



## **RULES AND REGULATIONS**

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# **Cucharas Sanitation and Water District**

## **RULES AND REGULATIONS**

### **SECTION 1**

#### **GENERAL EXPLANATORY MATERIAL**

##### **1.1 DISTRICT ORGANIZATION AND OBJECTIVES.**

The Cucharas Sanitation and Water District (District) was organized for the purpose of providing water and sewer service to all lots and tracts within the District in accordance with the District's Master Plan. To effectuate this purpose, the District is responsible for planning, construction, and operation of the fundamental water supply, distribution and sewage collection/treatment systems; however, each owner will be required to install, maintain, and bear the costs of service lines or any other internal extension of the system within individual lots or tracts located in the District. In furtherance of these objectives, the following rules and regulation are adopted as of this date and year first above written.

##### **1.2 POLICY AND PURPOSE.**

It is hereby declared that the rules and regulations hereinafter set forth will serve a public use and are necessary to insure and protect the health, safety, prosperity, security, and general welfare of the inhabitants of the Cucharas Sanitation and Water District.

The purpose of the rules and regulations is to provide for the control, management, and operation of the water and sewage systems of the C. S. & W.D, including additions, extensions and connections thereto.

These Regulations set forth uniform requirements for direct and indirect contributors into the water distribution and treatment system and the wastewater collection and treatment system for the C.S. & W.D. and enables the District to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, the Clean Water Act of 1977, the Water Quality Act of 1987 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of these Regulations are:

- A. To prevent the introduction of pollutants into the public water and wastewater systems which will interfere with the operation of the systems or contaminate the resulting water or sludge;
- B. To prevent the introduction of pollutants into the public water and wastewater systems, which will pass through the systems, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the systems.
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the wastewater treatment system;

- D. To provide for equitable distribution of the cost of the public water and wastewater systems;
- E. To ensure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the District; and
- F. To provide for the control, management and operation of the water and sewage systems of the District, including additions, extensions and connections thereto.

These Regulations provide for the regulation of direct and indirect contributors to the public water and wastewater systems through enforcement of general requirements for the users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

These Regulations shall apply to the C.S. & W.D. and persons outside the District who are, by contract or agreement with the District, users of the District's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the General Manager of the District POTW shall administer, implement, and enforce the provisions of this ordinance.

### **1.3 RECOVERY OF COSTS FOR WASTEWATER DISPOSAL SYSTEM.**

It is the purpose of these Regulations to provide for the recovery of costs from users of the District's wastewater disposal system for the implementation of the requirements established herein. The applicable charges or fees shall be set forth as appropriate in these regulations.

- A. The District may adopt charges and fees, which may be for the following reasons:
  - 1. Use of the POTWs;
  - 2. For connecting to the system;
  - 3. For extra volumes discharged;
  - 4. For extra strength sewage discharged;
  - 5. For availability to serve;
  - 6. For septic tank pumping;
  - 7. For monitoring, inspecting and surveillance procedures;
  - 8. For reviewing accidental discharge procedures and construction;
  - 9. For permit applications;
  - 10. For filing appeals;
  - 11. For consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards;
  - 12. Other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by these Regulations and are separate from all other fees chargeable by the District.

### **1.4 VIOLATION OF REGULATIONS.**

- A. Any person violating any of the provisions of these Regulations and Colorado State Statutes shall become liable to the District for any expense, loss or damage occasioned by reason of such violation.
- B. Any person violating any of the provisions of these Regulations shall become liable to the District for any expense, loss or damage occasioned by reason of such violation, and upon nonpayment thereof at the demand of the General Manager, shall be assessed a penalty not-to-exceed the maximum allowed by law, which penalty shall be a lien upon the violator's property to

be collected in accordance with Section 5 of these Regulations, as allowed by Section 32-1-1001, C.R.S., as amended, or a lien upon the property for which the violator was providing services at the time of the violation in question, whichever the Board deems appropriate.

#### **1.5 DAMAGE RESTRICTIONS.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, manholes appurtenance or equipment of the water and sewer systems.

#### **1.6 CHANGES IN RULES AND REGULATIONS.**

These Rules and Regulations may be altered, amended, repealed or re-enacted at any regular meeting of the Board of Directors of said District or at any special meeting of the Board called for that purpose. All changes in the Rules and Regulations shall be available for public review thirty (30) days following adoption of the same.

#### **1.7 INVALIDITY OF REGULATION.**

If any Section, Subsection, paragraph, clause or other provision of these Regulations shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, Subsection, paragraph, clause or other provision shall not affect any of the remaining provisions.

**1.8 REQUEST FOR SPECIAL MEETING.** See Section 2.19.

#### **1.9 SPECIAL AGREEMENT PROVISIONS (WASTEWATER ONLY).**

No statement contained in these Regulations shall be construed as preventing any special agreement or arrangement between the District and any industrial concern or other user whereby a waste of an unusual strength or character may be accepted by the District for treatment or other special arrangement upon which mutual agreement is reached.

#### **1.10 POWERS AND AUTHORITY OF INSPECTION.**

The General Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to taking from or discharge to the community systems in accordance with the provisions of these Regulations.



## SECTION 2

### DEFINITIONS AND GENERAL INFORMATION

#### 2.1 WATER AND SEWAGE SYSTEMS DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

**ACT** shall mean the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and subsequent amendments (e.g., Clean Water Act of 1977 and Water Quality Act of 1987).

**ACTUAL COST** shall mean all direct costs applicable but not limited to the construction of a given facility, including construction bonding, right-of-way, easement or land acquisition costs, engineering, inspection, plan approval fees, “as-built” drawings, legal and accounting fees, and other costs necessary for completion, and for final resolution of any disputes with the contractor or other concerning the project, including guarantee or warranty work.

In addition, actual costs include all direct costs applicable to the obtaining, in or out of Court, change of diversion points, change of use, or acquisition of storage rights associated with any water right deeded to the District; so that said water rights meet the qualifications for acceptance by the District as contained in its Rules and Regulations. Said direct costs shall also include cost of engineering, attorney’s fees, Court costs, and accounting or any other costs associated therewith.

**ADJUDICATED WATER** means that water adjudicated by the District Court, Water Division No. 2, State of Colorado, having jurisdiction over the Cucharas River and its tributaries thereto, and a decree therefrom.

**AIR GAP** is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case less than one (1) inch. When the air gap used at the service connection to prevent the contamination or pollution of the District’s water system, an emergency bypass shall be installed around the air-gap system and an approved reduced pressure principle device shall be installed in the bypass system.

**APPROVED** means accepted by the District as meeting the applicable specification stated or cited in these Rules and Regulations and Engineering Standards or as suitable for the proposed use.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER** means:

- a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- b. A general partner or proprietor is the industrial user in a partnership or proprietorship, respectively;
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the discharge originates.

**AUXILIARY WATER SUPPLY** is any water supply on or available to the premises other than the District’s approved public potable water supply. These auxiliary water systems may include water from another purveyor’s public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or “used waters” or “industrial fluids”. These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the District does not have sanitary control.

**BACKFLOW PREVENTER** is a device or means designated to prevent backflow or backsiphonage.

**BACK PRESSURE** means back flow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

**BACKSIPHONAGE** means the flow of water or other liquids, mixtures or substances into the distribution pipes of the District's water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

**BOARD AND BOARD OF DIRECTORS** shall mean the governing body of the Cucharas Sanitation and Water District.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods in five (5) days at twenty (20) degrees Centigrade, expressed in terms of weight and concentration in milligrams per liter (ml/l).

**BUILDING DRAIN** means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet [1.5 meters] outside the inner face of the building wall.

**BUILDING SEWER** means the extension from the building drain to the public sewer or other place of disposal, also called house connection and/or service line.

**CERTIFIED INSPECTOR AND/OR TESTER** means a person who has passed a State approved and/or sponsored testing and/or sponsored testing and/or inspection course and who is listed by the State as a certified inspector and/or tester.

**CDPS** is defined with NPDES.

**CHECK VALVE** means a self-closing device, which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

**COLLECTION LINE** means that portion of the wastewater treatment system, which collects and transmits wastewater from users to the wastewater treatment plant, excluding service lines.

**COLORADO DEPARTMENT OF HEALTH CROSS CONNECTION CONTROL MANUAL** is a manual that has been published by the State addressing cross connection control practices which will be used as a guidance document for the District in implementing a Cross Connection Control Program.

**COMBINED SEWER** means a sewer intended to receive both wastewater and storm or surface water.

**COMPOSITE SAMPLE** means a series of grab samples of equal volume taken over a predetermined time period without regard to flow and which are combined into one sample.

**CONTAMINATION** means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease.

**CONTRACTOR** shall mean any person approved by the District to perform work and to furnish materials therefor within the District.

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

**CRITICAL LEVEL** means the critical level C-L or C/L marking on a backflow prevention device or vacuum breaker which is a point conforming to approved standards and established by the testing laboratory (usually stamped on the device by the manufacturer), which determines the minimum elevation above the flood-level rim of the fixture or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or the bottom of any such approved device shall constitute the critical level.

**CROSS-CONNECTION** shall mean any unprotected, actual or potential connection or structural arrangement between the District's or a consumer's potable water system and any other source, or system, through which it is possible to introduce into any part of the potable system any substance, other than the intended potable water, with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary, or permanent devices through which, or because of which "backflow" can or may occur, are considered to be cross-connections.

**CROSS-CONNECTIONS-CONTROLLED** is a connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

**CUSTOMER** shall mean any person authorized to connect to public water or public sewer under a permit issued by the District.

**DEVELOPER** shall mean any person who is the owner or agent of the owner of land and causes a change in density and seeks to have said land served by the District.

**DISTRICT** shall mean the Cucharas Sanitation and Water District.

**DOMESTIC WASTES** or **SANITARY WASTES** means liquid wastes:

- a. From the noncommercial preparation, cooking and handling of food, or
- b. Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

**DOUBLE CHECK VALVE ASSEMBLY** is an assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and District approved testing establishment for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.

**EASEMENT** means an acquired legal right for the specific use of land owned by another.

**EQR CERTIFICATE** shall mean that certificate(s) issued to the owner in exchange for water rights. Said certificate shall be in denominations of EQRs (equal quantity ration), which is equal to 80,000 gallons per year, and shall be transferable between entities and/or individuals. Said certificates shall be redeemable by the registrant thereof to the District in conjunction with the application to the District to extend water services to new developments or customers.

**EQUAL QUANTITY RATION (EQR)** shall mean the average amount of water required by a single-family residence per year (80,000 gallons).

**EXCHANGE RATE**, as used within these Rules and Regulations, means that a single EQR is equivalent to .000341 cubic feet per second (c.f.s.) of final adjudicated water.

**FINAL ADJUDICATED WATER** shall mean that amount of water, in c.f.s., as adjudicated by the Water Court.

**FIRE HYDRANT** (see Hydrant)

**FIXTURE UNIT EQUIVALENT** means the unit value prescribed for plumbing fixtures as set out in the Uniform Plumbing Code, latest edition, computed on the basis of the design capability of such fixture to permit the flow of water or wastewater.

**FLOATABLE OIL** is oil, fat or grease in a physical state such that it will separate by gravity from wastewater or by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**FLOOD-LEVEL RIM** means the edge of the receptacle from which water overflows.

**GARBAGE** means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

**GENERAL MANAGER** shall be the person appointed by the Board to manage the District and inspect all water and sewer installations, repairs, excavation, connections, and charged with enforcement of these Rules and Regulations, or, in his absence, his duly authorized deputy.

**GRAB SAMPLE** means a singular sample of a user's effluent, which is taken during the user's normal operating day without regard for variations in daily operational characteristics, flow or concentration of pollutants.

**HAZARD, DEGREE OF:** This term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

**HAZARD-HEALTH:** Any condition, device, or practice in the water supply system and its operation, which could create, or in the judgment of the General Manager may create a danger to the health and well being of the water customer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

**HAZARD-PLUMBING:** A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing-type cross-connections are considered to be health hazards.

**HAZARD-POLLUTION:** An actual or potential threat to the physical properties of the water system or to the potability of the District's or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

**HAZARD-SYSTEM:** An actual or potential threat of severe damage to the physical properties of the District's water system or the consumer's potable water system or of a pollution or contamination which would have a protracted affect on the quality of the potable water in the system.

**HIGH-STRENGTH WASTE** means a flow of sewage per EQR in excess of 6,667 gallons per month for commercial users and 80,000 gallons per year for residential users and/or BOD and/or TSS concentrations in excess of 300 mg/l each for all users.

**HYDRANT** means a pipe with a nozzle to which a hose can be attached for drawing water from a water main.

**INCOMPATBILE POLLUTANT** means any pollutant which is not a "conventional pollutant" as herein defined.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM** or **INDIVIDUAL WASTEWATER DISPOSAL SYSTEM** means a septic tank/leach field, 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.

**INDUSTRIAL FLUIDS SYSTEM:** Any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and “used waters” originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulated cooling water connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc; oils, gases, glycerin, paraffin’s, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

**INDUSTRIAL USER** means a source of indirect or direct discharge under regulations pursuant to the Act or for which pretreatment standards have been published by the Environmental Protection Agency or for which local pretreatment standards have been established or any other non-domestic waste discharge.

**INDUSTRIAL WASTE** means any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process, trade, business or operational procedures of an industrial user as distinct from domestic or sanitary wastes.

**INTERFERENCE** means inhibition or disruption of the publicly owned treatment work’s (POTW’s) sewer system, treatment processes or operations or which contributes to a violation of any requirement of the District’s CDPS permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), 40 CFR Part 503, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the POTW.

