops shall be level with the adjacent ground surface and shall be protected by an adjustable iron box or cylinder not less than five (5) feet in length.
- D. A water pressure regulator shall be installed in each Service Line connected to a Distribution Main owned by the District.

4.9 SERVICE LINE; MAINTENANCE OF:

The owner shall maintain and repair, at its sole expense, the entirety of its Service Line

from the building to the Distribution Main. Prior to performing any work on a Service Line in a public right-of-way or at the point of the Distribution Main tap, the owner shall contact the District and allow for the District's supervision and direction regarding repairs or maintenance of the Service Line within the public right-of-way or at the Distribution Main tap. The owner shall keep the Service Line and all associated pipes and fixtures in good repair so as to prevent the waste of water. Leaks or breaks in the Service Line shall be repaired by the property owner within seventy-two (72) hours from the time of notification of such conditions by the District. If satisfactory progress toward repairing said leaks or breaks has not been accomplished within such time period, the District may shut off the service until the leaks and breaks have been repaired, or the District in its discretion may proceed to repair the leaks or breaks and charge the full cost thereof to the owner. In the event more than one premises are connected to a single Service Line, the owners of the respective premises shall be jointly and severally responsible for maintenance and repair of the Service Line.

4.10 MAINS AND LINES; MANNER OF EXTENSION:

All owners desiring to connect to the District's system must have a Distribution Main located adjacent to the property to be connected. If a Distribution Main must be extended in order to connect a property to the District's system, the extension shall be performed by the District at the sole expense of the owner of the property to be connected. The extension of the Distribution Main shall be adjacent to the point of the owner's property farthest from the existing Distribution Main, unless an alternative point is approved by the District at a public meeting of the Board.

Connection of the owner's Service Line to the extended Distribution Main shall be at the point that allows for the shortest length of Service Line between the Distribution Main and the owner's building to be connected.

Extensions shall not be made for remote or isolated properties unless the applicant requesting service provides for the cost of the extension and such remote or isolated service is approved by the Board at a public meeting.

Alternatively, the Board may approve at a public meeting for the Distribution Main to be extended by the property owner, at property owner's sole expense, and then dedicated to the District. The dedication shall be complete only after the following conditions are met: (1) the construction of the extension is complete; (2) the District has inspected and approved of the extension; and (3) the owner has provided a one-year warranty on the Distribution Main work and obtained a warranty bond for the work equal to 100% of the cost of construction, or such lesser amount as determined appropriate by the Board at a public meeting.

Under no circumstance shall a Distribution Main or extensions thereto be owned by anyone other than the District.

4.11 WATER MAINS AND FACILITIES; COMPLIANCE WITH SUBDIVISION REQUIREMENTS:

No water Distribution Main or Service Line shall be laid or placed in any proposed addition or subdivision within the District until said addition is platted and approved, except the

Board may approve the installation of water facilities after final approval of the final plat, but prior to the recording of such plat, upon the request of the owner subject to an agreement as prescribed by the Board.

4.12 EXISTING LINES; CONDITIONS FOR USE:

Existing Service Lines and/or Distribution Mains may be used in connection with new buildings only when they are found by the Board to meet all requirements of these Rules and Regulations.

4.13 CROSS-CONNECTION AND BACKFLOW PREVENTION:

- A. Interconnection Control; Separate Systems: Interconnection or cross-connection between Service Lines connected to the District's water supply system and any other water source or water system is prohibited.
- B. Backflow Control: The backflow of nonpotable water, other liquids or foreign materials into the District's system is prohibited. All connections shall have an approved backflow prevention device installed inside buildings connected to the District water supply system at the point of entry into the structure.
- C. Dual water supply systems to premises served by the District's water supply system are prohibited.
- D. Backflow prevention devices shall be American Water Works Association (AWWA) approved devices that are accepted and approved by the District, or as accepted and approved by the Colorado Department of Public Health and Environment.

4.14 DISCONNECTION:

- A. In the event that the premises of a User is disconnected from the water supply system, such User shall be responsible for all costs of such disconnection. In no event shall taps serving the premises of any User be transferred to any other premises. A premises may be disconnected from the District's system only upon approval by the Board, and the property shall continue to be responsible for all service fees of the District despite the disconnection. The purpose of this requirement is to ensure the District maintains a reliable revenue source for the operation, maintenance, and expansion of its system.
- B. In the event a User desires to install a new Service Line for premises for which an existing Service Line is available, the new Service Line shall not be connected until the existing Service Line is disconnected from the Distribution Main.
- C. In the event that a previously used Service Line is not used for a continuous period of one (1) year or more, the District may, at the User's expense shut off such Service Line at the Curb Stop; provided, however, the shutoff may be delayed if the User states in writing that the Service Line will be in regular use within a specific time agreed to by the District.

- D. In the event that a previously used Service Line is not used for a continuous period of five (5) years or more, such Service Line shall be deemed to be abandoned, unless a letter of agreement is entered into between the User and the District. When a Service Line is deemed to be abandoned, there shall be no further obligation on the District to provide water to that Service Line. The obligation to serve shall not again arise except upon reapplication in accordance with all Rules and Regulations then applicable and the payment of all fees due at the time of reapplication, including the requirement to pay Facilities Improvement Fees and Tap Fees in place at the time of reapplication.
- E. Conversion of one class of connection to another class of connection (e.g. residential to commercial) is prohibited without formal reapplication to the Board and payment of applicable charges as provided in these Rules and Regulations.

4.15 AGENT OR EMPLOYEE OF DISTRICT:

All connections, repairs, modifications, improvements, and disconnections to the District's Distribution Mains shall be performed by District employees or contractors, or under the supervision of District employees or contractors.

PART 5: TEMPORARY WATER SERVICE

5.1 UNLAWFUL ACTS:

It shall be unlawful for any person receiving temporary or permanent water service to take or use water from the water supply system except as authorized by the Board and these Rules and Regulations.

5.2 TEMPORARY SERVICE; PERMITS FOR CHARGES FOR:

- A. The District may issue permits for temporary water service to supply water for use in connection with construction, alteration, or repair of buildings or other similar activities requiring temporary water service. Any person desiring such temporary service shall make written application to the District for issuance of a permit.
- B. Temporary water service furnished by the District pursuant to such permit shall be metered to measure the amount of water consumed unless the Board determines that such amount may be otherwise adequately determined. The water meter shall be furnished by the permit holder, and shall be subject to inspection and testing by the District.
- C. Persons furnished temporary water service pursuant to an issued permit shall pay all charges and costs incidental to such service and shall pay User charges for the amount of the water consumed in amounts as set forth in the water costs and charges set forth in Appendix A, and shall comply with these Rules and Regulations and all conditions of said permit, including a deposit.
- D. It shall be unlawful for any person issued a permit for temporary water service to take water from the water supply system except as authorized by said permit.

PART 6: REGULATIONS FOR USE OF WATER

6.1 USE; DETERMINATION BY BOARD:

In order to maintain adequate water pressure and water supply and/or proper water quality, the Board may restrict or deny the use of water by any User. Such restrictions may include, but shall not be limited to, designation of the type and number of Users of water which shall be permitted and/or any other restriction which the Board may deem necessary. As much as possible, service priority shall be to year-round residences, seasonal residences, and commercial facilities, in that order.

6.2 CONDITIONS OF SERVICE:

- A. All water furnished by the District in providing water service is and shall be on a license basis for one-time use for lawful purposes on the User's premises. The license basis herein granted may be modified, suspended or terminated as now or hereafter provided in the Rules and Regulations and official actions of the Board. Neither the granting of this license nor the use of water thereunder shall constitute or be deemed a relinquishment of the District's dominion or control of its water or of the title to any of its water or water rights. No act, circumstance or condition of any such use or service shall be deemed to constitute a conveyance of the District's title or surrender of the District's dominion and control, or shall operate to create any vested or proprietary right, relating to the District's water or water rights, in any person or entity whatsoever.
- B. It shall be unlawful for any person to make any reuse or succession of uses of this water provided by the District, except as specifically allowed by the District Rules and Regulations, or in accordance with specific written permission of the Board.
- C. It shall be unlawful for any User to use water supplied by the District's water system for use outside of the premises. Such outside use shall include, but is not limited to, irrigation, decorative fountains, pools, ponds, ice sculptures or ice skating facilities, washing vehicles or boats, and watering or maintaining livestock. Such unlawful use shall not include fire suppression on the property being served. Exceptions, for sound and justified reasons, may be granted by the Board, in writing.
- D. It shall be unlawful for any User to directly or indirectly sell or otherwise dispose of water service furnished by the District or to do any other act, except in accordance with that User's service application and service contract and with the District's Rules and Regulations or resolutions, or in accordance with specific written permission from the Board. Nothing in the foregoing sentence shall prohibit a User from establishing an appropriate allocation procedure for the purposes of receiving reimbursement from tenants or lessees for their proportionate share of water service, which allocation procedure shall be determined solely by contractual agreement between the User and the tenants or lessees.