**INSPECTOR** shall mean the General Manager or his/her authorized agent.

**MAIN LINE EXTENSION** shall mean any line servicing more than one EQR.

**MASTER PLUMBER** means a plumber as defined in and licensed pursuant to Article 58 of Title 12 of the Colorado Revised Statutes 1973, as the same may be now or hereafter amended.

**MAY** is permissive (see “SHALL”).

**NATURAL OUTLET** means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NPDES or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM** means 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. This shall be analogous with the term CDPS (Colorado Discharge Permit System) wherein the State of Colorado is delegated the authorities and responsibilities outlined above.

**NEW SOURCE** means any industrial user, the construction of which is commenced after the effective date of regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such industrial user.

**NON-POTABLE WATER** means water that is not safe for human consumption or that is of questionable potability.

**NORMAL DOMESTIC-STRENGTH WASTEWATER** means wastewater that, when analyzed by standard methods, contains no more than 300 milligrams per liter of total suspended solids (TSS) and 300 milligrams per liter of biochemical oxygen demand (BOD).

**OPERATING DAY** means that portion of a twenty-four (24) hour day during which industrial wastes are discharged or generated.

**OWNER** shall mean the person owning the real property served by water and sewer service or the person or entity who presents to the District water rights in exchange for EQR certificates.

**PERMIT** shall mean written permission of the District to connect to a public sewer or public water main pursuant to the Rules and Regulations of the District.

**PERSON** shall mean any individual, firm, company, association, partnership, joint venture, society, corporation, group, or governmental authority or agency.

**pH** means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

**POLLUTION** means the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.

**POTABLE WATER** means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical, and radiological quality shall conform to State of Colorado Drinking Water Regulations.

**POTW** means the publicly owned treatment works of the Cucharas Sanitation and Water District as generally defined by Section 212 of the Act. The District's POTW includes the following:

- a. Any device and/or system used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature;
- b. Any sewer, pipe and other conveyance which conveys wastewater to or from the District's POTW treatment plant; and
- c. The District, as defined in Section 502(4) of the Act, has jurisdiction over the indirect discharges to and the discharges from such treatment works.

**PRE-TREATMENT** means application of physical, chemical and/or biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the wastewater treatment system.

**PRE-TREATMENT REQUIREMENT** means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

**PRE-TREATMENT STANDARDS** means any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Section 403.5 as well as any non-conflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

**PROPERLY SHREDDED GARBAGE** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER** shall mean a sewer main that is owned or controlled by the District.

**RECEIVING WATER** means lakes, rivers, streams or other watercourses which receive treated or untreated wastewater.

**REDUCED PRESSURE PRINCIPLE DEVICE** is an assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and District approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per inch or less, the relief valve shall be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

**SANITARY SEWER** means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

**SERVICE LINE** or **SEWER SERVICE LINE** shall mean the owner-maintained and owned sewer extending from a building drain (at a point five feet from a building) to the public sewer, or in the case of the small diameter collection system, extending to the septic tank.

**SEWAGE** shall mean any liquid waste in suspension or solution from residences, businesses, restaurants, buildings, institutions and industrial establishments.

**SEWER** shall mean a pipe or conduit for carrying sewage.

**SHALL** is mandatory; **MAY** is permissive.

**SIGNIFICANT INDUSTRIAL USER** means:

- a. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N.
- b. Any other industrial user that:
  - (1) Discharges an average of 25,000 gallons per day or more of processed wastewater to the District's wastewater treatment system (excluding sanitary, non-contact cooling and boiler blow-down wastewater);
  - (2) Contributes a processed waste-stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the District's wastewater treatment system; and
  - (3) Is designated as such by the General Manager on the basis that the industrial user has a reasonable potential for adversely affecting the District's wastewater treatment system or for violating any pretreatment standard or requirement.

**SIGNIFICANT NON-COMPLIANCE** means a violation of these Regulations which meets one or more of the following criteria:

- a. Conventional pollutants BOD, TSS, and Oil and Grease where any one or more exceeds the EQR equivalent loadings of 300 mg/l BOD, 300 mg/l TSS and 100 mg/l oil and grease.
- b. Any discharge that the District determines has caused, alone or in combination with other discharges, interference or pass-through or has endangered the health of the District's personnel or the public;
- c. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge; and

d. Any discharge that the District determines will adversely affect the operation of the POTW.

**SLUG DISCHARGE** means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**SMALL-DIAMETER COLLECTION SYSTEM** means that series of four-inch (4") or six-inch (6") sanitary sewers that are owned and maintained by the District which convey liquid discharged from septic tanks and to which the collection system is connected.

**STORM DRAIN**, sometimes termed "storm sewer", shall mean a drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.

**STORM WATER** means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

**SUBMERGED INLET** means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against back flow.

**SUPERINTENDENT** means the designated superintendent of wastewater facilities and/or of wastewater treatment works, and/or of water pollution control for the District, or his/her authorized deputy, agent or representative.

**TAP** or **CONNECTION** shall mean the connecting of the service line to the water main or sewer main.

**TAP FEE** or **PLANT INVESTMENT FEE** means that charge assessed against new users of the water and/or wastewater treatment system to finance capital improvement of the systems.

**TOTAL SUSPENDED SOLIDS (TSS)** means 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 standards methods.

**UNIT** is a single-family residence whether manufactured home, condominium, apartment or a single structure. It is used to determine the required water or wastewater service.

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

**USER** shall mean any customer to whom water and/or sewer service is supplied.

**USER CLASSIFICATION** means a classification of users based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Federal Office of Management and Budget.

**VACUUM** means any pressure less than that exerted by the atmosphere.

**VACUUM BREAKER, ATMOSPHERIC TYPE** means a vacuum breaker that has a moving element inside which, during flow, prevents water from spilling from the device and during cessation of flow, drops down to provide a vent opening. The atmospheric vacuum breaker cannot be installed where there can be back-pressure, only where there can be back-siphonage. This device should not remain under pressure for long duration (more than 12 hours in any 24-hour period) and it cannot have any shut-off valve downstream of it.



**VACUUM BREAKER, PRESSURE TYPE** means a vacuum breaker that cannot be installed where there can be back-pressure, only where there can be back-siphonage. The pressure vacuum breaker may have shut-off valves downstream of the device.

**WASTEWATER** means 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, which is discharged into or permitted to enter the District's wastewater treatment system.

**WASTEWATER FACILITIES or WASTEWATER SYSTEM or WASTEWATER TREATMENT SYSTEM** means:

- 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 industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, out-fall sewers, collection lines, small diameter collection lines, septic tanks where used in conjunction with the small diameter collection system, 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.

**WATERCOURSE** means a natural or artificial channel for the passage of water whether continuously or intermittently.

**WATER MAIN** shall mean a water pipeline carrying potable water, which is owned or controlled by the District.

**WATER METER** shall mean the device installed inside or outside the building being serviced that measures in gallons the amount of water being used.

**WATER RIGHT** shall mean a water right having a Read Decree as finally adjudicated.

**WATER SERVICE CONNECTION** means where the service connection is made to the District's water system; i.e., where the District loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the District's water system.

**WATER SERVICE LINE** shall mean the owner-maintained and owned water line extending from the meter, or in the case of remote reading meters, from the curb valve; or in the absence of a curb valve that is located at the property line, to the owner's building and shall not include the tap on the main, corporation cock, curb valve, and meter pit and meter installation (if required).

NOTE: 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 (formerly Water Pollution Control Federation).

## **2.2 COUNTY HEALTH DEPARTMENT, HEALTH OFFICER.**

Any reference in these Regulations to the “Department of Health or “the Health Department” shall mean the Bi-County (Las Animas and Huerfano Counties) Department of Health. Any reference in these Regulations to the “Health Officer” shall mean the Health Officer of the Bi-County Department of Health of Las Animas and Huerfano Counties, or his/her designated representative.

## **2.3 WHO MAY USE.**

Water and sewage service can be furnished only to buildings or structures situated on property included within, and subject to taxation by, the District, except as otherwise provided herein and approved by the Board.

No person shall connect to and/or use the District’s water or sewage system without obtaining a written permit from the District and is in compliance with the Rules and Regulations of the Cucharas Sanitation and Water District. No water or sewer service may be obtained until customer’s deposits are made at the office of the District. No water or sewer service will be available until all back charges are paid.

With respect to property located entirely within District boundaries, any water service customer must also be a sewer service customer and vice versa unless one of the Districts services is not reasonably available.

## **2.4 REGULATION OF USAGE.**

Whenever there is a shortage of water or other emergency the District reserves the right to regulate and curtail water usage. There shall be no watering or irrigation of shrubs and lawns from July 1 to September 15. The General Manager may, upon application by user, grant a variance for a thirty-day period those cases where the variance does not affect other users; or under other special circumstances.

The General Manager shall revoke any variance when it is deemed that a shortage of water or other emergency requires its discontinuance.

The General Manager shall notify any user of a violation of water usage in writing

## **2.5 RESPONSIBILITY OF THE DISTRICT.**

The District shall be responsible for the water and wastewater systems and the water and wastewater treatment plants serving the District and such other areas as authorized by the Board of Directors.

## **2.6 RESPONSIBILITY OF THE GENERAL MANAGER.**

The General Manager of the District shall be responsible for the management of the water and wastewater systems of the District and all of the property pertaining thereto. He/she shall see that such systems are kept properly cleaned and in good working order and repair. He/she shall insure proper compliance with all local, State and Federal regulations for the collection, treatment and distribution of water and the collection, treatment and discharge of wastewater and shall perform all other duties in connection with such systems as may be required of him/her by the Board of Directors.

**2.6.1 ADOPTION OF RULES AND REGULATIONS BY GENERAL MANAGER.** The General Manager may adopt rules and regulations consistent with the provisions of these Regulations for the administration of the water and wastewater systems. Rules and regulations adopted by the General Manager pursuant to these Regulations shall pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards for installation of water and wastewater lines and services and implementation of standards promulgated pursuant to the Act. In establishing such rules and regulations, the General Manager shall seek to establish standards that will assure safe, efficient operations of the water and wastewater systems, 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. He/she shall ensure that the water treatment plants, systems and equipment are cared for in like manner. Such rules and regulations shall become effective after ratification by the Board of Directors of the District.

## **2.7 RESPONSIBILITIES OF THE CUSTOMER AND OWNER.**

No person shall discharge or cause to be discharged any bleeding flow, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters into any sanitary sewer.

No person shall discharge, or cause to be discharged into any public sewer, any harmful water or wastes, whether liquid, solid, or gas, which is capable of causing obstruction to the flow in the sewer, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

Each owner shall be responsible for installing and maintaining the entire length of his water and sewer service lines. Leaks or breaks in the service lines shall be repaired by the owner within 72 hours after the said owner has been notified of such condition by the District or its inspector; provided however, that in the event the inspector has reason to believe that leaks or breaks in the water or sewer service line may cause damage to the District's fundamental distribution or collection system, the inspector shall have the power and authority to immediately cause said leaks or breaks to be repaired at the cost of the owner. In all situations not requiring immediate action by the inspector, satisfactory progress toward repairing the said leak or break shall be made by the time specified above. The failure to make such satisfactory progress shall give the inspector the authority to repair, or have repaired, the line at the cost of the owner. There shall be no liability for trespass or liability for damage to person or property by inspector pursuing his duties hereunder.

### **2.7.1 REPAIR AND MAINTENANCE OF OWNER AND CUSTOMER SERVICE LINES.**

The owner shall be responsible for repairing and maintaining their service line in accordance with District standards. When replacing the service line, said line will be placed a minimum of six- (6) foot below the surface using  $\frac{3}{4}$  inch Type K copper. No exceptions shall be made other than the size of pipe. In replacing a stop and waste valve, the District requires replacement be made by using a  $\frac{3}{4}$ " Ford stop and waste valve # 244-333 SW, a Mueller Mark 2 Oriseal # 75181801 or equivalent. The District's inspector shall have the right to inspect all repairs made to the customer service line and appurtenances thereto in accordance with Section 1.10 of these Rules and Regulations.

## **2.8 LIABILITY.**

No claim for damages shall be made against the District by reason of the following: Damage to water heaters, boilers, appliances or other personal property resulting from shutting water off, or turning it on, or inadequate, excessive or sporadic pressures; or damage caused by water escaping from open or defective faucets; damage caused by burst service pipes of other facilities not owned by the District. The failure of the owner to repair any leaks or breaks in his service line within 72 hours after notification of such condition by the District shall subject said owner to liability for any and all loss or damage resulting therefrom.

Any person violating any of the provisions of these Rules and Regulations and Colorado State Statutes shall become liable to the District for expense, loss or damage occasioned by reason of such violation.

## **2.9 MANUFACTURING AND INDUSTRIAL FLOWS**

Manufacturers and industries are prohibited from using the District sewer system unless they obtain a special permit from the District, the granting of which is discretionary; said permit shall define the conditions, limitations and restrictions and the fees and charges determined by the District to be for the best interests of the District and its inhabitants.

### **2.10 DAMAGE.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment of the water or sewer systems, including fire hydrants and manholes. No tap or connection shall be made without permit. Costs caused by a contractor to main lines or service lines while connecting a customer, shall be repaired by the contractor at his/her cost to the satisfaction of the District. If any damage is not repaired by the contractor, all costs incurred by the District to repair damage to District property shall be billed to the party (ies) causing such damage, and shall include the hourly wage equivalent (including overtime, as required) of the District employees making such repairs, costs of equipment used to make such repairs and costs of cleaning and flushing pipes and mains, as required.

### **2.11 SWIMMING POOLS.**

No public or private swimming pool shall be connected to the sanitary sewer system without first obtaining a special permit therefor from the District, which permit shall define and specify the hours during which waters may be discharged from such pools into the sanitary sewer system. These rules shall be permanently posted at the pool maintenance room.

### **2.12 CUSTOMER PLUMBING.**

No cross-connections between the District water system and any other water supply or waste line shall be permitted. All customers plumbing shall be in compliance with the Colorado State Plumbing Code. The District's inspector shall have the right to access to customer's premises for the purpose of inspecting customer plumbing.

No residential customer shall have floor drains connected to the sewer system installed in garages, or other uninhabited areas without approval of the District. No patio drains, roof drains, or any other source of storm water or ground water shall be connected to the District's sewer system.

Service stations, garages, and other commercial or industrial customers may have floor drains only with the express written permission of the District. Approved grease and grit traps shall be provided and maintained for all such drains at the customer's expense.

### **2.13 UNAUTHORIZED TAMPERING WITH SYSTEMS.**

No unauthorized personnel shall uncover, use, alter, disturb, or make any connection with, or opening onto, use, alter, or disturb the water or sewer system without first obtaining a written permit from the District. Unauthorized turn-on or turn-off of water or sewer service, or a tampering or in any way modifying any meter, even though the same may be performed on a privately owned and maintained service line is prohibited.

Any person violating any of the provisions of these Rules and Regulations shall become liable to the District for any expense, loss or damage occasioned by reason of such violation, and upon nonpayment thereof at the demand of the General Manager, shall be assessed a penalty (see Appendix A), which penalty shall be a lien upon the violator's property, as allowed by Section 32-1-1001, C.R.S., as amended, or a lien upon the property concerning which the violator was providing services at the time of the violation in question, whichever the General Manager deems appropriate.

#### **2.14 CHANGES IN RULES AND REGULATIONS.**

These Rules and Regulations may be altered, amended, repealed or reenacted at any regular meeting of the Board of Directors of said District or at any special meeting of the Board called for that purpose.

All changes in the Rules and Regulations shall be available for public review for thirty (30) days following adoption of the same.

#### **2.15 INVALIDITY OF RULES AND REGULATIONS.**

If any section, subsection, paragraph, clause, or other provision of these Rules and Regulations shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions.

#### **2.16 RIGHT OF ENTRY.**

The General Manager, inspector or engineer and any other duly authorized employee shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, determination of proper fees, sampling and testing in accordance with the provision of the Rules and Regulations of the District. Failure to permit such inspections, observations, measurements, samplings and/or testing upon the request, in writing, of the General Manager shall result in the immediate disconnection of service to the property of the party failing to permit such activity.

#### **2.17 CONNECTION TO DISTRICT SYSTEMS.**

No sewage disposal system shall be constructed within the District unless it is connected to a District sewer main. The Board may grant specific authorization for an exemption, and only if the following conditions are met:

- a. Extension to the District's sewer system would create an unreasonable financial burden;
- b. A private disposal system is constructed to meet all State Health Department standards;
- c. The customer shall connect to the District system when a sewer main is within 400 feet of the customer's building and shall pay a tap privilege fee when the main is installed.

#### **2.18 DENIAL OF APPLICATION.**

The District reserves the exclusive right to deny application for service when, in the opinion of the Board, the service applied for would create an excessive seasonal, or other, demand on the facilities. Denial may also be based upon an unresolved obligation between the District and the applicant, inadequate documentation of easements for main lines serving the property, or any other reason as determined by the Board.

#### **2.19 SPECIAL MEETING.**

Any person requesting a special meeting shall do so in writing, stating the nature of the request to be decided by the Board and specifically requesting said meeting.

All expenses generated because of the special meeting, which shall include directors' fees, board council fees such as accountant, engineer, attorney, or rental space, shall be paid by the individual requesting the special meeting. A deposit shall accompany the request. (See Appendix A for deposit amount.)

#### **2.20 BULK PURCHASES.**

Purchases of bulk water will be limited to residents living within the District. The cost shall be based on the current rates. District personnel shall assist customers by turning on and off the water when filling customers' tanks. The District reserves the right to refuse to sell any water, if it is not in its best interest to do so.

## **SECTION 3**

### **MAIN LINE EXTENSIONS**

Originally Adopted November 4, 1975

Revised March 24, 1986

Revised May, 2005

#### **3.1 COMPLIANCE WITH RULES AND REGULATIONS.**

The requirements of these Rules and Regulations, including Engineering Standards, are applicable to the construction of all main line extensions.

#### **3.2 MAIN LINE EXTENSIONS BY THE DISTRICT.**

The District has the right to construct all main lines within the District. Developers, who desire to construct such main lines prior to the date planned by the District for the construction, may do so as provided in Section 3.4 herein.

#### **3.3 PROCEDURE FOR MAIN LINE EXTENSION BY THE DISTRICT.**

The District may construct any main lines, if the Board deems it in the best interest of the District to do so. All main line extensions, which are so authorized, shall be bid, as provided by State Law, and contracted for by the Board, with the contractor installing the main lines being responsible to the Board. The District, through its engineer, shall supervise construction activity and coordinate all matters pertaining to the completion of the subject project, including periodic and final payments to the contractor, inspection, and as-constructed drawings. The District at its discretion may install its own lines with its own equipment and personnel.

Pursuant to Sections 38-26-105 and 106, C.R.S., as amended, performance and payment bonds equal to the contract price, at a minimum, shall be furnished to the District by the contractor on all construction contracted by the District. All main lines constructed shall be accepted by the District upon completion of construction, subject to a one-year warranty period during which the contractor shall promptly, without cost to the District, correct any defective work.

Contractors who have completed construction of main line extensions shall, before the main lines are accepted by the District, deed the main lines and all appurtenances to the District, free and clear of all liens and encumbrances, and furnish to the District bonds which shall cover all maintenance for one (1) year from the date of acceptance of the main lines by the District. Prior to the acceptance of the main lines by the District, the contractor shall provide the District with reproducible as-built drawings.

#### **3.4 PROCEDURE FOR MAIN LINE EXTENSION BY INDIVIDUAL OWNERS, GROUPS OF INDIVIDUAL OWNERS OR DEVELOPERS.**

The District has no obligation to extend any main line. At the discretion of the Board, the Board may permit a developer (applicant) to construct, at the sole expense of the applicant, main lines prior to their construction by the District. The applicant shall enter into a written main line extension agreement with the District. The District assumes no responsibility for the processing of, or decisions not to process an application for main line extension before the Colorado Department of Health or any other agency. The decision to process or not to process such application rests solely with the applicant, and the District assumes no responsibility or liability for that decision.

**3.4.1 FORMAL APPLICATION TO BOARD.** All applicants desiring to construct a main line within the District shall first make formal application to the Board for approval. This application

shall be in writing, and shall contain a legal description of the property to be served by the main line and plans for such extension. Said plans shall be reviewed for compliance with the District's specification (Engineering Standards) and with other specifications and requirements appropriate to the situation. The cost of such review for compliance shall be borne by the applicant.

**3.4.2 DEPOSIT FUNDS WITH DISTRICT.** Prior to the execution of the main line extension agreement with the District, applicant shall deposit with the District an amount sufficient to compensate the District for engineering fees, legal fees, and other costs, except direct construction costs, anticipated to be incurred by the District as a result of the application and construction of the main line. (See Appendix A for deposit amount.) Any portion of the deposit not utilized shall be refunded to the applicant within ninety (90) days after construction begins.

**3.4.3 CONTRACTS ASSIGNED TO DISTRICT.** All contracts entered into by applicant for construction of any part of a main line shall be assigned to the District. All such contracts that an applicant proposes to assign to the District shall include performance and payment bonds to be issued by the contractor to the District, pursuant to Section 38-26-105 and 106, C.R.S., as amended. Said bonds shall be, at a minimum, equal to the contract price for the construction contracted for by the applicant. All main lines shall be constructed according to applicable District, County and State specifications. All main line extensions within the District shall be made under the supervision of the District engineer and/or inspector, at the applicant's expense. Similarly, the applicant shall pay all daily inspection fees on mains required by the governmental agency.

**3.4.4 SPECIAL STRUCTURES.** Special structures, such as pumping stations, pressure reducing valves, meter vaults, etc., required to ensure proper operation of the extensions, shall be constructed from the designs of the Board's engineers or such other engineers as may be approved by the Board.

**3.4.5 OVERSIZING EXTENSIONS.** The applicant shall be responsible for "oversizing" main line extensions, as required by the District.

**3.4.6 DEEDING OF MAIN LINES TO DISTRICT.** Applicants who have completed construction of main lines shall, before the main lines are accepted by the District, deed the main lines and appurtenances to the District, free and clear of all liens and encumbrances, and shall furnish to the District bonds which shall cover all maintenance for one (1) year from the date of acceptance of the main lines by the District. Prior to the acceptance of the main lines by the District, the applicant shall provide the District with:

- (1) all easements necessary accompanying the main lines;
- (2) reproducible as-built drawing(s); and
- (3) a statement of the certified cost of the main line.

**3.4.7 NO RECOVERY OF COSTS.** No reimbursement or recovery of costs shall be permitted for main line extensions, except as provided by existing contracts. The District, in its sole discretion, shall determine when reimbursement may be made, if any is required under previous agreements, for main line extensions.

**3.4.8 COSTS BORNE BY OWNER.** Under the conditions established in these Regulations, lines to collect and intercept wastewater from and throughout areas or additions shall be extended by the owner and/or developer of the premises to be served by such lines at said owner's and/or developer's cost from the existing collection line to the farthest point or points upgrade of such premises. If the General Manager determines that the extension of collection lines to the farthest point or points upgrade is not necessary for efficient expansion of the wastewater treatment system, the General Manager 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 the latest edition of the District's regulations and specifications as promulgated, supplemented and amended by the General Manager, as provided in these Regulations. Extensions shall not be made for remote or isolated services 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 General Manager.

**3.4.9 CONNECTIONS OF ADJACENT USERS.** The District will mandate the connections of adjacent users to any new public sewer main extension in accordance with its standard policy. Undeveloped lots adjacent to the public main extension may be charged an availability-to-serve fee in accordance with current District policy.

### **3.5 MAIN LINE SIZES.**

The size of the main line required to serve any area served by the District shall be determined by the District.

### **3.6 LOCATIONS OF MAIN LINE EXTENSIONS.**

Main lines shall be installed in roads or streets that the County, State Highway Department, or other public agency has accepted for maintenance as a public right-of-way, as well as in easements granted to the District. Where required facilities must cross land not being subdivided, or where such land is under the applicant's control for the granting of public rights-of-way, each applicant who desires service will, in consultation with, and with the approval of the District, plan and grant to the District appropriate rights-of-way and easements in which such facilities will be constructed.

### **3.7 AREAS OUTSIDE ORIGINAL DISTRICT LIMITS.**

This category includes all areas outside the original District limits and whose owner petition for utilities. Normally such service will only be provided when the areas are included within the District, or agree to petition for inclusion at an appropriate time determined by the Board. Procedures to be followed for providing service to these areas are as follows:

**3.7.1 APPLICATION TO DISTRICT.** The Owner of the land desiring water and sewer service shall make application to the District in writing, providing the following information.

- a. Description of area to be served;
- b. Description of proposed development;
- c. Timing of development;
- d. Probable flow requirements.

**3.7.2 ENGINEERING FEASIBILITY STUDY.** If the District decides in favor of the request, the Applicant shall prepare, or have prepared, an Engineering Feasibility Report. This report may be arranged through the District and prepared by the District's engineer, or it may be prepared by an engineer selected by the Applicant, in which case, the Applicant shall pay the costs of report review by the District's Engineer. If legal consideration must be investigated, then this work shall be accomplished through the District, by its attorney, at the Applicant's expense. The Applicant shall deposit with the General Manager an estimated dollar amount to cover anticipated legal and engineering expenses. Report information shall include, but not be limited to, the following:

- a. Final draft of information included in the original letter of application;
- b. Preliminary designs and cost estimates of water distribution and collection sewers required.
- c. Preliminary design and cost estimates of connection methods to the District systems.
- d. Hydraulic and functional analysis of the combined water supplies to the subject lands.



- e. Preliminary design and cost estimates for any water treatment, transmission or storage, and sewage transmission and treatment facilities required (as shown by “a” above) to be added on account of service to the applicant’s area.
- f. Tap fees, contribution-in-aid-of-construction, and legal conditions required in a contract for service.
- g. Water source and water rights available to serve the proposed inclusion.

### **3.8 WATER RIGHTS.**

The District will not extend service to any new development/customer until developer/customer transfers adequate water rights to the District (see Section 7).

### **3.9 HYDRANTS.**

To ensure standardization, fire hydrants shall be bought through the District for installation by the developer or contractor. The District shall impose a fee (see Appendix A) for shipping, handling and administration.

## **SECTION 4**

### **PERMITS, PROCEDURES, AND SERVICE CONNECTIONS**

#### **4.1 CONDITIONS OF SERVICE.**

No person shall connect to and/or use the District's water and/or sewage system without obtaining a written permit from the District and unless he/she complies with these Regulations. No water or sewer service may be obtained until appropriate deposits are made at the District office. No service will be available until all back charges are paid.

#### **4.2 COMBINED POTABLE WATER AND WASTEWATER SERVICE.**

With respect to property located entirely within District boundaries, any water-service customer must also be a sewer-service customer and vice versa unless one of the District's services is not reasonably available as determined by the District.