6.3 UNLAWFUL TO STEAL WATER:

- A. It shall be unlawful for any User to take or use any water from the water supply system of

the District, or to aid and abet any person in such taking of using, other than in compliance with these Rules and Regulations.

- B. It shall be unlawful for any User to disable or tamper with a water meter, or make a connection, either temporary or permanent, to the District's water system pipelines upstream of a water meter.

6.4 UNLAWFUL TAKING; EVIDENCE OF:

Occupancy of any premises for which the District supplies water for any purpose for any length of time greater than five (5) days without entering into a water service agreement with the District shall be deemed prima facie evidence of the unlawful taking or use of water by the owner of such premises.

PART 7: WATER METERS

7.1 METER REQUIRED:

Except as otherwise provided by contract or official action of the Board, each premises receiving water service from the District shall have a water meter for each Service Line connected to the District's Distribution Main. Such meters shall be capable of measuring the consumption of water, which measurement shall be recorded at periodic intervals as necessary for the purpose of determining the amount of applicable fees and charges, and the amount of water consumption.

7.2 WATER METERS; INSTALLATION AND MAINTENANCE:

All new water meters/readout assemblies shall be provided by the District and installed and maintained by the property owner. The cost to acquire the meters/readout assemblies and for installation shall be the responsibility of the property owner and shall be in the amounts set forth in Appendix A to these Rules and Regulations. All meters/readout assemblies are subject to inspection and approval by the District. The District shall have the authority to access and inspect meters/readout assemblies at the time of installation and anytime thereafter. Users shall perform all necessary maintenance and repairs of the water meters, including replacement, and shall be responsible for protecting the meters against damage.

PART 8: CONTROL AND PROTECTION OF WATER SYSTEM

8.1 UNLAWFUL ACTS:

- A. It shall be unlawful for any person to interfere in any manner with any Distribution Main, meter, Curb Stop, or any other appurtenance connected to the water supply system or comprising a part thereof. Such unlawful activity also includes, but is not limited to, use or misuse of water supplied by the District in such a manner as to disrupt the normal and proper operation of the water system, including, but not limited to, disruptive pressure and/or flow fluctuations, or interferences with and/or interruptions of water supply or flow through the District's water system.

- B. It shall be unlawful for any person to damage, impair, or deface any part, appliance, or appurtenance of the water supply system.
- C. It shall be unlawful for any person to enter without authority or to trespass upon any property or works used directly or indirectly for or in connection with the water supply system.

8.2 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 User 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 or she shall provide suitable protection devices for such apparatus at his or her own expense. Further, the customer shall be solely responsible for all damage to persons or property resulting from leaks on his or her Service Line or from any apparatus owned by him or her.

PART 9: COSTS AND CHARGES (See Appendix A)

9.1 WATER FACILITIES; ALLOCATION OF COST:

- A. Except as otherwise provided herein, a property owner or developer shall be responsible for the cost and construction of all water system supply facilities and the appurtenances thereto in and through his property or development upon approval of the plans and specifications by the District. The District shall inspect and approve the actual construction of water supply system facilities, prior to connection of structures. The property owner or developer shall reimburse the District for reasonable costs of engineering plans and specifications review and construction inspection.
- B. The Board may require the property owner or developer to construct a distribution line or other water facilities larger than that required for his or her needs for the service of lands adjacent to his or her property or development, in which case the District may in its discretion enter into a recovery agreement with the owner or developer to collect a share of the costs of such construction from the owner of the adjacent lands at the time of their connection and refund such costs in an amount deemed appropriate by the District to the owner or developer.

C. RECOVERY AGREEMENT:

- 1) If an owner or developer desires to enter into a recovery agreement with the District, he or she shall submit a notice of intent prior to the start of construction, and he or she shall provide a complete detailed summary of all construction costs to the District within one hundred twenty (120) days after the date of the construction being completed. It is understood that such recovery agreement is for the convenience of the developer, and the District makes no guarantee as to any

cost recovery.

- 2) The Board shall determine the service area of the facilities constructed by the owner or developer, and has the authority to determine a unit recovery charge for said service area.
- 3) All costs incidental to or resulting from the procurement by the District of any required easement or right-of-way, whether obtained by dedication, contract, condemnation or otherwise, shall be borne by the owner or developer and not included within the costs reimbursed under the recovery agreement, unless this requirement is waived by the Board.

9.2 CONNECTION CHARGE:

In each lot, area, territory, subdivision or addition, inside the District limits, for which a request for water connection or addition to the water supply system of the District shall be made, there is and shall be a connection charge in said areas. Said connection charge shall consist of a PERMIT CHARGE, a FACILITIES IMPROVEMENT FEE, a TAP FEE, and may also include recovery agreement charges and reimbursement charges for engineering services required by the District, in addition to other fees or charges deemed appropriate by the District's Board.

A. PERMIT CHARGE:

- 1) A permit charge shall be assessed for each connection to or disconnection from the water supply system of the District to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to issuance of a permit to connect or to disconnect in amounts in accordance with Appendix A.
- 2) Permits will be charged for the following buildings in amounts set forth in Appendix A:
 - a. **SINGLE FAMILY DWELLING:** A separate permit charge for each single-family dwelling and mobile home, as described in Appendix A.
 - b. **DUPLEX:** A single permit charge shall be required for a residential duplex, as described in Appendix A.
 - c. **MULTI-FAMILY AND COMMERCIAL:** For each premises, which may be described as an apartment, condominium, townhouse (larger than a duplex), stacked housing or other name for multi-family housing, permanent or transient, with a common wall separation of the dwellings, a permit charge shall be imposed as described in Appendix A.
 - d. **COMMERCIAL:** The permit charge shall be imposed for each Single-Family Equivalent or increment thereof, which Single-Family Equivalent shall be as established below in Section 9.6 and as described in Appendix A.

B. FACILITIES IMPROVEMENT FEE:

- 1) A Facilities Improvement Fee shall be assessed for each connection to the Water and Wastewater systems of the District to partially defray the costs of capital improvements to the District's systems. Such charge shall be in amounts as shown in Appendix A.
- 2) The Facilities Improvement Fee in Appendix A may be increased or decreased at the discretion of the Board.
- 3) Payment of the Water and Wastewater Facilities Improvement Fees provided in these Rules and Regulations shall be made in full at the time the connection permit is issued and prior to connection, or as otherwise directed by the Board. The District notes that certain properties have identified Memorandums of Agreement, executed in the 1960s and 1970s, that show tap fees were prepaid for those certain properties. In instances where it is proven to the Board's satisfaction that a tap fee was prepaid, the Facilities Improvement Fee shall not be a pre-condition to the property's connection to the District's system, but it shall be due prior to the District authorizing the turn-on of services through that connection.
- 4) The District will give credit for Facilities Improvement Fees and Tap Fees that were paid by the property owner for prior development on the property. The credit will be in the amount of the previously paid Facilities Improvement Fees and Tap Fees and shall run with the land. At any time that a new connection to the District's system is required, the property owner shall be responsible for the difference between the Facilities Improvement Fees and Tap Fees in place at the time of the new connection and the previously paid Facilities Improvement Fees and Tap Fees for that property. The District shall not give any refunds in the event Facilities Improvement Fees and Tap Fees are less than previously paid by a property owner.

C. TAP FEE: A Tap Fee shall be assessed for each connection to the Water and Wastewater Systems to defray the costs of capital improvements to the District's systems. Tap Fees shall be in the amounts shown in Appendix A, as may be amended by the Board from time to time.

9.3 RECOVERY AGREEMENT CHARGE:

A recovery agreement charge may be assessed for each connection to a Distribution Main or use of other water supply system facilities, where such line or facility was constructed by the District or is the subject of a recovery agreement between the District and the person who constructed such line or facility. Consistent with such agreements, such charge shall be in an amount which represents a share of the cost of construction of the line or facility as determined by the recovery agreement and shall be collected prior to issuance of a building permit. Recovery agreement charges shall be in addition to Facilities Improvement Fees, Tap Fees and/or other applicable charges and fees. Recovery agreements existing on the effective date of these Rules and Regulations shall remain in full force and effect. No credits or refunds will be made for recovery agreement charges.

9.4 DISCONNECTION CHARGE:

For each disconnection from the District's system a charge will be billed for each disconnected building in accordance with Appendix A.