#### **4.3 PROCEDURE – TAP APPLICATION.**

No application for service ( tap application form) shall be processed unless accompanied by a plat, elevation and floor plans.

Any oral and/or written tap fee calculations provided by the District prior to formal application and building plan review is for informational purposes only. The tap fee charged will be based on actual type and use of structure as set forth on the building plans.

Any changes during or following initial construction, which increases the service provided by the District, will require the payment of additional tap fees. (See Section 6.8.)

In order to insure adequate time for plan review, the following schedule will be utilized.

- a. Single family residence- 2 working days.
- b. Multi family, commercial, restaurant/bar or any combination thereof- 2 to 5 working days.
- c. Remodel involving addition of extra bath or hot tub only- processed immediately (no plans required.)

The above schedule does not apply to any project involving extension of water and/or sewer mains or the construction of special structures required for the water and/or sewer extensions.

#### **4.4 COST RESPONSIBILITY.**

All costs and expenses of the installation and connection of water and sewer service lines shall be borne by the customer.

Each customer shall own and be responsible for the construction, maintenance and replacement of his/her service lines, with the exception of the water meter. After acceptance of service line construction by the District, ownership of the water meter, as well as its calibration and maintenance responsibilities, shall be assumed by the District.

Repair or replacement costs due to customer neglect, misuse or abuse shall be borne by the customer. (See also Section 4.12.)

#### **4.5 CONNECTION PERMIT.**

Before any connection is made to the District's sewer or water service a connection permit shall be obtained from the District and the required fees paid. Application for a water or sewer connection permit shall be made to the District on forms furnished by the District, which application shall give a full description of the work to be done, the address of the unit to be served, the name of the licensed plumber to perform the work under the permit and such other information as may be required by the District. Any permit may be revoked if the installation or use of a water or sewer service line is not made in accordance with these Rules and Regulations and any prescribed specification of the District or its engineer or any governing rule of the District. The applicant shall notify the District two (2) weeks in advance of when he wishes service to commence. Taps shall be made by the District. The customer shall leave the service lines exposed, and the lines shall not be back-filled until after District inspection and approval. The District shall inspect within 24 hours of notification to the District office. Before changing use or adding to an existing use, the customer shall file an amended connection permit with the District and pay any applicable fees resulting therefrom.

**4.5.1 CONNECTION PERMIT ISSUE DATES.** Connection permits are normally issued between May 16 and November 14. No connection permit shall be issued between November 15 and May 15 unless specifically authorized by the District.

**4.5.2 DISTRICT RIGHT OF ENTRY.** Right of entry by the District's General Manager, inspector or engineer and any other duly authorized employee shall be permitted on all properties for the purpose of inspection, observation, measurement, determination of proper fees, sampling and testing in accordance with the provisions of the Regulations of the District. Failure to permit such inspections, observations, measurements, samplings and/or testing upon the request, in writing, of the General Manager shall result in the immediate disconnection of service to the property of the party failing to permit such activity.

**4.5.3 RIGHT TO DENY APPLICATION.** The District reserves the exclusive right to deny application for service when, in the opinion of the Board, the service applied for would create an excessive seasonal, or other, demand on the facilities. Denial may also be based upon unresolved obligations between the District and the applicant, inadequate documentation of easements for main lines serving the property, or any other reason as determined by the Board.

#### **4.6 UNAUTHORIZED CONNECTIONS.**

No person shall be allowed to connect onto the sewer or water systems or to enlarge or otherwise change equipment, service or use of property without prior payment of tap fees, approval of application for service and adequate supervision and inspection of the private service line by District employees. Upon the discovery of any unauthorized connections, the District shall send written notice to the owner(s) of the property benefited by such connection, stating that an unauthorized connection has been made between the owner(s)' property and the District facilities. Immediate disconnection shall be made upon discovery of unauthorized connections. Before re-connection will be made by the District, all current tap privilege fees and connection fees, plus a penalty equivalent to the current tap privilege fee shall be paid by owner(s). The District also reserves such rights of foreclosure as may be provided by law for collection of unpaid fees and charges of the District.

#### **4.7 SEPARATE PERMIT.**

Not more than one connection to the water or sewer service shall be allowed under each permit. A permit shall be limited to one building (or tract). No combination of permits shall be allowed, and each water and sewer permit is separate from any other permit.

#### 4.8 OTHER REGULATORY PERMITS.

No permit issued by the District shall be taken as authority for undertaking construction activity or making a cut in a public road, street, or right-of-way. The Owner is responsible to obtain any permits required by any other regulatory body and compliance therewith.

#### 4.9 SERVICE LINES.

Private water and sewer lines shall be installed in accordance with these Rules and Regulations.

All costs and expenses incidental to the installation, connection and maintenance of the building water and sewer service lines shall be borne by the Owner. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building water and sewer service lines.

##### A. Water Lines

- (1) All water service lines shall be installed with a minimum of five (5) feet of cover. Excavation, trench shaping, pipe bedding and back-filling are subject to approval of the District's inspector, who shall inspect all service lines before they are covered.
- (2) Private water service lines shall be constructed of Type K soft copper tubing or other materials that are found suitable by the District.
- (3) Private service lines to a single-family residential site shall not be larger than ¾ inch *unless approved by the District prior to installation.*

##### B. Wastewater Lines

- (1) Private sewer service lines shall be constructed of four-inch (4") heavy (SDR 35) PVC sewer pipe with bell joints and rubber gaskets. Clean-outs and/or manholes, conforming to District specification, shall be installed where required by the District or Plumbing Code. In driveways with less than four (4) feet of cover on the pipe, 4-inch cast iron pipe shall be used.
- (2) No wastewater lines shall be laid or placed in any proposed addition or subdivision in the District until said proposed addition is platted and approved by the local governing land use authority.
- (3) A standard drawing furnished by the District shall govern construction of the connection. The size and slope of the service line shall be subject to the approval of the District, but in no event shall the diameter be less than four (4) inches. Minimum grade shall be one percent (1%) for four-inch (4") lines.

**4.9.1 SEPARATE SERVICE LINE.** A separate and independent service line shall be provided for every building except for the following four exceptions.

A. Where one building stands at the rear of another on an interior lot which cannot be subdivided, and no service 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.

B. Multi-family, commercial or industrial 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 re-subdivided or the buildings otherwise become separately owned, in which case independent connections shall be made.

C. Waiver of this requirement for a separate and independent service line, may be granted by the General Manager upon re-subdivision or creation of separate ownership of

individual buildings on a single lot with existing multi-family or commercial, but not industrial complexes. 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 the separate buildings.

D. By regulation, the General Manager may provide for additional requirements to assure proper maintenance and repair of the common service lines, and, if necessary, monitoring of effluent quality or quantity. The District does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the service system.

**4.9.2 DISTRICT RESPONSIBILITY.** The District is responsible for all appurtenances from its water main to the curb stop or meter, which will be set within five (5) feet of the property line. If the curb stop is used, the District shall furnish a remote-reading meter, with wire and register and appropriate meter loop, which will be installed and maintained by the property owner and the installation inspected by the District. An approved stop-and- waste valve is required to be installed by the property owner at his expense to facilitate shut-off and drainage of the customer service line.

**4.9.3 SERVICE LINE BEDDING.** All service line pipes shall be laid on an accurately excavated flat continuous bed of undisturbed material. All backfill of cuts in public rights-of-way or easements shall be in compliance with requirements of the District's Regulations and Huerfano County. Backfill shall be properly placed and compacted so no line will be broken by settlement. All pipe bedding shall meet the approval of the General Manager or inspector.

**4.9.4 OWNER RESPONSIBILITY.** The owner is responsible for installation, repair and maintenance of the entire length of the water and sewer service lines. Breaks in any service line shall be repaired by the owner within seventy-two (72) hours after the said owner has been given notification of such condition by the District or the inspector. In the event the inspector has reason to believe that a break in the service line may cause damage to the District's fundamental distribution or collection system, the inspector shall have the power and authority to immediately cause said break to be repaired at the cost of the owner. In all situations not requiring immediate action by the inspector, satisfactory progress toward repairing the break shall be made by the time specified above. Failure to make satisfactory progress toward repairing the break shall give the inspector the authority to repair, or have repaired, the line at the cost of the owner. There shall be no liability for damage to person or property by inspector pursuing his/her duties hereunder.

**4.9.5 SERVICE LINE ELEVATION.** Whenever possible, the service line shall be brought from the building at an elevation below the basement floor. In all structures 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 District General Manager and discharged to the wastewater system.

**4.9.6 SMALL-DIAMETER COLLECTION SYSTEM.** The use of septic tanks in a small-diameter collection system shall be continued only in those areas where the small-diameter collection system was installed in the 1994/1995 project (the Village). All other areas that require service extensions will be made through the use of conventional gravity-flow public sewers. Septic tank size, material, design and location are subject to District approval. The septic tank installed as part of the small-diameter system shall become the property of the District. The District will be responsible for its operation and maintenance.

**4.9.7 INTERCEPTORS.** Grease, oil and sand interceptors shall be provided on a service line when, in the opinion of the District, they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District and shall be located so as

to be readily and easily accessible for cleaning and inspection. The maintenance of said interceptors is the responsibility of the property owner.

**4.9.8 SWIMMING POOLS.** No public or private swimming pool shall be connected to the sanitary sewer system without first obtaining a special permit from the District, which permit shall define and specify the hours during which waters may be discharged from such pools into the sanitary sewer system. These requirements shall be permanently posted at the pool maintenance room.

**4.9.9 OLD WASTEWATER LINES.** Old wastewater lines may be used in connection with new buildings only when they are found, on examination by the General Manager, to meet all requirements of these Regulations and to be compatible with the proposed use.

#### **4.10 MAINTENANCE.**

Each customer shall be responsible for maintaining the entire length of his private water and sewer service lines, except that the District shall own and maintain the water meters.

A. The owner of any premises connected to the District's water and/or wastewater treatment systems shall be responsible for the maintenance of the service lines and appurtenances thereto, from and including the connections to the distribution/collection lines to the premises served. The owner shall keep such line in good condition and shall replace, at owner's expense, any portions thereof which, in the opinion of the General Manager, have become so damaged or disintegrated as to be unfit for further use. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of-way and the street to acceptable local jurisdiction standards.

B. In the event that more than one premise 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. A permit fee shall be imposed to cover the costs of the inspection. This inspection shall assure that ordinances and rules applying to the water and wastewater systems 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 or from responsibility to correct such deficiency or defect.

D. In the event the District has installed a small-diameter collection line onto the owner's property which connects onto an existing or new septic tank, the responsibility for operation and maintenance of the small-diameter collection line exiting the septic tank rests with the District. The septic tank to which the small-diameter collection line is connected is the responsibility of the District to maintain if installed new by the District, or if granted to the District in the Connection Agreement.

#### **4.11 PRESSURE REDUCING VALVES.**

When individual water service connections require pressure reducing valves, the valves shall be furnished and installed by the Developer or the customer and shall become the property of and be maintained by the customer.

#### **4.12 WATER METERS.**

Water meters shall be required in all units that have been connected to a main water line. Meters, and all necessary appurtenances thereto, must be bought from the District (see Appendix A). Meters shall be installed in a pit in accordance with the instructions and illustrations given in Appendix B. A bypass is to

be installed around all meters 1 ½ inches and larger. Loc Pac couplings are to be used on both sides of the meter. After installation, and before the meter pit is covered, the Installer shall notify the District and an official inspection made. District personnel shall test the meter to ensure proper operation, then cover the pit. At such time when water service is required to the building unit, a District employee shall initiate operation of the meter and then cover the meter pit.

#### **4.13 DISCONNECTIONS.**

No water or sewer service line connected with the District mains shall be disconnected therefrom without the authorization of the General Manager, who shall specify as to how the same shall be disconnected.

In the event a user desires to disconnect his premises from the District's water and/or wastewater systems, the user shall not be permitted to take up that portion of the service line(s) between the distribution/collection line and the property line of the premises, but at the user's expense the service line(s) shall be capped at said property line and the service line(s) shall be removed from the property line to the structure. 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 water or wastewater gas, or the infiltration of water.

#### **4.14 SPECIAL EQUIPMENT.**

In some cases, Developers may wish to develop land above the District's established "blue line", which is set at a maximum elevation as necessary to provide acceptable minimum water pressures. In no case will development be served where adequate fire protection supply is not available. In approved cases, the Developer or Owner may elect to furnish and install an individual home booster pump. Such installation shall only be made with the General Manager's written permission. The District shall not be responsible for the purchase, installation or operation of such booster pump; the responsibility is fully that of the Developer or Owner.

Similarly, Owners in some cases may wish to locate basements at site locations below the District's adjacent gravity sewer. With the General Manager's specific written permission, approved individual home grinder-pump installations may be installed in basements. Normally, these will not be permitted to serve the upper floors, which should have a gravity connection. The District will not be responsible for the purchase, installation or operation of such lift pumps; the responsibility is fully that of the Developer or Owner.

#### **4.15 POLICY ON SERVICE OUTSIDE THE DISTRICT BOUNDARIES.**

The policy of the District relating to the furnishing of water and/or wastewater service to users located outside the boundaries of the District requires agreement to annex to the District prior to connecting to the District's water and/or wastewater system. The District expressly reserves the right, as may be limited by State or Federal law, to impose such conditions as it may see fit relative in furnishing such service, and may refuse such service in its discretion. The District has no responsibility to provide service outside of its boundaries.