9.5 RATES AND CHARGES; BASIS FOR:

A. WATER SERVICE CHARGES:

- 1) **RESIDENTIAL/DUPLEX SERVICE FEES:** Each single-family residence shall be equal to one SFE. Each dwelling unit in a duplex shall be equal to one SFE. Each SFE shall be subject to a flat rate fee ("Service Fee") per calendar year as set forth in Appendix A to recover the cost of operations and maintenance of the District's water system, capital improvements thereto, and for other purposes deemed appropriate by the District's Board. The Service Fee shall be billed in equal quarterly installments payable in arrears. Each SFE may use up to 60,000 gallons of water per calendar year, as determined by meter readings. Water use for each SFE in excess of 60,000 gallons per year shall be subject to a surcharge.
- 2) **COMMERCIAL SERVICE FEES:** A commercial User's SFE calculation shall be determined by the Board upon application by the commercial user for connection to the District's system, but under no circumstances shall a commercial user be equal to less than one SFE. Each SFE of a commercial User shall be subject to a flat rate fee ("Service Fee") per calendar year as set forth in Appendix A to recover the cost of operations and maintenance of the District's water system, capital improvements thereto, and for other purposes deemed appropriate by the District's Board. The Service Fee shall be billed in equal quarterly installments payable in arrears. Each SFE may use up to 60,000 gallons of water per calendar year, as determined by meter readings. Water use for each SFE in excess of 60,000 gallons per year shall be subject to a surcharge.
- 3) **MULTI-FAMILY DWELLING UNIT SERVICE FEES:** Each unit in a multi-family residential dwelling shall be equal to one SFE. Each SFE shall be subject to a flat rate fee ("Service Fee") per calendar year as set forth in Appendix A to recover the cost of operations and maintenance of the District's water system, capital improvements thereto, and for other purposes deemed appropriate by the District's Board. The Service Fee shall be billed in equal quarterly installments payable in arrears. Each SFE may use up to 60,000 gallons of water per calendar year, as determined by meter readings. Water use for each SFE in excess of 60,000 gallons per year shall be subject to a surcharge.
- 4) **BED & BREAKFAST/HOTEL/LODGE SERVICE FEES:** The water service User fee ("Service Fee") for a bed & breakfast/hotel/lodge shall be a flat rate charge per calendar year to recover the cost of operations and maintenance of the District's water system, capital improvements thereto, and for other purposes deemed appropriate by the District's Board. The Service Fee shall be billed in equal quarterly installments payable in arrears. The charge for a bed & breakfast/hotel/lodge facility shall be calculated by multiplying the number of

bedrooms with a bathroom served times one-half the charge for a single SFE. Each bed & breakfast/hotel/lodge facility shall be entitled to use up to 120,000 gallons of water per calendar year as determined by meter readings. Water usage in excess of 120,000 gallons per year as determined by meter readings shall be subject to a surcharge.

B. **SURCHARGES:** The District shall impose surcharges as set forth in Appendix A.

9.6 RATES AND CHARGES; SPECIAL:

A. **DISCOUNTS:** None

B. **ENFORCEMENT CHARGES:** Any enforcement remedies assessed in accordance with these Rules and Regulations, including, but not limited to, surcharges, administrative fines and extra costs may be imposed and collected by the District.

C. **EXTRA COST CHARGES:** The District may impose fees for costs incurred by the District that are related to materials, labor, machine and equipment, testing, engineering, legal, administrative, and management expenses.

9.7 PERPETUAL LIEN:

A. Until paid, all fees, rates, tolls, charges, and penalties of the District shall constitute a perpetual lien on and against the property connected to or served by the water system of the District. Recordation of such lien shall not be a prerequisite to foreclosure thereof by the District. At the time the District determines, following efforts to collect delinquent payments of any fee, rate, toll, charge, or penalty assessed by the District under these Rules and Regulations and/or Colorado law, to initiate foreclosure proceedings as allowed by C.R.S. Section 32-1-1001(1)(j), the District shall in each such case assess a foreclosure fee against each unit on the property, or if no unit exists, then against the subject property, in the amount of \$5,000, which fee shall be payable in full upon assessment, and shall be included in the amount then being foreclosed. Payment of said foreclosure fee and any and all other fees outstanding against the subject property shall be a precondition to the resumption of service to that property.

B. The District shall have the right to assess any customer who is delinquent in payment of his or her account all legal, court, and other costs necessary to or incidental to the collection of said account. All such costs shall be deemed a charge of the District.

C. The District has the right to certify delinquent accounts to the County Treasurer for collection with the property's taxes, as authorized by Colorado law.

ST. MARY'S GLACIER WATER AND SANITATION DISTRICT

ARTICLE II - WASTEWATER

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PART 1: GENERAL PROVISIONS

1.1 PURPOSE AND POLICY:

A. These Rules and Regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the St. Mary's Glacier Water and Sanitation District (District) and enables the District to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) The objectives of these Rules and Regulations are:

- 1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- 2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment works;
- 3) To protect Publicly Owned Treatment Works personnel and contractors who may be affected by Wastewater and sludge in the course of their employment, and the general public;
- 4) To facilitate reuse and recycling of Wastewater and sludge from the Publicly Owned Treatment Works;
- 5) To enable the District to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or state laws to which the Publicly Owned Treatment Works is subject; and
- 6) To enable the District to control the right to any use of the District's sewage system by conditional grants of permission which are subject to future conditions, suspension, and revocation.

B. These Rules and Regulations shall apply to all Users of the Publicly Owned Treatment Works. These Rules and Regulations authorize the issuance of Wastewater connection permits; establish conditions for service; provide for enforcement activities; establish administrative procedures; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

PART 2: DEFINITIONS

2.1 DEFINITIONS:

Unless the context specifically indicates otherwise, the following terms, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

ACT: The Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and subsequent amendments (e.g., Clean Water Act of 1977) as found at 33 United States Code Section 1251 et seq.

BIOCIDES: Those chemical compounds commonly known as herbicides, fungicides, rodenticides, insecticides, or bactericides.

BOARD: The St. Mary's Glacier Water and Sanitation District Board of Directors

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods of five (5) days at twenty degrees Celsius (20°C), expressed in terms of weight and concentration (milligrams per liter).

BYPASS: The intentional diversion of waste streams from any point of the Wastewater collection and treatment system.

COLORADO DISCHARGE PERMIT SYSTEM (CDPS): The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into surface water of the State of Colorado under conditions of the delegation of authority to administer a State Water Quality Control Program pursuant to Section 402 of the Act.

COLLECTION LINE: That portion of the Wastewater Treatment System which collects and transmits Wastewater from Users to the Wastewater treatment plant, excluding Service Lines.

COMPOSITE SAMPLE: A series of Grab Samples of equal volume taken at predetermined times over a predetermined time period without regard to flow and which are combined into one sample.

CONVENTIONAL POLLUTANT: BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the District's CDPS Permit for its Wastewater treatment works where said works have been designed to reduce or remove such pollutants.

COOLING WATER: The water discharged from uses such as air conditioning or refrigeration or to which the only pollutant added is heat.

CUSTOMER: The person or authorized agent of the person designated on the records of the District as the person responsible for payment of charges incurred for the use of the Wastewater system of the District at the premises being served.

DISCHARGE NON-COMPLIANCE: Any discharge of any pollutant into the collection system which violates any provision of these regulations regarding discharges or is a violation of any provision of the Act.

DISCHARGE RATE: That volume of Wastewater per operating day from the User which has been determined by the Board to be representative of discharge from that User.

DISSOLVED SOLIDS: Solids which are dissolved in water and cannot be filtered.

DISTRICT: The St. Mary's Glacier Water and Sanitation District.

DOMESTIC WASTES or SANITARY WASTE: Liquid waste:

- a. from the noncommercial preparation, cooking and handling of food; or
- b. containing human excrement and similar matter discharged into a Collection Line from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

DUPLEX DWELLING: A single structure comprising separate housing for two domestic Users with separate entrances and exits and separately used sanitary conveniences in each dwelling unit on the premises.

EXISTING SOURCE: Any person or User who occupies a structure or building for any length of time either as a tenant or owner of such structure or building or under any other occupancy arrangement.

EXTRA COST CHARGE: Additional monitoring time and materials costs incurred by the District charged to the responsible User, and which are necessitated by a violation of applicable environmental standards or requirements of these Rules and Regulations. Such charges may include but not be limited to inspection time, sampling time, administrative review time, overhead charges, equipment or machine time, labor, sampling costs, lab fees, and any other charges deemed necessary by the Board to determine a User's compliance with these Rules and Regulations.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

GRAB SAMPLE: A singular sample of a User's Wastewater discharge which is taken during the User's normal operating day without regard for variations in daily operational characteristics, flow or concentration of pollutants.