#### **4.16 APPLICATION FOR SERVICE OUTSIDE THE DISTRICT BOUNDARIES.**

Any person desiring to connect a service line and/or add fixtures to an existing connection, which is located outside the District limits, shall comply fully with these Regulations. Such person shall make application to the District for water and/or wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the General Manager to determine compliance with all regulations or rules concerning the service systems. The General Manager shall endorse the application as complying or failing to comply with all regulations or rules concerning the District's service systems.

#### **4.17 SERVICE UNDER SPECIAL CONTRACT.**

A. The District may provide by contract for the use of and connection to the District's water and/or wastewater treatment systems by institutions, plants, organized sewer or water districts, municipal corporations or other similar users which are located outside the boundaries of the District. Such use of or connection to the District's treatment systems shall be subject to such terms and conditions as the District may see fit to impose.

B. Contracts entered into pursuant to this Section shall provide for compliance by the user with the intake and discharge prohibitions and limitations contained in these Regulations. Such contracts shall require the user to abide by the following:

(1) Submit to the jurisdiction of the District for the purposes of the enforcement procedures and penalties set out in these Regulations; and

(2) Stipulate liquidated damages for violation of the provisions of these Regulations in an amount equal to the penalties imposed herein.

C. Contracts entered into pursuant to this Section may provide for acceptance by the District of only normal domestic-strength wastewater, and the requirements of subsection B (2) of this Section shall not apply to such contracts. However, such contracts shall provide that any discharge of industrial wastewater by the user shall subject such user to consequential damages for breach of contract, including but not limited to, any amounts the District may be required to pay for violation of the conditions of its CDPS permit, where the discharge of the user caused or contributed to such violation. Discharges of industrial wastewater by a user bound by such contract shall not be accepted by the District except pursuant to notice to the District and execution of an amended or additional contract to which the requirements of subsection B (2) of this Section shall apply.

D. Contracts for use of or connection to the water and/or wastewater treatment systems of the District in force and effect on the effective date of these Regulations shall remain in full force and effect in accordance with the terms and conditions thereof.

#### **4.18 SERVICE EXCAVATIONS.**

All excavations for installation or repair of water or wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards so as to protect the public from hazard. The District assumes no responsibility or liability for the contractor's construction means, methods or safety procedures. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the District and other local governing authorities.



## SECTION 5

### CONNECTION AND INSTALLATION OF SYSTEMS

#### 5.1 CONNECTION REQUIRED.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District's boundaries or in any area under the jurisdiction of said District, any human or animal excrement, garbage or other objectionable waste into the District's water and/or sewage system.

B. 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 or may in the future be located a collection line of the District, is hereby required at such owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper service line (in the case of the small-diameter system, this requirement also includes a septic tank) to the District's collection lines in accordance with the provisions of these Regulations within one hundred twenty (120) days after official notice to do so, provided that said collection line is within four hundred feet (400') of the property line. Under unusual circumstances such as unique topographical characteristics, the Board of Directors, with Health Department approval, may waive the connection requirement herein stipulated.

C. No water distribution and/or sewage disposal system shall be constructed within the District unless it is connected with a District water or sewer main. The Board may grant specific authorization to an exemption, only if the following conditions are met.

- (1) Extension to the District's water or sewer system would create an unreasonable financial burden;
- (2) An individual service disposal system (ISDS) is constructed to meet all State Health Department standards;
- (3) The customer shall connect to the District system when a water or sewer main is within 400 feet of his building and shall pay an appropriate tap fee when the main is installed.

D. Where a public sanitary sewer is not available within the District or in any area under the jurisdiction of the District and the conditions of paragraph C above have been met, the building sewer shall be connected to an ISDS complying with the provisions and recommendations of the Colorado Department of Public Health and Environment and Section 8 of these Regulations. Such ISDS shall be constructed, maintained and operated at all times in a sanitary manner. At such time as a public sewer becomes available to the property served by an ISDS, a direct connection shall be made to the public sanitary sewer and any septic tank, cesspool or similar sewage disposal facility shall be abandoned and filled with suitable material at the owner's cost.

E. The District has instigated an institutional control program in cooperation with the Bi-County Health Department for ISDS systems within the District. If a failing ISDS is determined to exist, the homeowner will be required to comply with one of the following conditions:

- (1) Hook into the central sewage system in accordance with an approved plan submitted to the District; or
- (2) Install a holding tank in the event soil and/or groundwater conditions preclude the acceptable installation of a conventional ISDS; or
- (3) Install an engineered individual system approved by the District.

## **5.2 PERMITS FOR CONNECTION OR DISCONNECTION.**

The District shall issue a permit for each connection or disconnection made to or from the water or wastewater treatment systems. Such permit will be required for all new connections, existing connections where additional fixtures are to be installed, and for disconnections.

## **5.3 UNAUTHORIZED CONNECTIONS PROHIBITED.**

A. It is unlawful for any unauthorized person to uncover, make any connections with or openings into, use, alter or disturb any distribution or collection line or appurtenance thereof, without first obtaining written permission from the General Manager. Such connections shall be made in compliance with Building and Plumbing Codes, District technical specifications and other applicable rules and regulations of the District.

B. No person shall be allowed to connect on the water or sewer system or to enlarge or otherwise change equipment, service or use of property without prior payment of tap fees, an approval of application for service and adequate inspection by District employees of the private service line and physical connection onto the water or sewer line. Upon discovery of any unauthorized connections, the District shall send written notice to the owner(s) of the property benefiting by such connection, stating that an unauthorized connection has been made between the owner's property and District facilities. Immediate disconnection shall be made upon discovery of unauthorized connections. Before the District will made re-connection, all current tap privilege fees, inspection fees, plus a penalty equivalent to the current tap privilege fee, shall be paid by the owner(s). The District also reserves such rights of foreclosure as may be provided by law for collection of unpaid fees and charges of the District.

## **5.4 INSPECTION BY DISTRICT AFTER CONNECTION TO SYSTEM.**

A. Applicant for the water or wastewater service permit shall notify the General Manager when the service line is ready for inspection and connection to the distribution or collection line. The connection and testing required by the District shall be made under the inspection of the General Manager. Upon payment of the inspection fee by the owner, an authorized District employee will observe the physical connection to the system made by a District-approved plumber or contractor. The General Manager must approve connections to the system by anyone other than a District-approved plumber or contractor in advance. 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, nor from responsibility to correct the deficiency or defect.

B. The connection of the building service line into the public service line shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the District. All such connections shall be made gas-tight and watertight and be verified by proper testing. The General Manager or a designated representative must approve any deviation from the prescribed procedures and materials.

C. All excavations for the building service line installation shall be adequately guarded with barricade and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and other applicable governing authorities.

**5.5 DISCONTINUANCE OF SEWER SERVICE.** The District may, without notice, discontinue the sanitary sewer service to any premises discharging non-acceptable wastes into the sanitary sewer system.

## SECTION 6

### FEES, COSTS, CHARGES AND CLASSIFICATIONS (See also Appendix A)

#### 6.1 PAYMENT – TAP PRIVILEGE FEES.

Tap privilege fees are due at the time the permit is received. No service shall be considered committed by the District until the tap privilege fee is paid. (March 24, 1986) In each lot, area, territory, subdivision or addition, inside or outside the District limits, for which a request for water or wastewater connection or addition to the treatments systems of the District is made, there is and shall be a tap fee for each service line in said areas. Said tap fee shall consist of an inspection fee and a plant investment fee and may also include recovery agreement charges.

##### a. Prior Prepaid Taps.

(1) Prior pre-paid taps shall be honored and will be subject to all provisions of the regulations(s) in place at that time, including refund provisions.

(2) Effective immediately upon the adoption of this amendment to tap regulations there shall be no pre-paid taps allowed. A property owner shall be allowed to purchase a tap for a specific property and must provide a legal description of the property. It shall not be necessary for the property owner to build immediately but shall bind such tap to the property, except that an appeal may be made to the Board of Directors as outlined in subsection d, below.

##### b. Developers and Other Property Owners.

(1) A Developer shall be defined as anyone who is building a house or a structure for the primary purpose of selling such structure or is building a structure whose primary purpose is a commercial venture.

(2) Other Property Owners shall be defined as anyone building or buying a commonly habitable structure whose primary purpose is to inhabit or reside in and is not in conjunction with a commercial venture or endeavor.

##### c. Prior Payment Plans.

(1) Prior payment plans shall be honored and will be subject to all provisions of the regulations in place at that time. Effective with this amendment to regulations, any refund request on prior payment plans shall apply, except that any refund requested and returned shall not include the interest paid and shall include a \$100.00 administrative fee, which shall be retained from the refund.

(2) Effective immediately upon the adoption of this amendment to regulations, the District shall no longer accept or allow payment plans on tap(s).

##### d. Transfer of Taps/Interchanging of Taps.

(1) No Developer shall be eligible for transfer of taps from one property to another. Taps purchased for a specific property in development shall remain a part of that property.

(2) Property owners who purchase taps for a specific property and who plan to build, but have not yet started and subsequently purchase another lot they find more suitable for building, may request a Transfer of Tap(s) from the Executive Committee of the Board of Directors. If the request is granted, it is a one-time transfer and there shall be no other transfer of tap(s) allowed. Such request shall be in writing, including the statement from the property owner that they agree and understand the provisions of this subsection and that, once granted, the transferred tap(s) is final, remaining with the property whether it is built upon or not.

(3) No Developer or Property Owner shall be eligible to interchange taps. A tap purchased as a water tap may not be changed to a sewer tap and a tap purchased as a sewer tap may not be changed to a water tap.

(4) No Property Owner who has purchased tap(s) on a prior payment plan, or who is delinquent, shall be eligible for a Transfer of Taps until tap(s) are paid in full.

(5) No Developer or Property Owner shall receive a permit for the installation of tap(s) until the tap fee(s) are paid in full.

**6.1.1 ADDITIONS TO BUILDINGS.** Additions to buildings already connected to the District's facilities, which bring the building within an additional tap privilege fee bracket, shall thereby incur an additional tap privilege fee, payable upon application according to the rate schedule contained in these Rules and Regulations. (March 24, 1986).

**6.1.2 INSPECTION FEE.** An inspection fee shall be assessed for each connection to the treatment systems of the District to defray the costs of administration and inspection. Such charge shall be assessed and billed. The amount of the inspection fee shall be as established by resolution of the Board of Directors of the District.

## **6.2 ALLOCATION OF COST OF WASTEWATER FACILITIES.**

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 in and through his/her property or development upon approval of the plans and specifications by the District. The District shall inspect and approve the actual construction prior to connection of the structures.

B. The General Manager may require the property owner or developer to construct a collection line larger than that required for his/her needs for the service of lands adjacent to the property or development, 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(s) of the adjacent lands at the time of their connection and refund such costs to the owner or developer. When an owner or developer finds it necessary to construct wastewater facilities through or adjacent to undeveloped land that has not been serviced, the owner or developer shall pay the entire cost of the construction of such facilities.

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 the property served thereby.

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 practicable, easements shall be provided and lines constructed to tie into the gravity system.

E. 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.

F. Any system requiring additional power or maintenance cost shall be assessed a surcharge.

### **6.3 WASTEWATER INSTALLATION COST.**

A. All costs and expenses incidental to the installation and connection of service lines from the collection line to the premises shall be borne by the owner of such premises. 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.

B. All sewer service line material, sewer saddles, taps to District facilities, bedding material and general installation procedures shall adhere to District standards and are subject to District approval. All costs associated therewith are the responsibility of the owner.

C. All service line installations are required to be inspected by the District prior to backfill and at the time a physical connection is being made to the District system. No connections are allowed to be made to the system without a tap fee agreement in place, all fees paid or satisfactory arrangements made for payment, an inspection request filed and paid, and the inspection performed by the District.

D. Where the owner's contractor is undertaking work in county or state rights-of-way, the owner and/or the contractor is responsible to secure all outside jurisdiction permits as required for such construction activity, and must pay for any associated costs.

E. Connections in the small-diameter collection system service area (the Village) require the installation of a service line from the household, the installation of an appropriately-sized and approved septic tank sited, per the District's input, and the extension of a small-diameter line from the septic tank connected to the existing small-diameter collection system. The cost of this work shall be borne by the property owner.

### **6.4 TAP FEE or PLANT INVESTMENT FEE.**

A. A plant investment fee (tap fee) that is based on the EQRs allocated to the proposed unit shall be assessed for each new connection to the water and wastewater system of the District to partially defray the costs of capital improvement of the systems. At the time a request for service is received and approved, the party desiring to connect to the water and sewer systems should execute the District's tap connection agreement, which, among other things, will define the number of EQRs and resulting plant investment fee associated with the service requested. Such charge shall be paid prior to issuance of a building permit, in amounts as established by resolution of the Board of Directors of the District based upon the EQR allocated to the proposed unit. See Appendix A for the plant investment fee and a general guideline of EQRs for various uses.

B. Plant investment fees (tap fees) are due at the time the tap permit is received. No service shall be considered committed by the District until the tap fee is paid. No tap fees are transferable among customers; instead, they are applicable to a specific property unless otherwise provided by agreement with the District.

C. Additions to buildings already connected to the District's facilities, which bring the building within an additional tap fee bracket, shall thereby incur an additional tap fee, payable upon application according to the rate schedule contained in Appendix A.

## 6.5 COMMENCEMENT OF CHARGES

A. Single Family Residence. When all applicable fees have been paid and tap has been made a construction service charge shall be assessed at the rate of fifty percent (50%) for a maximum six (6) months, first occupancy or transfer of property, whichever shall occur first.

B. Multi-family Residence. Upon placement of a potable water and connection of the sewer service line curb stop at the property line, a service charge equal to the previously assessed availability charge shall be assessed for six (6) months. Upon expiration of the six- (6) month period, service charges shall commence at the rate of fifty percent (50%) of the normal charges per living unit under construction. Normal service charges shall commence upon installation of a remote reading meter. Developer shall be responsible for cost of curb stop placed at property line and for installation and cost of individual curb stops for each living unit constructed.

C. Development. From the time of acceptance by the District of a developer's lines and connection to the District's system(s), the developer shall be charged an availability fee for a period of twelve (12) months, based on the property prior to subdivision. Upon expiration of the twelve- (12) month period, availability fees will be assessed against each platted lot. If any such lot is transferred or sold during the twelve- (12) month period, availability fees shall be assessed to the sold lot. (May 8, 1986)

## 6.6 SEWAGE 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 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 *pro rata* share of the cost of construction of the line or facility and shall be collected prior to issuance of a connection permit. Recovery agreements existing on the effective date of these Regulations shall remain in full force and effect.

## 6.7 SEWER USER CHARGES.

### A. Connected User Monthly Sewer Charge.

(1) Basis of Charge. Sewage service charges shall be assessed on a monthly basis. For normal domestic sewage the basis of the charge will be based on the EQRs allocated to the service connection in question. The monthly charge will be 1/12<sup>th</sup> of the annual charge based upon the EQR allocation for the connection in question. Overall charges are established based upon the required revenues to adequately provide for operation, maintenance and replacement of the District's wastewater collection and treatment systems.

(2) Biannual Review. The District shall review the total annual cost of operation and maintenance as well as each user's class contribution not less often than every two years and will revise the user charge system as necessary to assure equity of the charges established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The District shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's contribution, the user can present, at a regularly scheduled meeting of the board, such factual information and the District shall then determine if the user's EQR structure and/or surcharge amount is to be changed. The District shall notify the user of its findings as soon as possible.

(3) Rates. Monthly rates per EQR equivalent shall be established by the Board of Directors and amended from time to time. Appendix A contains the current monthly rate for sewage service per EQR.

(4) Notification. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(5) Existing Structures. Monthly user fees for existing structures shall be initiated in the month in which the physical connection to the District's collection system occurs. The time of the physical connection will be noted by the District staff at the time of the inspection performed on the service line and tap.

#### B. Surcharge for Excess Volume

(1) The normal monthly user fee for sanitary sewage service is based upon the EQR allocation to the user in question. Due in part to irrigation restrictions, sewage volumes are estimated at 95% of potable water metered consumption. In the event that 95% of the metered water consumption exceeds the EQR allocation established for the use, a volume surcharge shall be assessed.

(2) In the case of residential users, water meters are read annually. At the time the annual potable water consumption has been determined, if 95% of the potable water consumed exceeds one (1) EQR, an excess volume charge shall be assessed as established by the Board of Directors and modified from time to time. The excess volume charge is based upon a rate per 1,000 gallons for normal domestic sewage.

(3) In the case of commercial users, potable water meters are read monthly. If 95% of the monthly potable water meter reading exceeds 1/12<sup>th</sup> of the annual EQR allocation for the commercial user, a volume surcharge will be assessed for each month in which an overage occurs. The rate of the surcharge will be in accordance with the volume surcharge established by the District Board of Directors.

#### C. Surcharge for High Strength Sewage

(1) Normal Strength Sewage. The District has determined that the normal domestic sewage strength for which its wastewater treatment facility has been designed, which is representative of the average domestic wastewater generated in the District, contains concentrations of 300 milligrams per liter (mg/l) of five day biochemical oxygen demand (BOD) and 300 mg/l of total suspended solids (TSS). Monthly rates have been established based upon normal domestic sewage concentrations of this amount.

(2) Surcharge for High strength Sewage. The District has determined that a user who discharges sewage with BOD<sub>5</sub>, and/or TSS concentrations exceeding normal domestic sewage concentrations as set forth above, shall be subject to a strength surcharge. The strength surcharge shall be reviewed and adjusted by the District, as appropriate. The surcharge shall be determined based upon operational and maintenance cost factors associated with the wastewater treatment facility for treating BOD<sub>5</sub> and TSS. Appendix A contains the current surcharge rates for BOD<sub>5</sub> and TSS as established on a per 1,000 gallon basis. Any user determined by the District to discharge excessively high strength sewage based upon the breakpoint for normal domestic sewage will be subject to the surcharge. The magnitude of the surcharge imposed will be a function of the strength and volume of the sewage discharged.

#### D. District-Provided Septic Tank Pumping Service.

In-District septic tanks that are part of a private individual sewage disposal system (ISDS) will be pumped by the District at the request of the property owner at a predetermined cost for up to 1,000 gallons. The fee for this service shall be based upon two components.

- (1) A treatment plant fee that is proportionate to the cost of treating the septic tank waste; and
- (2) A labor component established by the District to cover the cost of providing the labor to undertake the pumping and hauling effort.

Appendix A contains the current fee for up to 1,000 gallons for pumping septic tanks within the District. The District shall provide this service to only users located within the District boundaries.

## **6.8 EQUIVALENT UNIT SCHEDULE.**

All rates, fees, and charges for service provided by the District shall be based upon the attached Appendix A. The charge for a specific service shall be computed by the EQR value of the service. However, no single service shall be assigned a value less than 0.5 EQR, except as expressly set forth in the following EQR schedule. If no class of user exists for a particular use, then the Board shall determine an EQR value for the particular use. (March 24, 1986)

## **6.9 BILLING-SERVICE CHARGES.**

Statements for all charges shall be rendered monthly in advance. Charges for late payments, turn-on, service line repairs, etc., shall be added to the statements. An additional fee may be charged to cover additional administrative expenses of these services (see Appendix A). Bills are payable on or before the 23<sup>rd</sup> day of the month. No penalties or late fees will be imposed if payment is received prior to the end of the month.

**6.9.1 NON-PAYMENT.** If service charge bills accumulate more than ninety (90) days, the District will have a Delinquent Notice delivered to the customer. If service charge bills are not paid within twenty (20) days after receipt of the Delinquent Notice, the District will have a Disconnect Notice sent to the customer by any carrier that will certify delivery, giving the customer 72 hours to pay the bill. If the bill is not paid within 72 hours after the District has received the certified mail receipt, the District may shut off service to the delinquent customer. A shut-off fee shall be charged (March 24, 1986) and an administrative fee added. (See Appendix A.)

## **6.10 LIABILITY FOR PAYMENT.**

The property owner is responsible for all service charges. Until paid, all rates, tolls, fees, and charges shall constitute a first and perpetual lien on or against the property being served and any such lien may be foreclosed in the manner allowed by the Act under which the District was formed and other laws of the State of Colorado. The District will hold the property owner liable for all charges for water and sewer service, including but not limited to, all charges for attorneys' fees and other costs of collection. Effective June 1, 2013 all delinquent accounts will be charged (1) a delinquency charge in the amount of \$5 per month for the late payment on an account and (2) interest at the rate of 1% per month on any past-due amount on service charges. Interest will not be based on the delinquency charge. (May 10, 2013)

## **6.11 CASH DEPOSIT.**

The District may require at any time, from any customer or prospective customer, a cash deposit intended to insure payment of current bills, such deposit not to exceed an estimated ninety (90) days' bills of such customer. (March 24, 1986)



#### **6.12 TURN-ON/TURN-OFF FEE.**

If services are discontinued at the request of the customer or due to delinquency, a turn-off fee will be charged. No services will be reinstated until the turn-on fee is paid and the customer's account is fully paid. It is illegal for any person other than employees or officials of the District to turn services on or off. (March 24, 1986). (See Appendix A for fee information.)

#### **6.13 SETTING FEES.**

The District may, at its discretion, increase or decrease the tap privilege, connection, stand-by and other related fees as it deems necessary for the best interest of the District; provided such fees are uniform for properties in the same classification. However, the District may establish different tap privileges, fees, connection fees, etc., for properties classified by type or quantity of use or classification. (March 24, 1986)

#### **6.14 CLASSIFICATION OF CUSTOMERS.**

For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided: (March 24, 1986 and March 10, 1990)

1. **SINGLE FAMILY DWELLING.** A single family dwelling shall be construed as a living unit suitable for occupancy of one or more individuals of a family, and forming a separate and unattached structure from any other dwelling unit.
2. **MULTIPLE-FAMILY DWELLING.** A multiple family dwelling shall consist of a single structure or structures otherwise unattached to any other dwelling unit, and wherein more than one family unit exists. Examples of multiple family dwellings shall include, but are not limited to, apartments, condominiums and duplexes.
3. **HOTEL, MOTEL, OR LODGE.** A hotel, motel, or lodge shall be defined as a unit providing overnight sleeping facilities for transient usage. The charges shown herein for hotel, motel, or lodge units shall be charges levied for sleeping accommodations, with or without kitchens, but do not include or reflect charges for attendant facilities included at the hotel, motel, or lodge, such as, but not limited to, restaurants, bars, pools, automatic laundries, etc. The charges shown herein shall be on a per room basis.
4. **BOARDING HOUSE.** A boarding house shall be construed as a private residence that also consists of rooms which are rented out on a monthly basis. Such boarding house will not be used for transient use; i.e., rented for less than one-month periods.
5. **DORMITORY.** A dormitory shall be defined as a unit providing overnight sleeping facilities for transient use. Facilities shall consist of beds and restroom facilities only. The charges shown herein for dormitory shall be charges levied for sleeping accommodations and do not include or reflect charges for attendant facilities included in the dormitory, such as, but not limited to, restaurant or food service facilities, swimming pools, automatic laundries, etc. The charges herein shall be on a per bed basis.
6. **BED AND BREAKFAST/BED AND BREAKFAST STYLE.** A bed and breakfast or bed and breakfast style unit shall be defined as a dwelling which is used as a personal home and run in the manner of a bed and breakfast. A bed and breakfast style shall be defined in the same manner but be attended by someone other than the homeowner.
7. **Retail Business Outlet.** A retail business outlet shall be any structure providing for normal commerce or business services except for those business services otherwise defined herein, and where said outlet is provided only with required sanitary conveniences for the personnel employed

at that business outlet. Where more than one business outlet is used in one structure, the Board, at its sole discretion, shall determine the number of equivalent business outlets used therein.

8. Cafes, Restaurants, Bars and Private Clubs. This classification shall include any establishment providing food or beverage service to the general public or to private membership, and whereby charges for such service of goods and beverages are secured. Such units shall be classified by the seating capacity in increments of twenty (20) individual seats. A full-service restaurant shall be defined as a food service facility that uses plates, glassware and utensils, which are reusable and require washing.

9. Filling Stations and Garages. Filling stations and garages shall be defined as service outlets providing for the servicing of vehicular units. Under the basic definition of filling stations and garages, no provision is made for automatic washing or wash rack facilities. The monetary charges established, therefore, are for filling stations and garages without washing facilities.

NOTE: The definition shown herein, and the charges provided for filling stations and garages, do not apply to automatic or mechanical auto or vehicular washing facilities for which special charges shall be determined by the District.

10. Public Laundries. Public laundries, as used herein, shall refer to coin-operated laundries and drying facilities for clothing and textile usage.

11. Schools. Schools shall be defined as any private or public institution established and utilized for the instruction of any individuals, and where said units are to be operational for a period of six (6) months or longer on a normal four (4) or five (5) day week. Charges will be based on student enrollment as determined from the school records and representing the average enrollment during the last full school year, or projected annually if a new school.

12. Hospitals. Hospitals shall be defined as either private or public institutions with overnight facilities provided for serving of patients. Charges shall be based on a per bed basis.

13. Pools. Charges for pools shall be based on pool volume in 20,000-gallon increments or any fraction thereof. (March 24, 1986)

#### **6.15 CLASSIFICATION OF ACCOUNTS FOR DIFFERENT CHARGES. (March 10, 1989)**

1. Residential Account. An individually-metered service account whose sole customer is the Owner. The facility shall be for single family occupancy and for a single purpose. The property shall have one (1) or less EQRs allocated to it. (March 10, 1989)

2. Commercial Account. Any other purpose, purposes or combination of purposes which has allocated to it one (1) or more EQRs. The purposes may be separately or collectively metered. (March 10, 1989)

#### **6.16 OUTSIDE CUSTOMERS.**

1. For customers outside the District limits, all applicable in-District rates and charges shall be multiplied by two (2). (March 24, 1986)

2. In addition to the basic operations charge, an administrative fee equal to the normal in-District fee is charged to cover handling out-of-District accounts.

#### **6.17 SERVICE CHARGES.**

1. Service charges and fees shall be set by the Board of Directors of the District and may be amended as circumstances dictate. See Appendix A for the current schedule.

2. All rates, fees and charges for service provided by the District shall continue to be paid by the customer even after discontinuation of water or sewer service from the District. A customer may be released from the obligation to pay all rates, fees, and charges for service provided by the District, if and only if, an actual physical disconnection occurs of the customer's private water or sewer service line from the District facilities. Upon reconnection to the District's facilities, the customer shall pay all applicable tap privilege and inspection fees.

**6.18 AVAILABILITY CHARGE.**

A monthly availability fee shall be assessed to each platted lot or lot equivalent within the District at such time as service is available within one hundred feet (100') of the property line, but no connection to such line or lines has been made. Such fee shall be discontinued upon connection to the system.

Any lot(s) that was (were) previously allowed to be combined into one lot for the purpose of one availability fee or service charge will be required to pay all previously excused availability fees at the current rate, if the Owner(s) wishes to separate said lots.

Exemption of availability fee on lots that do not conform to Huerfano County building codes shall be determined by the Board on a case-by-case basis upon written application by the Owner for exemption of said charges.