HAZARDOUS CONDITION: A condition which, in the judgment of the Board, poses a threat to the life, health or safety of any person, or which may result in damage to property. Hazardous Condition includes unsafe condition and dangerous condition.

INCOMPATIBLE POLLUTANT: Any pollutant which is not a "Conventional Pollutant" as defined herein.

INDIVIDUAL WASTEWATER DISPOSAL SYSTEM: A septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of Wastewater and which is not connected to the Wastewater Treatment System of the District.

INSTANTANEOUS COMPLIANCE SAMPLE: A Grab Sample collected for the purpose of gauging compliance with these Rules and Regulations.

INTERFERENCE: A discharge which, alone or in conjunction with a discharge or discharges from other sources,

- a. inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- b. therefore is a cause of a violation of any requirement of the POTW's NPDES Permit or CDPS Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

MASS EMISSION RATE: The weight of material or pollutants discharged to the sanitary sewer system during a given time interval.

MONTHLY AVERAGE: The average of daily discharges over a calendar month as calculated by adding all the daily discharges measured during the calendar month, and dividing the sum by the number of daily discharges measured during that month.

MULTI-FAMILY DWELLING: Single structure comprising separate housing for more than two domestic Users with separate entrances and separately used sanitary conveniences in each dwelling unit on the premises.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act.

NORMAL DOMESTIC STRENGTH WASTEWATER: Wastewater that when analyzed by standard methods contains no more than three hundred (300) milligrams per liter of suspended solids (TSS) and two hundred fifty(250) milligrams per liter of BOD.

PASS THROUGH: A discharge which exits the POTW into waters of the United States or State of Colorado in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW, NPDES or CDPS Permit (including an increase in the magnitude or duration of a violation).

PERSON: Any individual, firm, company, partnership, corporation, association, group or society, including the United States and the State of Colorado and agencies, districts, commissions and political subdivisions created by or pursuant to State or Federal law.

PERMIT: The right of discharge of domestic or Sanitary Wastes into District-owned Collection Lines.

PREMISES: A lot, parcel of land, building or establishment.

pH: The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution, measured in a scale from 1-14 (1 to 7 = acidic; 7 to 14 = basic) with 7 being neutral.

PUBLICLY OWNED TREATMENT WORKS (POTW), WASTEWATER TREATMENT SYSTEM, WASTEWATER TREATMENT WORKS, OR WASTEWATER SYSTEM:

- a. any devices, facilities, structures, equipment or works owned or used by the District for the purpose of the transmission, storage, treatment, recycling and reclamation of Domestic Wastes, or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, natural treatment systems, Collection Lines, pumping, power and other equipment, and their appurtenances and excluding Service Lines;
- b. extensions, improvements, additions, alterations or any remodeling thereof;
- c. elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and
- d. any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

RECEIVING WATER: Lakes, rivers, streams or other watercourses which receive treated or untreated Wastewater.

SANITARY CONVENIENCES: Plumbing fixtures connected to the waste line within a structure or building.

SERVICE LINE: The Wastewater line extending from the property, building, establishment or grounds up to and including the connection to the collection main.

SINGLE-FAMILY DWELLING: A detached residence, and attached townhome/townhouse, a modular home, a trailer, home, or a recreational vehicle including the Premises and the service connection to each structure.

SINGLE FAMILY EQUIVALENT (SFE): The base monthly water usage rate established by the District for a Single-Family Dwelling, and used for determining fees, rates, tolls, charges, and penalties for both water and Wastewater services and facilities.

STORM WATER: Water flowing or discharged as a result of rain, snow, or other precipitation.

SUSPENDED SOLIDS: The total suspended matter that floats on the surface of, or is suspended in water, Wastewater or other liquids, and which is removable by laboratory filtering by standard methods.

FACILITIES IMPROVEMENT FEE: That charge assessed against new Users of the Wastewater treatment system to finance capital improvement of the Wastewater treatment system.

TRAP: A device for retaining sand, silt, grit, mineral or inert material, petroleum solvent, grease or oil by gravity separation from Wastewater and of a design and capacity approved by the District Board.

UNPOLLUTED WATER: Water not containing any substances limited or prohibited by the effluent standards or limitations in effect or water whose discharge will not cause any violation of receiving water quality standards.

UPSET: An exceptional incident which causes temporary and unintentional non-compliance with the discharge limitations or prohibitions applicable to the User and which is beyond the reasonable control of the User.

USER: Any person, firm, corporation, government or other entity that discharges, causes or permits the discharge of Wastewater into the POTW.

WASTEWATER: The liquid and water-carried industrial or Domestic Wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and Storm Water that may be present, whether treated or untreated.

WASTEWATER FACILITIES, WASTEWATER TREATMENT SYSTEM, WASTEWATER SYSTEM, COLLECTION SYSTEM: Those devices intended or designed for generating or conveying Wastewater to the Publicly Owned Treatment Works, and which provide treatment and/or disposal functions.

2.2. Terms not otherwise defined herein shall have the meanings adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation, or as context otherwise deems proper.

PART 3: BOARD AUTHORITY

3.1 RESPONSIBILITY OF BOARD:

The Board shall be responsible for the management of the Wastewater System of the District and all of the property appertaining thereto. The Board shall see that such system is kept properly cleaned and in good working order and repair. The Board shall assure proper compliance with all local, State and Federal regulations for collection, treatment and discharge of Wastewater and shall perform all other duties in connection with such system as may be required.

3.2 INTERPRETIVE RULES, ADOPTION OF:

The Board may adopt interpretative rules consistent with the provisions of these Rules and Regulations for the administration of the Wastewater System. Interpretive rules set by the Board pertain to, but shall not be limited to, discharge limitations, standards for Wastewater lines and services and implementation of standards promulgated pursuant to the Act. In establishing such rules, the Board shall seek to establish standards that will assure safe, efficient operation of the Wastewater System, that will limit Wastewater discharges to the system in concentrations and quantities which will not harm either the Wastewater System, Wastewater treatment process or equipment, that will not have an adverse effect on the Receiving Water, or will not otherwise endanger persons or property or constitute a nuisance.

PART 4: WASTEWATER SERVICE

4.1 SERVICE; APPLICATION FOR:

Any person desiring to connect a Service Line to the Wastewater Treatment System of the District, or to add fixtures to an existing connection, shall make application to the Board for Wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Board to determine compliance with all Regulations or Rules concerning the Wastewater System. The Board shall endorse its approval or disapproval of the application as complying or failing to comply with all regulations or rules concerning the Wastewater System of the District. Upon approval by the Board of such application and issuance of a connection permit, such User receiving Wastewater service shall be responsible for paying all applicable fees, rates, tolls, charges, and penalties of the District. An Application for service and connection permit form is included in Appendix B.

- A. Permits to connect issued pursuant to this Section may provide for acceptance by the District of only normal domestic strength Wastewater. Issuance of a connection permit shall be deemed consent by the permittee to these Rules and Regulations. Any discharge of industrial Wastewater by the User shall subject such User to consequential damages for violations of the Rules and Regulations, including but not limited to any amounts the District may be required to pay for violation of the conditions of the District's CDPS permit where the discharge of the User caused or contributed to such violation.
- B. Permits to connect for use of or connection to the Wastewater Treatment System of the District in force and effect on the effective date of these Rules and Regulations shall remain in full force and effect in accordance with the terms and conditions thereof.

4.2 SERVICE; EXCAVATIONS FOR:

All excavations for installation or repair of Wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards including OSHA, COSH and the Clear Creek County encroachment permit requirements so as to protect the public from hazard.

PART 5: CONNECTION AND INSTALLATION OF SYSTEM

5.1 CONNECTION REQUIRED:

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located a Collection Line of the District, is hereby required at such owner's expense to install suitable Wastewater Facilities therein. The owner shall connect such facilities directly to the proper Collection Line in accordance with the provisions of these Rules and Regulations within ninety (90) days after official notice to do so, provided that said Collection Line is within four hundred feet (400') of the owner's property line. Under unusual circumstances such as unique topographical characteristics, the Board, with approval of any other applicable jurisdictions, may waive the connection requirement herein stipulated. The owner shall indemnify the District for any loss or damage to the District that may directly or indirectly be occasioned by the installation of such Service Line.

5.2 CONNECTION OR DISCONNECTION; PERMITS:

The District shall issue a permit for each connection or disconnection made to or from the Wastewater Treatment System of the District. Such permit will be required for all new connections, existing connections where additional fixtures are to be installed, and for disconnections. Permits for connection or disconnection shall be issued only by the District.

5.3 UNAUTHORIZED CONNECTIONS PROHIBITED:

It shall be a violation of these Rules and Regulations for any unauthorized person to uncover, enter, insert equipment, make any connections with or openings into, use, alter or disturb any Collection Line or appurtenance thereof, without first obtaining a permit from the District. All connections shall be made in compliance with Building and Plumbing Codes, and applicable Rules and Regulations and requirements of the District.

5.4 CONNECTION TO SYSTEM; INSPECTION BY DISTRICT:

The property owner is responsible for construction of the Service Line from the building being served to the property line. The District shall be responsible for the construction of the Wastewater Service Line from the property line to the Collection Line. The property owner shall notify the District when the property owner has completed its construction of the Service Line up to the property line and is ready for inspection by the District. The District shall not be subjected to any liability for any deficiency or defect in the Wastewater Service Line nor shall the owner or developer of such Premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

5.5 COLLECTION LINES; MANNER OF EXTENSION:

Collection Lines to collect and intercept Wastewater from and throughout areas or additions shall be extended by the owner and/or developer of Premises to be served by such lines from the existing Collection Line to the farthest point or points upgrade of such Premises. If the Board determines that extension of Collection Lines to the farthest point or points upgrade is not necessary for efficient expansion of the Wastewater Treatment System, the Board may waive the requirement of such extension. In any event, Collection Lines shall be extended by the owner and/or developer of Premises to be served by such lines from the existing Collection Line to a

point which permits the shortest possible Service Line between the Collection Line and the property line of the Premises served thereby. Thereafter said Collection Lines shall be extended to adjoining Premises in compliance with District requirements and other applicable Rules and Regulations of the District. Extensions shall not be made unless the applicant requesting such service shall provide for the cost of such extension to the point of service and such extension is approved by the Board.

5.6 WASTEWATER LINES; COMPLIANCE WITH SUBDIVISION REQUIREMENTS:

No Wastewater lines shall be laid or placed in any proposed addition within the District until said proposed addition is platted and approved, except the Board may approve the installation of facilities after final approval of the final plat but prior to the recording of such plat, upon the request of the owner subject to an agreement as prescribed by the Board.

5.7 SERVICE LINES; SEPARATE FOR EACH BUILDING; EXCEPTIONS:

A separate and independent Service Line shall be provided for every building. However, where one building stands at the rear of another on an interior lot which cannot be subdivided, and for which no line is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Service Line of the front building may be extended to the rear building and the whole considered as one service. Multi-family or commercial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common Service Line, unless and until such lot is resubdivided or the buildings otherwise become separately owned in which case independent connections shall be made. Waiver of this requirement for a separate and independent Service Line may be granted by the Board upon resubdivision or creation of separate ownership of individual buildings or portions of a single building on a single lot. Such a waiver shall be granted upon showing that the Service Lines owned in common will be maintained by an entity of the owners of separate portions of a building or owner of separate buildings on the same lot. By interpretive rule, the Board may provide for additional requirements to ensure proper maintenance and repair of the common Service Lines, and, if necessary, monitoring of effluent quality or quantity. Multiple commercial owners, tenants or Users of a single building may be required to install separate Service Lines where the Board determines that it is necessary to provide separate monitoring of quantity or quality of the User's effluent or to otherwise ensure compliance with these Rules and Regulations, and, in particular, to ensure compliance with prohibitions and limitations on Wastewater discharges to the District collection system. The District does not assume any obligation nor acquire any liability for personal injury to any party or for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the Wastewater System as aforementioned.

5.8 SERVICE LINE; CONSTRUCTION TO CONFORM TO RULES AND REGULATIONS:

The size, slope, alignment and materials of construction of a Service Line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of applicable Building and Plumbing Codes and the District's requirements and other applicable Rules and Regulations of the District.

5.9 SERVICE LINE; USE OF GRAVITY FLOW:

Whenever possible, the Service Line shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the Collection Line, Wastewater carried by such building drain shall be lifted by means approved by the Board and the installation shall be made in accordance with the requirement of the District as the owner's expense, including the maintenance.

5.10 SERVICE LINE; MAINTENANCE OF:

- A. The Owner of any Premises connected to the District's Wastewater Treatment System shall be responsible for the maintenance of the Service Line and appurtenances thereto. The Owner shall keep such line in good condition and shall replace, at his expense, any portions thereof which, in the opinion of the Board, have become so damaged or disintegrated as to be unfit for further use or permit excessive infiltration of groundwater or exfiltration of Wastewater. The Owner of the Premises must secure all required permits for construction purposes. Prior to performing any work on a Service Line in a public right-of-way or at the point of the Collection Line tap, the owner shall contact the District and allow for the District's supervision and direction regarding repairs or maintenance of the Service Line within the public right-of-way or at the Collection Line tap.
- B. In the event that more than one Premises is connected to a single Service Line, the Owners of the respective Premises shall be jointly and severally responsible for the maintenance and repair requirements imposed by this Section.
- C. Prior to repair or alteration of the Service Line, a permit must be obtained from the District.
 - 1) A permit fee shall be imposed to cover the costs of the inspection. This inspection shall ensure that rules applying to the Wastewater System are met. The District shall not be subjected to any liability for any deficiency in the repair or alteration of such Premises, and shall be absolved from liability for such deficiency or defect and any resulting damage and from responsibility to correct such deficiency or defect.

5.11 EXISTING LINES; CONDITIONS FOR USE:

Existing Wastewater lines may be used in connection with new buildings only when they are found, on examination by the Board, to meet all requirements of these Rules and Regulations and to be compatible with the proposed use. If found unacceptable for future use, the owner shall be required to excavate the line at the point of connection to the Collection Line and cap the connection as required by the District.

5.12 DISCONNECTION:

A Premises may be disconnected from the District's system only upon approval by the Board, and the property shall continue to be responsible for all service fees of the District despite

the disconnection. The purpose of this requirement is to ensure the District maintains a reliable revenue source for the operation, maintenance, and expansion of its system. In the event that a User desires to disconnect his or her Premises from the Wastewater System of the District, the User shall not be permitted to take up that portion of the Service Line between the Collection Line and the property line of the Premises, but at his expense the Service Line shall be capped at said property line and the Service Line shall be removed from the property line to the structure except when removal up to the Collection Line is required as described in Section 5.11 of these Rules and Regulations. New Service Lines to replace existing Service Lines shall not be approved by the District until old Service Lines are dug up and properly capped. Such cap shall be sufficiently tight to prevent the escape of Wastewater gas or the infiltration of water.

5.13 WORK ON DISTRICT SYSTEMS:

All connections, repairs, modifications, improvements, and disconnections to the District's water and Wastewater System shall be performed only by District employees or contractors approved by the Board.

PART 6: COSTS AND CHARGES (See Appendix A)

6.1 WASTEWATER FACILITIES: ALLOCATION OF COST:

- A. Except as otherwise provided herein, a property owner or developer shall be responsible for the costs and construction of all Wastewater Facilities and the appurtenances thereto necessary to connect the property to the District's Wastewater System. The District's personnel shall perform the physical tapping of the Service Line into the District's Collection Line or main line at the property owner or developer's expense. The District shall inspect and approve the actual construction of Wastewater Facilities prior to connection of structures. The property owner or developer shall reimburse the District for reasonable costs associated with the review and inspection of plans and work related to the connection of a Service Line to the District's system.
- B. The Board may require the property owner or developer to construct Wastewater Facilities or Collection Lines larger than that required for his or her needs, in which case the District may enter into a recovery agreement with the owner or developer to collect a pro-rata share of the costs of such construction from the owner of the nearby lands at the time of their connection and refund such costs to the owner or developer.
- C. In the event that pump stations and force mains are required, the cost of constructing said stations and mains shall be the responsibility of the owner of property served thereby. Where it appears that more area or lands may be served by the pump station and force mains, the District may require a larger capacity than necessary to serve the initial development. Where such larger capacity is required, the District may enter into a recovery agreement with the owner or developer to collect a share of the costs from adjacent lands at the time of their connection and refund such costs to the owner or developer.

D. In those instances where pump stations and force mains are required, the Wastewater System shall be designed where possible so as to permit an eventual connection into a gravity system with a minimum of expense. Where practical, easements shall be provided and lines constructed to tie into the gravity system. The District may require deposits from the property owners requiring said force system, where deemed necessary, to pay for the eventual construction of gravity lines.