In areas where undeveloped properties of tracts are located which have an approved density and/or a multiple EQR allocation, the following sliding scale shall be used for the basis on which the availability fees will be assessed:

Approved Density/EQRs	EQR Basis of Charge for Availability-to-Serve Fee
2 – 5	1.5
>5 – 15	2.0
>15 – 30	3.0
>30 – 45	4.0
>45	5.0

(December 9, 1994)

**6.19 PERPETUAL LIEN.**

Until paid, all charges imposed by this Section 6 shall constitute a perpetual lien on and against the property connected to or served by the water or wastewater treatment systems of the District.

**6.20 COLLECTION BY CERTIFICATION.**

a. Pursuant to Section 32-1-1101(1)(e), C.R.S., as amended, the District may certify delinquent water and/or sewer service fees and charges to the Huerfano County Treasurer if said delinquent charges are at least six (6) months in arrears and reach a certain dollar amount, as determined by the County Treasurer.

b. In addition to any other means of collecting delinquent fees, rates, tolls, penalties, charges or assessments made or levied solely for water, sewer, or water and sewer services (including charges for availability of such service), the District may certify the delinquent amounts to the County Treasurer for collection in the same manner as property taxes, in accordance with the provisions of statute, as it may be amended. The District shall charge a fee for the administrative costs of this collection method, which fee shall be added to all delinquent amounts, including other penalties and interest charges, before certification. (See Appendix A for fees.)

## SECTION 7

### **ACQUISITION, CONTROL AND MANAGEMENT OF ADDITIONAL WATER RIGHTS AND ISSUANCE OF TRANSFERABLE CERTIFICATES OF ENTITLEMENTS FOR WATER (August 1984)**

### **ACCEPTANCE OF DESIGNATED AND NON-DESIGNATED WATER RIGHTS (March 24, 1986)**

#### **7.1 PURPOSE.**

The purpose of this Section is to provide for the acquisition, control, management and compensation of the acquisition of designated and non-designated water rights.

#### **7.2 WATER RIGHTS.**

There exists the presumption that the District possesses adequate water rights to service all the existing lots or parcels of land, as so described as of 1972, for a single family residential unit per parcel. In addition, it is presumed that any requested change from single family residential to multi-family units or to commercial shall require the developer to acquire his own water rights. Said water, for acceptance for District use, shall have a priority number of 1, 2, or 3 direct flow. All other water shall have adequate storage for continuous year round use, and the diversion points shall be the same as one of the diversion points adjudicated for existing District use, and use shall be adjudicated for domestic and municipal use.

**7.2.1 WATER RIGHTS AS A CONDITION OF SERVICE.** As a condition of service, water rights owned by a landowner within the District (for water historically used in conjunction with land within the District) on or after May 1, 1975, shall not be sold to other than the District unless specific written approval is given by the District. Such unapproved sale to others shall be considered grounds for refusal to extend District water supplies to the subject land.

Water rights transferred to the District shall be sold on a fair market value basis. Value shall be determined by the District's Engineer. If this value is not acceptable to either party, then an independent qualified appraiser shall be mutually agreed upon from a list of three appraisers provided by the District Court or State Department of Natural Resources. The appraiser's evaluation shall be binding, if the transaction is consummated.

Water rights appraised value shall be based on historic usage, not on future municipal-type usage inaugurated by the District.

#### **7.3 CONDITION OF ACCEPTANCE OF WATER.**

Prior to the acceptance of any water rights qualifying hereunder, the District and said owner of said water rights shall enter into a contract, with the other providing for the responsibilities of each and to include at least the following:

- a. The District shall be responsible to petition the Water Court for any required change of diversion point from the diversion point as contained in the decree applicable to the water as it is received by the District to a diversion point usable by the District.
- b. That the District shall petition the Water Court for a change of use, if needed, so that said water is usable for full utilization by the District.
- c. Upon final decree the District shall issue to owner the required EQR certificates.
- d. The owner, in conjunction with the execution of the contract, shall deed to the District those water rights the owner requests the District to acquire.

e. The owner shall deposit with the District a specific sum of money (see Appendix A) to apply to costs incurred by the District for full utilization of said water rights, if needed. The owner shall be responsible for all actual costs associated with any petition for change of diversion point, or use therein, and shall maintain a positive balance with the District for said costs. (See Appendix A.)

#### **7.4 ISSUANCE OF EQR CERTIFICATES**

a. The District shall issue EQR certificates to the original owner as soon as possible after the District has obtained a Judicial Decree containing the appropriate diversion points and use for the District's full utilization of said water, including the established exchange rate on the amount of water contained in the final decree.

b. Prior to the issuance of the certificates, all direct costs shall have been paid by the owner.

#### **7.5 EXECUTION.**

a. When the certificates have been prepared, the Chairman of the Board shall execute them on behalf of the District by his signature and the signature of the Secretary, who shall affix thereto the official seal of the District. The seal of the District may be affixed to the certificates by printing, lithography or other means of reproduction.

b. If any officer whose signature or countersignature appears on the certificate ceases to be such officer before delivery of the certificates to the seller, such officer's signature or countersignature is nevertheless as valid for these purposes as if he had remained in office.

#### **7.6 REGISTRATION**

a. PRESENTATION OF CERTIFICATES FOR REGISTRATION. The District shall maintain a master ledger book in which to register all EQR certificates in varying EQR denominations. All certificates are required to be registered.

b. REGISTRATION. The District secretary shall maintain a book in which the number of all registered certificates and the names and addresses of the owners of the certificates shall be entered. There shall be provided on the back of each certificate a suitable blank showing the name and address of the registered owner, the date of registration or transfer, the type of registration and the signature of the registrar.

c. TRANSFER OF REGISTERED CERTIFICATES. A registered certificate may only be transferred by the registered owner in writing, in person or by an attorney duly authorized, on presentation of the certificate to the registrar and by the registrar's endorsing thereon and in his record the fact of transfer.

#### **7.7 FRACTIONAL SHARE**

a. EQR CERTIFICATE IN FRACTIONAL SHARE. EQR certificates shall be issued and redeemed in whole EQR units. When issuing original EQR certificates, the District shall round down any fractional share to the next whole number.

b. Whenever an EQR certificate is redeemed back to the District, any fractional share shall be rounded up to the next whole number.

## SECTION 8

### CROSS-CONNECTION AND BACKFLOW CONTROL

#### 8.1 PURPOSE.

To protect the District's water system from the possibility of contamination or pollution by isolating within its customers' private water system(s) such contaminants or pollutants that could back-flow or back-siphon into the District's water system.

To promote the elimination or control of existing cross-connections, actual or potential, between the District's customers' in-plant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping system.

To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the District's potable water system.

#### 8.2 WATER SYSTEM.

The water system shall be considered as being made up of two parts: the District system and the Customer system.

The District system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the District, up to the point where the Customer's system begins.

The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

The distribution system shall include the network of conduits used for the delivery of water from the source to the Customer's system.

The Customer's system shall include those parts of the facilities beyond the termination of the District distribution system which are utilized in conveying District-delivered domestic water to points of use.

#### 8.3 POLICY.

No water service connection shall be installed or maintained by the District unless the water supply is protected as required by State laws and regulation and this Section. Service of water to any premises shall be discontinued by the District if a back-flow prevention device required by this Section is not installed, tested and maintained, or if it is found that a back-flow prevention device has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

**8.3.1 OPEN FOR INSPECTION.** The Customer's system should be open for inspection at all reasonable times to authorized representatives of the General Manager to determine whether cross-connections or other structural or sanitary hazards exist, including violation(s) of these regulations. When a violation becomes known, the General Manager shall deny or immediately discontinue service to the premises by causing a physical break in the service line. Reconnection will be made when the Customer has corrected the condition(s) in conformance with State and District statutes and regulations relating to plumbing and water supplies.

**8.3.2 BACK-FLOW PREVENTER.** An approved back-flow prevention device shall be installed, depending on the degree of hazard. Such a device shall be installed at or near the

property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

- a. In the case of premises having an auxiliary water supply, which is not or may not be of safe bacteriological or chemical quality, and which is deemed not acceptable as an additional source by the General Manager, the District water system shall be protected against back-flow from the premises by the installation of a back-flow prevention device in the service line appropriate to the degree of hazard.
- b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the District's water system, the District system shall be protected against back-flow from the premises by installation of a back-flow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of processed waters and water originating from the District system which have been subject to deterioration in quality.
- c. In the case of premises having internal cross-connections that cannot be permanently corrected and controlled; intricate plumbing and piping arrangements; or inaccessible entry to all portions of the premises for inspection (making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist to the District system), the District' system shall be protected against back-flow from the premises by installation of a back-flow prevention device in the service line.

**8.3.3 TYPE OF PROTECTIVE DEVICE.** The type of protective device required under subsections 8.3.2 a, b and c above, shall depend upon the existing degree of hazard, as follows:

- a. In the case of any premises where there is an auxiliary water supply as, stated in subsection 8.3.2 a., and it is not subject to any of the following rules, the District water system shall be protected by an approved air-gap separation or any approved reduced pressure principle back-flow prevention device.
- b. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the District water system, the District water system shall be protected by an approved double check valve assembly.
- c. In the case of any premises where there is any material dangerous to health and which is handled in such a fashion as to create an actual or potential hazard to the District water system, the District water system shall be protected by an approved air-gap separation or any approved reduced pressure principle back-flow prevention device. Examples of premises where these conditions may or will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
- d. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the District water system shall be protected by an approved air-gap separation or an approved reduced pressure principle back-flow prevention device at the service connection.
- e. In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross-connection survey, the District water system shall be protected against back-flow or back-siphonage from the premises by the installation of a back-flow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or any approved reduced pressure principle back-flow prevention device shall be installed in each service to the premises.

**8.3.4 APPROVAL BY GENERAL MANAGER.** Required back-flow prevention devices shall be of a model and size approved by the General Manager. The term “Approved Back-flow Prevention Device” shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association, as entitled and summarized below:

AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve  
Back-flow Prevention Devices

...and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by: Specifications of Back-flow Prevention Devices-#69-2 dated March 1969 or the most current issue.

The District has adopted the AWWA and FCCC&HR Standards and Specifications. Final approval shall be evidenced by a “Certificate of Approval” issued by an approved testing laboratory certifying full compliance with the AWWA standards and FCCC&HR specifications.

The following testing laboratory has been qualified by the General Manager to test and certify back-flow preventers.

Foundation of Cross-Connection Control and Hydraulic Research  
University of Southern California  
University Park  
Los Angeles, California 90007

Testing laboratories other than the laboratory listed above will be added to an approved list as the General Manager qualifies them.

Only “Approved Back-flow Prevention Devices” may be used.

**8.3.5 INSPECTIONS AND TESTS.** It shall be the duty of the customer/user at any premises where back-flow devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the General Manager deems the hazard to be real enough, he/she may require certified inspections at more frequent intervals. A certified inspector and/or tester shall perform the inspections. These devices shall be repaired, overhauled or replaced at the expense of the customer/user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the General Manager. The form enclosed as Appendix B shall be submitted to the District within 30 days after the device has been tested and/or inspected.

**8.3.6 INSTALLATION OF NEW DEVICES.** The District will be informed of all back-flow prevention devices that are installed on any premises. Upon installation, the device will be inspected and tested by a certified inspector and/or tester. The District will be informed in writing of the results of this inspection and test.

#### **8.4 EXISTING CROSS-CONNECTIONS.**

Within a reasonable time following the adoption of these regulations, existing cross-connections between a District water system and any secondary water system shall be eliminated or protected by means of an approved back-flow preventer.

#### **8.5 VIOLATIONS AND PENALTIES.**

**8.5.1 NOTIFICATION.** The General Manager shall notify the Owner, or authorized agent of the owner, of the building or premises in which there is found a violation(s) of this section. The



General Manager shall set a specific time for the Owner to have the violation removed or corrected. If the Owner fails to correct the violation(s) in the specified time, the General Manager, if in his/her judgment an imminent health hazard exists, may request that the water service to the building or premises be terminated. Additional fines or penalties may also be invoked following termination of service.

**8.5.2 PENALTIES.** The Owner, or authorized agent of the owner responsible for maintenance of the plumbing system in the building, who knowingly permits a violation to remain uncorrected after the specified time set by the General Manager, shall, upon conviction thereof by the Court, be required to pay a fine or be imprisoned for a period of time not to exceed ten (10) years or both such fine and imprisonment.

**8.6 SEVERABILITY.**

If any provision of this section, or its application to any person or circumstance is held invalid, the application of such provision to other persons or circumstances, and the remainder of this section, shall not be affected thereby.

## **SECTION 9**

### **INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

#### **9.1 CONDITIONS FOR USE.**

- a. If a collection line is not available to premises under the provisions established in these Regulations, the wastewater disposal system facilities of such premises shall be connected to an individual sewage disposal system (ISDS) complying with the provisions of these Regulations and the Bi-County Health Department's ISDS Regulations as established by the Colorado Department of Public Health and Environment.
- b. The type, capacity, location and layout of an ISDS shall comply with all standards established by the District, Bi-County Health Department and the Colorado Department of Public Health and Environment. In the event of a conflict between agencies, the most conservative requirements shall prevail. No permit shall be issued for any ISDS employing subsurface soil absorption facilities where the area of the lot does not meet the regulations imposed by the Health Department. No septic tank or existing cesspool shall be permitted to discharge into a natural waterway or surface drainage.
- c. Before commencement of construction of an ISDS on public or private property within the District or in any area under the jurisdiction of the District, the owner shall first obtain written approval signed by the General Manager.