E. RECOVERY AGREEMENT:

- 1) If an owner or developer desires to enter into a recovery agreement with the District, he or she shall submit a notice of intent prior to the start of construction, and he or she shall provide a complete detailed summary of all construction costs to the District within one hundred twenty (120) days after the date of the construction being completed.
- 2) The Board shall determine the service area of the facilities constructed by the owner or developer, and shall have the authority to determine a unit recovery charge for said service area.
- 3) All costs incidental to or resulting from the procurement by the District of any required easement or right-of-way, whether obtained by dedication, contract, condemnation or otherwise, shall be borne by the owner or developer and not included within the costs reimbursed under the recovery agreement, unless this requirement is waived by the Board.
- 4) A property owner or developer will be responsible for the cost of construction of relief sewers and necessary appurtenances when proposed flow demand exceeds existing sewer system capacity. These relief sewer facilities may be constructed on the owners' or developers' property or off-site at other locations within the collection system. Subject to the availability of budgeted funds, the District may enter into a cost-sharing agreement with the owner or developer to pay a share of the construction cost of relief sewers based on the determination of benefit to the District by the Board. Benefit to the District may be derived from but not limited to the following:
 - a. relief of pipelines operating in excess of design capacity;
 - b. replacement of structurally deficient pipelines;
 - c. replacement of pipelines subject to flooding or other hazards;
 - d. replacement of pipelines with inadequate operations and maintenance access;
 - e. replacement of pipelines subject to excessive inflow/infiltration; and
 - f. construction of pipelines that provide for the elimination of pump stations and force mains.

6.2 CONNECTION CHARGE:

In each lot, area, territory, subdivision or addition, inside the District limits, for which a request for Wastewater connection or addition to the Wastewater Treatment System of the District shall be made, there is and shall be a connection charge in said areas. Said connection charge shall consist of a PERMIT CHARGE, a FACILITIES IMPROVEMENT FEE, and a TAP FEE, and may also include recovery agreement charges and reimbursement charges for engineering services required by the District, in addition to other fees or charges deemed appropriate by the District's Board.

A. PERMIT CHARGE:

- 1) A permit charge shall be assessed for each connection to or disconnection from the Wastewater Treatment System of the District to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to issuance of a permit to connect or disconnect in amounts in accordance with Appendix A.
- 2) Permits will be charged for the following buildings in the amounts set forth in Appendix A:
 - a. **SINGLE FAMILY DWELLING:** A separate permit charge for each single family dwelling and mobile home, as described in Appendix A.
 - b. **DUPLEX:** A single permit charge shall be required for a residential duplex, as described in Appendix A.
 - c. **MULTI-FAMILY:** For each Premises, which may be described as an apartment, condominium, townhouse (larger than a duplex), stacked housing or other name for multi-family housing, permanent or transient, with a common wall separation of the dwellings, or for a commercial development, a permit charge shall be billed for each single-family equivalent or increment thereof, which single-family equivalent shall be as established in Article I, Section 9.6 of these Rules and Regulations..
 - d. **COMMERCIAL:** A permit charge shall be billed for each SFE or increments thereof, which SFE shall be as established in Article I, Section 9.6 of these Rules and Regulations.

B. FACILITIES IMPROVEMENT FEE:

- 1) A Facilities Improvement Fee shall be assessed for each connection to the Water and Wastewater systems of the District to partially defray the costs of capital improvements for the District's systems. Such charge shall be in amounts as shown in Appendix A.

- 2) The Facilities Improvement Fee in Appendix A may be increased or decreased at the discretion of the Board.
- 3) Payment of the Water and Wastewater Facilities Improvement Fees provided herein shall be made in full at the time the building permit is issued and prior to connection or as otherwise directed by the Board. The District notes that certain properties have identified Memorandums of Agreement, executed in the 1960s and 1970s, that show tap fees were prepaid for those certain properties. In instances where it is proven to the Board's satisfaction that a tap fee was prepaid, the Facilities Improvement Fee shall not be a pre-condition to the property's connection to the District's system, but it shall be due prior to the District authorizing the turn-on of services through that connection.
- 4) The District will give credit for Facilities Improvement Fees and Tap Fees that were paid by the property owner for prior development on the property. The credit will be in the amount of the previously paid Facilities Improvement Fees and Tap Fees and shall run with the land. At any time that a new connection to the District's system is required, the property owner shall be responsible for the difference between the Facilities Improvement Fees and Tap Fees in place at the time of the new connection and the previously paid Facilities Improvement Fees and Tap Fees for that property. The District shall not give any refunds in the event Facilities Improvement Fees and Tap Fees are less than previously paid by a property owner.

C. TAP FEE: A Tap Fee shall be assessed for each connection to the Water and Wastewater Systems to defray the costs of capital improvements to the District's systems. Tap Fees shall be in the amounts shown in Appendix A, as may be amended by the Board from time to time.

6.3 RECOVERY AGREEMENT CHARGE:

A recovery agreement charge may be assessed for each connection to a Collection Line or use of a pumping facility, where such line or facility was constructed by the District or is the subject of a recovery agreement between the District and the person who constructed such line or facility. Consistent with such agreements, such charge shall be in an amount which represents a share of the cost of construction of the line or facility as determined by the recovery agreement and shall be collected prior to issuance of a building permit. Recovery agreement charges shall be in addition to Facilities Improvement Fees, Tap Fees and/or other applicable charges and fees. Recovery agreements existing on the effective date of these Rules and Regulations shall remain in full force and effect. No credits or refunds will be made for recovery agreement charges.

6.4 DISCONNECTION CHARGE:

For each disconnection a charge will be billed for each building in accordance with Appendix A.

6.5 RATES AND CHARGES; BASIS FOR:

A. WASTEWATER SERVICE CHARGES

- 1) **RESIDENTIAL/DUPLEX SERVICE FEES:** Each single-family residence shall be equal to one SFE. Each dwelling unit in a duplex shall be equal to one SFE. Each SFE shall be subject to a flat rate fee (“Service Fee”) per calendar year as set forth in Appendix A to recover the cost of operations and maintenance of the District’s Wastewater System, capital improvements thereto, and for other purposes deemed appropriate by the District’s Board. The Service Fee shall be billed in equal quarterly installments payable in arrears.
- 2) **COMMERCIAL USER SERVICE FEES:** A commercial User’s SFE calculation shall be determined by the Board upon application by the commercial User for connection to the District’s system, but under no circumstances shall a commercial User be equal to less than one SFE. Each SFE of a commercial User shall be subject to a flat rate fee (“Service Fee”) per calendar year as set forth in Appendix A to recover the cost of operations and maintenance of the District’s Wastewater System, capital improvements thereto, and for other purposes deemed appropriate by the District’s Board. The Service Fee shall be billed in equal quarterly installments payable in arrears.
- 3) **MULTI-FAMILY DWELLING UNIT SERVICE FEES:** Each unit in a multi-family residential dwelling shall be equal to one SFE. Each SFE shall be subject to a flat rate fee (“Service Fee”) per calendar year as set forth in Appendix A to recover the cost of operations and maintenance of the District’s Wastewater System, capital improvements thereto, and for other purposes deemed appropriate by the District’s Board. The Service Fee shall be billed in equal quarterly installments payable in arrears.
- 4) **BED & BREAKFAST/HOTEL/LODGE SERVICE FEES:** The Wastewater service fee (“Service Fee”) for a bed & breakfast/hotel/lodge shall be a flat rate fee per calendar year to recover the cost of operations and maintenance of the District’s Wastewater System, capital improvements thereto, and for other purposes deemed appropriate by the District’s Board. The Service Fee shall be billed in equal quarterly installments payable in arrears. The charge for a bed & breakfast/hotel/lodge facility shall be calculated by multiplying the number of bedrooms with a bathroom served times one-half the charge **for a single SFE.**

B. **SURCHARGES:** The District shall impose surcharges as set forth in Appendix A.

6.6 RATES AND CHARGES; SPECIAL:

A. **DISCOUNTS:** None

B. **ENFORCEMENT CHARGES:** Any enforcement remedies, including, but not limited to, administrative fines and extra costs charges, once final, may in the discretion of the Board be collected as a charge of the District.

- C. EXTRA COST CHARGES: The District may impose fees for costs incurred by the District that are related to materials, labor, machine and equipment use testing, engineering, legal, administrative, and management expenses.

6.7 PERPETUAL LIEN:

- A. Until paid, all fees, rates, tolls, charges, and penalties imposed by the District shall constitute a perpetual lien on and against the property connected to or served by the Wastewater Treatment System of the District. Recordation of such lien shall not be a prerequisite to foreclosure thereof by the District. At the time the District determines, following efforts to collect delinquent payments of any fee, rate, toll, or charge assessed by the District under these Rules and Regulations and/or Colorado law, to initiate foreclosure proceedings as allowed by C.R.S. Section 32-1-1001(1)(j), the District shall in each such case assess a foreclosure fee against each unit on the property, or if no unit exists, then against the subject property, in the amount of \$5,000, which fee shall be payable in full upon assessment, and shall be included in the amount then being foreclosed. Payment of said foreclosure fee and any and all other fees outstanding against the subject property shall be a precondition to the resumption of service to that property. The District shall have the right to assess any customer who is tardy in payment of his account all legal, court, and other costs necessary to or incidental to the collection of said account. All such costs shall be deemed a charge of the District.
- B. The District shall have the right to assess any customer who is delinquent in payment of his or her account all legal, court, and other costs necessary to or incidental to the collection of said account. All such costs shall be deemed a charge of the District.
- C. The District has the right to certify delinquent accounts to the County Treasurer for collection with the property's taxes, as authorized by Colorado law.

PART 7: INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS

7.1 INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS (IWDS) PROHIBITED:

It shall be unlawful for any person to construct, operate, or maintain any Individual Wastewater Disposal System within the boundaries and service area of the District.

7.2 PRIVY VAULTS PROHIBITED:

It shall be unlawful for any person to construct or maintain a privy vault or receptacle for Wastewater disposal or similar device within the boundary or service area of the District.

PART 8: PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE

8.1 WASTEWATER DISCHARGE; TREATMENT REQUIRED:

It shall be unlawful for any person to discharge into any natural waterway or any surface

drainage within the District, or in any area under the jurisdiction of the District, any Wastewater unless suitable treatment of such Wastewater has been provided in accordance with the provisions of these Rules and Regulations and applicable county, state or federal regulations.

8.2 WASTEWATER DISCHARGE; PROHIBITIONS:

It shall be a violation of these Rules and Regulations and unlawful under federal law for any person to discharge or deposit or cause or allow to be discharged or deposited into the Wastewater treatment facility of the District any wastes or Wastewater which contains the following:

- A. **STORM WATER DRAINAGE** from ground, surface, roof headers, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source.
- B. **OTHER WATER**, including but not limited to, underground drains, sump pump discharges, natural springs, seeps, wetlands out flows, and water accumulated in excavations or any other water associated with construction.
- C. **INERT SUSPENDED SOLIDS** or other inert particulate matter such as, but not limited to, fullers earth, lime slurries and paint residues, resulting in Wastewater with undissolved solids concentration greater than fifteen (15) milliliters per liter.
- D. **UNUSUAL CONCENTRATIONS OF DISSOLVED SOLIDS**, that may, alone or in conjunction with discharges from other Users, cause the POTW effluent to exceed water quality criteria for the pollutant in question.
- E. **OIL AND GREASE** of the following concentrations, sources and nature:
 - 1) Wastewater containing total grease and oil in excess of one hundred (100) mg/L concentration as measured by Soxhlet extraction set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater or U.S. EPA Manual of Methods for Chemical Analysis of Water and Wastes.
 - 2) Wastewater containing more than twenty-five (25) mg/L petroleum, as measured as hydrocarbons by Soxhlet extraction, or other approved method set out in Standard Methods for the Examination of Water and Wastewater. Evidence of oil or grease in Wastewater shall be based upon instantaneous or "Grab" samples.
- F. **EXPLOSIVE MIXTURES** consisting of 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 Wastewater Treatment System or to the operation of the system. At no time shall two (2) successive readings on an explosive hazard meter at the point of discharge into the Wastewater System be more than five percent (5%) nor may any single reading be over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. Waste streams at the point of discharge are prohibited if they have a closed cup

flashpoint of less than sixty (60) degrees Celsius (140 degrees Fahrenheit) using test methods specified in 40 CFR Part 261.21.

- G. NOXIOUS MATERIAL consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into any portion of the Wastewater System for its maintenance and repair.
- H. IMPROPERLY SHREDDED GARBAGE that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the Wastewater System to which the User is connected. At all times, no particle shall be greater than one-half inch (1/2") in any direction.
- I. RADIOACTIVE WASTES OR ISOTOPES of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control.
- J. SOLID, VISCOUS, OR LIQUID WASTES which allow, or may cause, obstruction to the flow in a Collection Line or otherwise interfere with the proper operation of the Wastewater Treatment System. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, feminine products, condoms, baby products, make up, or disinfectant wipes, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances.
- K. TOXIC SUBSTANCES in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances, including metals which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or which will be transmitted through the system to Receiving Waters, as may be measured by failure of a biomonitoring toxicity test.
- L. SUBSTANCES WHICH ARE NOT AMENABLE TO TREATMENT by the treatment process employed by the District, or are amenable to such a limited degree of reduction that a discharge of such Wastewater would result in an Interference with the Wastewater treatment works or pass through the treatment facilities such that the effluent discharge from the treatment works does not meet requirements of state, federal and other agencies having jurisdiction over discharge or application to Receiving Waters and/or lands.
- M. WASTE WITH COLOR not removable by the treatment process.
- N. CORROSIVE WASTES which will cause corrosion, deterioration or Interference of the District POTW.

- O. ALL WASTEWATER DISCHARGED into the Wastewater System must have an instantaneous pH value in the range of five and one-half (5.5) to ten (10) standard units.
- P. SPENT PROCESS CHEMICALS, solutions or materials, hazardous waste as defined by the Federal Resource Conservation and Recovery Act, and other materials normally used in industrial/commercial operations, unless specifically authorized in writing by the Board, and after suitable treatment as approved by the Board has been effected.
- Q. HOSPITAL WASTES: Hospitals, clinics, offices of medical doctors, and convalescent homes shall not dispose of laboratory pathological wastes, surgical operating room wastes or delivery room wastes by discharge to the public sewer.
- R. BIOCIDES, as determined by the Board in concentrations exceeding 0.02 mg/L, unless approved in writing by the Board.
- S. ANY POLLUTANT, including oxygen demanding pollutants or slug concentrations (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
- T. TEMPERATURE in amounts which will inhibit biological activity in the POTW resulting in Interference.
- U. ANY TRUCKED OR HAULED POLLUTANTS
- V. POLLUTANTS which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- W. SWIMMING POOLS: No public or private swimming pools shall be connected to the Wastewater System without written authorization from the Board. Such permit shall define and specify the manner and schedule of discharge of waters from said swimming pool, and shall prescribe the special fees and charges for such discharge.

8.3 WASTEWATER DISCHARGE; LIMITATIONS:

It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the Wastewater Facilities of the District, any waste or Wastewater that fails to comply with the limitations imposed by this Section.

8.4 POINT OF DISCHARGE; LIMITATIONS:

- A. It shall be unlawful for any person to discharge any substance directly into a manhole or other opening in the Wastewater Treatment System other than through an approved Service Line.
- B. Liquid wastes, from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the Wastewater System.

8.5 DISPOSAL; LIMITATIONS:

It shall be unlawful for any person to dispose of wastes into the Wastewater System where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in these Rules and Regulations.

PART 9: CONTROL OF PROHIBITED WASTES

9.1 REGULATORY ACTIONS; GENERAL POWERS OF BOARD:

In addition to the Board's authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the Board shall have the following authorities:

- A. Endangerment to health, safety, or welfare of the community: the Board, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, Wastewater collection system of the District or any Wastewater System tributary thereto, by any means available, including physical disconnection from the Wastewater System, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
- B. Endangerment to environment or the POTW: the Board, after written order to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, Wastewater collection system of the District or any Wastewater System tributary thereto, by any means available, including physical disconnection from the Wastewater System, whenever such discharge presents or may present an imminent and substantial endangerment to the environment or threatens to damage or interfere with the operation of the POTW.
- C. The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these Rules and Regulations.

9.2 REGULATORY ACTIONS; SPECIFIC POWERS OF BOARD:

If Wastewaters containing any substance described in Part 8 of these Rules and Regulations are discharged or proposed to be discharged into any natural waterway, surface drainage within the District, any area under the jurisdiction of the District, into the Wastewater collection system of the District or any Wastewater System tributary thereto, the Board may take any action necessary to:

- A. Prohibit the discharge of such Wastewater;
- B. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with these Rules and Regulations;
- C. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these Rules and Regulations;

- D. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the District for handling, treating or disposing excess loads imposed on the Wastewater Treatment System including any fines or legal expenses associated with alleged or actual violations of the District's CDPS Permit attributed to an unpermitted User discharge.
- E. Obtain timely and factual reports from the facility responsible for such discharge; or
- F. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these Rules and Regulations.

9.3 ADMISSION TO PROPERTY:

- A. Whenever it shall be necessary for the purposes of these Rules and Regulations, representatives of the Board, upon the presentation of credentials, may enter upon any property or Premises of a Wastewater System User at reasonable times for the purposes of:
 - 1) Inspecting on a regular basis or for cause to assure compliance with the requirements of these Rules and Regulations. Such inspection shall be completed with reasonable promptness. If any samples are taken, an equal quantity shall be given, if requested, to the owner, agent, or operator.
 - 2) Copying any records required to be kept under the provisions of these Rules and Regulations.
 - 3) Inspecting any monitoring equipment or method, or pretreatment system operation, and/or
 - 4) Sampling any discharge of Wastewater into the Wastewater Treatment System.
- B. The occupant of such property or Premises shall render all proper assistance in such activities. Unreasonable delays in allowing representatives of the Board access to the User's Premises shall be a violation of these Rules and Regulations.

9.4 ACCIDENTAL DISCHARGE; PROTECTION FROM:

Each User shall provide adequate protection as approved by the Board from unpermitted discharge of prohibited materials or other wastes regulated by these Rules and Regulations. Facilities and procedures to prevent such discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Board for review, and shall be approved before installation of the accidental discharge protection. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the facilities as necessary to meet the requirements of these Rules and Regulations.

9.5 DISCHARGE VIOLATION; FAILURE TO REPORT:

It shall be unlawful for any person to fail to report to the Board any discharge which violates the requirements, prohibitions or limitations of these Rules and Regulations.

9.6 HAZARDOUS CHEMICAL HANDLING; SUBMISSION OF PLANS:

Whenever it shall be deemed necessary by the Board to protect the Wastewater System, commercial Users may be required to submit documented plans describing the handling of materials regulated by Part 8 of these Rules and Regulations for the Board's approval. Such plans may include, but not be limited to, description of plant or process closure procedures, spill prevention procedures, solvent management procedures, hazardous wastes handling, storage and disposal procedures. Such approval shall not exempt the User from compliance with any applicable code, ordinance, rule, regulations or order of any government authority. Such approval shall not be construed as or act as a guarantee or assurance that any discharge or materials handling procedure is or will be in compliance with any applicable code, ordinance, rule, regulations or order of any government authority.

PART 10: LIQUID WASTE HAULERS

10.1 LIQUID WASTE HAULERS; DISPOSAL PROHIBITED:

In addition to the provisions of Part 8 of this Article, it is unlawful for any person engaged in the hauling of liquid wastes to dispose of such liquid wastes, of any nature, in the Wastewater System of the District.

PART 11: INDUSTRIAL WASTE MANAGEMENT PROGRAM (RESERVED)

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ST. MARY’S GLACIER WATER AND SANITATION DISTRICT
ARTICLE III – ENFORCEMENT OF RULES AND REGULATIONS
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PART 1: LIABILITY AND ENFORCEMENT GENERALLY:

Non-compliance with these Rules and Regulations or any order thereunder, shall constitute a violation, regardless of fault, negligence or intent (strict liability). The Board shall have the discretion to enforce any violation. In exercising the Board's enforcement authority, the Board shall consider the magnitude of the violation, its duration, its effect on the District's facilities, its effect on District employees, contractors and Users, its effect on the public health, safety and welfare, the User's compliance history, the good faith of the User, the resources available to support the enforcement action, and any other factors the Board deems relevant.

PART 2: ADMINISTRATIVE ENFORCEMENT REMEDIES:

The Board or designated agent may use the following remedies either individually, sequentially, concurrently, or in any order for one or collective violations as appropriate for the circumstances.

- A. **VERBAL NOTICE:** For any noncompliance, verbal warnings may be given by the Board or designated agent.
- B. **INFORMATION PRODUCTION/REVIEW MEETING:** When there is some reason to believe a violation of these Rules and Regulations has occurred, the Board or designated agent may require production of information such as records, reports, non-compliance explanations, installation of monitoring equipment or methods (including where appropriate, biological monitoring methods), or such other information as may reasonably be required, including meetings, for such purposes.
- C. **NOTIFICATION OF VIOLATION (NOV):** Whenever the Board or the Board's designee finds that any User has violated or is violating these Rules and Regulations, a connection permit, or any order issued hereunder, the Board or the Board's designee may serve written notice upon the User, personally, by certified mail, or by other manner deemed appropriate by the District. The written notice shall state the provision violated, the facts alleged to constitute the violation, and it may include the nature of any corrective action proposed to be required or monitoring to be conducted. The User must submit to the Board within ten (10) days of the date of receipt of this notice, a written explanation of or response to the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions.
- D. **EMERGENCY SUSPENSION ORDER:**
 - 1) The Board may suspend service to any User, or may suspend any permit issued by the District, or disconnect the property from the District's facilities when such suspension or disconnect is necessary in the opinion of the Board in order to stop an actual or threatened usage which:
 - a. presents or may present an imminent or substantial endangerment to the health, safety or welfare of persons or property;

- b. presents or may present an imminent or substantial endangerment to the environment;
 - c. may cause or actually causes Interference to the POTW or Pass Through of contaminants causing violation of the POTW's CDPS permit; or
 - d. causes the POTW to violate any condition of its CDPS or NPDES Permit, Certificate of Designation or other federal or state laws.
- 2) In the event of a suspension or disconnect under this section, within fifteen (15) days the User shall submit to the Board a written report describing the event that caused the suspension, its compliance status and the measures necessary to prevent a recurrence.
- 3) The Board may reinstate the permit or connection upon proof of compliance.

E. WASTEWATER EXTRA COSTS CHARGE ORDER:

- 1) The Board may assess a charge to recover costs incurred by the POTW for extra monitoring, investigation, or quantifiable damages attributable to any User who is found to have:
- a. discharged a waste which causes an obstruction, damage, Interference, Pass Through or other impairment to the POTW; or
 - b. committed a violation of these Rules and Regulations.
- 2) The amount of this charge shall be determined by the Board and may include:
- a. sampling and analysis costs;
 - b. time, material and equipment costs incurred as a result of inspection procedures;
 - c. costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the POTW as a result of discharge or other noncompliance such as time (including legal services), material and equipment costs including chemical usage, detecting and preventing or correcting Interference or Pass Through of POTW or repairing damage to the POTW; or
 - d. other associated costs as the Board may deem necessary.
- 3) Such fee shall be payable by the User within thirty (30) days of being notified of final cost, and is subject to collection by civil suit.

PART 3: REMEDIES FOR NONPAYMENT OF DISTRICT FEES, RATES, TOLLS, CHARGES, AND PENALTIES:

The District will use the following procedure when a Customer or property owner fails to timely and fully pay any amount owed to the District for services and supplies. The Board, in its sole discretion, may deviate from this procedure and pursue any other remedies authorized by these Rules and Regulations or by law.

- A. LATE FEES AND INTEREST: Any outstanding amount that is more than 60 days past due shall be subject to late fees and interest pursuant to the District’s Fee Schedule. Late fees and interest will accrue beginning on the first day after the 60 days has expired.

- B. NOTICE AND TERMINATION:
 - 1) After an amount becomes 60 days past due, the District will mail a first notice of past due payment to the address provided to the District by the property owner (“First Notice”), which will notify the property owner that it has until the end of the current month to pay all amounts due, plus late fees and interest.

 - 2) If full payment is not received by the deadline set forth in the First Notice, the District will mail a second and final notice of past due payment to the property owner (“Final Notice”). The Final Notice will set forth a deadline to make full payment, and inform the property owner that service will be terminated if full payment is not received by the deadline. The Final Notice will inform the Customer of its right to submit a written appeal to the District regarding termination of service. The Customer’s failure to pay the amount due in full or successfully appeal the termination by the deadline set forth in the Final Notice will result in the termination of service.

- C. RECONNECTION OF SERVICE: Service that is terminated to a property due to nonpayment will not be reinstated until all outstanding amounts are paid, including late fees and interest, and the property owner pays a reconnection fee as set forth in the District’s Fee Schedule.

PART 4: ADMISSION TO PROPERTY:

Whenever it shall be necessary for the purposes of these Rules and Regulations, representatives of the Board, upon the presentation of credentials, may enter upon any property or Premises of a User at reasonable times for the purposes of:

- 1) Inspecting on a regular basis or for cause to assure compliance with the requirements of these Rules and Regulations. Such inspection shall be completed with reasonable promptness.

- 2) Copying any records required to be kept under the provisions of these Rules and Regulations.

3) Inspecting any monitoring equipment or method, or system operation.

The occupant of such property or Premises shall render all proper assistance in such activities. Unreasonable delays in allowing representatives of the Board access to the User's Premises shall be a violation of these Rules and Regulations.

PART 5: SUPPLEMENTAL ENFORCEMENT REMEDIES:

All costs and expenses, including civil penalties, incurred to abate a nuisance or enforce provisions of these Rules and Regulations, including those relating to violations or enforcement of permits and orders, shall constitute a lien on the real property. The lien may be recorded in the real property records of the appropriate county, and may be enforced and collected in accordance with the law and these Rules and Regulations. The choice between judicial action or administrative action to recover such sums shall be at the discretion of the Board.

APPENDIX A
FEE SCHEDULE

APPENDIX B

APPLICATION FOR SERVICE