#### **9.2 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 limits of the District and in all instances where such devices are now in use the owner or occupant of such premises shall discontinue the use thereof and install a proper service line or ISDS in accordance with the provisions of these Regulations.

#### **9.3 REMOVAL OF CONTENTS OF ISDSs.**

The contents of privy vaults, septic tanks or cesspools located within District limits may be removed and transported through public streets, but must be done so in a sanitary manner. This may be done through or by means of an airtight tank (if the material is soft and mixed with other matter) or in tight-covered tanks (if solid or dry) in such manner as shall prevent the escape of noxious gases or offensive odors. The contents must be preserved from sight or exposure during transportation. All tools, appliances and vehicles used in such cleaning and removal shall be kept and maintained in a sanitary condition and shall be subject to inspection and licensing by the appropriate regulatory authorities. The District will remove the contents of ISDSs in emergency situations. The cost of such removal shall be borne by the Owner. (See Appendix A for the pumping fee.)

However, The District will remove the contents of the ISDSs a maximum of one (1) time per year, free of charge, in the area where the small-diameter collection system was installed in the 1994/1995 project (the Village). If removal is required more than once per year, the pumping fee shown in Appendix A will be assessed for each additional removal.

#### **9.4 CESSATION OF USE OF ISDS.**

When a collection line becomes available to a property served by an individual sewage disposal system, and upon receipt of official notice from the General Manager to connect to the wastewater system of the District, a direct connection shall be made by the owner or his representative to the collection line in

compliance with these Regulations and the official notice. All septic tanks, cesspools, and similar ISDSs shall be cleaned and filled with suitable material with approval of the District. Said connection shall occur within one hundred twenty (120) calendar days after the date of the official notice issued by the District.

#### **9.5 ISDS PERMIT APPROVAL WITHIN THE DISTRICT.**

a. Referral from County Building Inspector. Prior to the issuance of a building permit within the boundaries of the District, the County Building Inspector will refer the Applicant to the District.

b. District Review. The Applicant shall submit to the District a plan for connection of the Applicant's property to an existing wastewater collection system, including an extension thereof at the Applicant's expense. If, upon review of the Applicant's plan the District is unable to connect the property to the wastewater collection system, the District shall consult with the Applicant regarding an ISDS. The Applicant will be directed to proceed in compliance with the Guidelines on Individual Sewage Disposal Systems ("Guidelines") as promulgated by the Colorado Department of Public Health and Environment. The Applicant must request a site examination by the District by providing the District two (2) days' notice. Upon completion of the site examination and after the District has determined compliance with the Guidelines, the District will approve or disapprove the plan, based on its merits.

c. Conditional Approval Due to Soil Considerations. If soil conditions, high groundwater, or other site considerations preclude the installation of a conventional ISDS, the District will review alternative systems with the applicant. Restrictions based on soil type and permeability are on file at the District office and incorporated by reference. If a suitable alternative system is acceptable, a conditional approval may be granted by the District. If no alternative system is acceptable, the applicant will be required to install a holding tank.

d. County Health Department Permit. Upon approval or conditional approval of the plan by the District, the plan shall be submitted to the County Health Department (CHD). The Applicant shall complete a County Health Department application and pay the required fee. An ISDS permit shall be issued by the CHD if the District has approved or conditionally approved the plan. The CHD shall not modify or change the District's determination, unless a hearing is held by the CHD Board and such determination is modified by the Board. The District and Applicant shall be parties in the hearing. If a holding tank is required, the CHD shall issue a holding tank permit upon completion of an application and payment of the required fee.

e. Appeal to County Health Department. An Applicant whose plan has been denied by the District may request review of the plan by the CHD. The CHD shall not modify or change the District's determination, except as authorized in accordance with paragraph d, above.

f. Effective Time of ISDS Permit. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the General Manager. The General Manager shall be allowed to inspect the work at any stage of construction, and, in any event, the Applicant for the permit shall notify the General Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty four (24) hours of the receipt of notice by the General Manager.

g. Operation and Maintenance Responsibility. The owner(s) shall operate and maintain the ISDS in a sanitary manner at all times, at no expense to the District.

#### **9.6 ENFORCEMENT OF GUIDELINES AND REGULATIONS.**

a. New Systems. The District shall perform the initial site evaluation and a compliance inspection prior to final cover on any ISDS installed, repaired or upgraded within the District's boundaries.

- b. Enforcement of Guidelines. If any new, repaired or extended ISDS installation within the District's boundaries is determined to be out of compliance with the Guidelines or additional requirements documented by the District, the District shall issue a Stop Work Order to the installer or repairer of the ISDS and shall notify the County Health Department of such non-compliance. Work on the ISDS shall not recommence until such time as remedial conditions established by the District are met.
- c. Failed Systems. The District shall notify the property owner of any failed ISDS. If effluent from the ISDS is surfacing, the owner will be issued a joint Cease and Desist Order from the District and CHD. Properties with failed ISDSs may not resume use of the ISDS or occupancy of the premises until corrections have been made by the installer and the completed work approved by the District.
- d. Non-compliant Systems. Should any new, repaired or extended ISDS installation within the District's boundaries be found to be out of compliance with the "Guidelines for Individual Sewage Disposal Systems," or additional requirements as provided for in the District's regulations, the District shall issue a Stop Work Order to the installer/repairer of the system and shall notify the Las Animas – Huerfano Counties Health Department of the non-compliance. Work on the system shall not recommence until such time as compliant conditions are met, as determined by the District General Manager or his/her representative.
- e. Construction of ISDS. Construction of the ISDS must be started before the permit expires, one (1) year from the date of issuance. If the system is started, an additional thirty (30) days may be granted to complete the system. If the permit is allowed to expire, a new application must be submitted.
- f. Leaching System. No leaching system shall be located within one hundred fifty (150) feet of any well or spring.
- g. Sewer Piping. All sewer piping shall be a minimum of four (4) inches in diameter. Pipe from the house to the septic tank shall be laid on a minimum grade of one-fourth ( $1/4^{\text{th}}$ ) inch of fall per lineal foot of pipe.
- h. Disposal Field. The disposal field shall be laid not less than twelve (12) inches below the ground surface. Tile or perforated pipe shall be laid LEVEL on at least six (6) inches of  $1/2$  to  $2-1/2$  inch stone, with an additional six (6) inches around the tile or perforated pipe, for a total of not less than twelve (12) inches of stone. The bottom of the leaching system shall not be less than four (4) feet above the highest ground water level or rock formation. The leaching system shall not be less than fifty (50) feet from the high-water level of any lake or stream. Additional requirements and data are on file at the District office.

## SECTION 10

### PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE

#### 10.1 TREATMENT REQUIRED OF WASTEWATER DISCHARGE.

It shall be unlawful for any person to discharge into any natural outlet, 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 Regulations and applicable County, State and/or Federal regulations.

#### 10.2 PROHIBITIONS ON WASTEWATER DISCHARGE.

It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the District any wastewater which contains the following:

A. Storm water drainage from ground, surface, roof drains, patio drains, catch basins, unroofed area drains, e.g., commercial car-washing facilities, or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No person shall connect or discharge water to the District's sewer system from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.

B. Inert suspended solids or other inert particulate matter such as, but not limited to, Fuller's earth, lime slurries and paint residues, resulting in wastewater with a settleable solids concentrations greater than twenty-five (25) milliliters per liter (ml/l).

C. Unusual concentrations of dissolved solids, such as, but not limited to, chloride greater than ten thousand (10,000) milligrams per liter (mg/l) and sulfate greater than one thousand (1,000) mg/l. The General Manager may reject other unusually high concentrations upon determination that they are incompatible pollutants.

D. Oil and grease of the following concentrations, sources or nature:

1. Wastewater containing total grease and oil in excess of one hundred (100) mg/l concentration as measured by EPA Method 413-2 or other methods set forth in 40 CFR Part 136.
2. Wastewater containing more than twenty-five (25) mg/l petroleum, as measured s hydrocarbons by EPA Method 602 or other methods set forth in 40 CFR :Part 136.

E. 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 explosion hazard meter (explosimeter) 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, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides. Specifically prohibited are pollutants which create a fire or explosion hazard in the District's wastewater treatment works, including but not limited to, waste streams with a close cup flash-point of less than 140 degrees Fahrenheit (140°F) or 60 degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21.

F. 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.

G. 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 dimension.

H. Radioactive wastes or isotopes of such half-life or concentration that they do not meet regulations set forth by the Colorado Department of Public Health and Environment, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control.

I. 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, mud, spent lime, stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, grit, brick, cement, onyx, carbide, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances.

J. 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 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 water.

K. Toxic or poisonous solids impacting sludge: No waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works are allowed. In the event a user discharges a constituent, toxic pollutant or otherwise, that causes an increase in the cost of managing the effluent or sludge of the treatment plant, the user so discharging shall, as a minimum, pay for the increased costs associated with managing the effluent or sludge.

L. Wastes with color not removable by the treatment process.

M. Corrosive wastes that will cause corrosion, deterioration or interference of the District's POTW.

N. Wastewater discharged into the wastewater system which has an instantaneous pH value less than five and one-half (5.5) and more than ten (10) standard units.

1. A more stringent range of acceptable wastewater effluent pH identified in applicable National Categorical Pretreatment Standards shall supersede the range noted herein.

2. Where a continuous pH recording monitor has been installed by the user and approved by the General Manager, pH compliance with these applicable sections may also be determined by records inspection indicating effluent pH within the applicable range for a period not to exceed ninety percent (90%) of the user's operating day.

O. 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 General Manager and after suitable treatment as approved by the General Manager has been effected.

P. Wastes from hospitals, clinics, offices of medical doctors, and convalescent homes consisting of, but not limited to, laboratory pathological wastes, surgical operating room wastes or delivery room wastes.

Q. Biocides as determined by the General Manager in concentrations exceeding 0.02 mg/l unless approved in writing by the General Manager.

R. Wastewater which has a temperature exceeding one hundred fifty degrees Fahrenheit (150°F). Specifically prohibited is heat in amounts which will inhibit biological activity in the District's wastewater treatment works resulting in interference, but in no event shall heat be permitted to be received in such quantities that the temperature at the District's wastewater treatment plant exceeds one hundred four degrees Fahrenheit (104°F) or forty degrees Centigrade (40°C).

S. Any pollutant, including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the District's wastewater treatment works.

T. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.

U. Pollutants which result in the presence of toxic gases, vapors or fumes within the District's wastewater treatment works in a quantity that may cause any worker health or safety problems.

V. Any trucked or hauled pollutants, except at discharge points designated by the District and hauled by the District.

W. Bleed-off water or any other form of unpolluted water.

X. Service stations, garages, and other commercial or industrial customers may have floor drains only with the express written permission of the District. Approved grease and grit traps shall be provided and maintained for all such drains at the customer's expense. No residential customer shall have floor drains connected to the sewer system installed in garages or other uninhabited areas without approval of the District.

Y. Quantities of flow, concentrations, or both, that constitute a "slug" as defined herein.

Z. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

BB. Any harmful water or wastes, whether liquid, solid, or gas, which is capable of causing obstruction to the flow in the sewer, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

**10.3 NON-ACCEPTABLE WASTES PROHIBITED.**

The discharge of non-acceptable wastes into the District sewer system, whether directly or indirectly, is prohibited. If investigation reveals the presence in the system of non-acceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall, at his own expense, be required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the District, in order to convert the same into acceptable waste or to cease such activity.

**10.4 MANUFACTURING AND INDUSTRIAL FLOWS.**

Manufacturers and industries are prohibited from using the District sewer system unless they obtain a special permit from the District, the granting of which is discretionary. Said permit shall define the conditions, limitations and restrictions and the fees and charges determined by the District for use of the system.

**10.5 LIMITATIONS OF WASTEWATER DISCHARGE.**

A. It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited, any waste or wastewater which fails to comply with the limitations imposed by this Section 10.

B. Consistent with the provisions of the Act, no person who discharges into the wastewater treatment system shall augment his/her use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with these standards.

C. Limitations on wastewater strength (milligrams/liter) for all users unless elsewhere specified.

<u>Pollutant</u>	<u>4-Day Avg.</u>	<u>Composite Sample</u>	<u>Instantaneous Compl. Sample</u>
Arsenic	2.09	2.09	2.09
Barium	5.0	5.0	5.0
Beryllium	1.0	1.0	1.0



Boron	10.0	10.0	10.0
Cadmium	0.69	1.0	1.4
Chromium (total)	4.0	4.2	8.4
Chromium (hexavalent)	1.0	1.0	2.0
Copper	2.7	4.6	9.2
Cresols	2.0	2.0	2.0
Cyanide (total)	1.0	2.0	4.0
Cyanide (amenable to chlorination)	0.64	0.64	1.28
Fluorides	32.0	32.0	64.0
Formaldehyde	5.0	5.0	10.0
Lead	0.4	0.6	1.2
Manganese	1.0	1.0	1.0
Mercury	0.05	0.05	0.05
Nickel	2.6	3.6	7.2
Phenols	1.0	1.0	1.0
Selenium	2.0	2.0	2.0
Silver	0.7	1.2	2.4
Zinc	2.6	3.4	6.8
Total Metals	10.5	10.5	15.0

D. Certain users having a discharge rate of less than ten thousand (10,000) gallons per average operating day, may use the following discharge limitations in lieu of those listed in paragraph C above, unless the National Categorical Pretreatment Standards governing the specific user are more stringent.

<u>Pollutant or Pollutant Property</u>	<u>Composite Sample Maximum Average Concentration Per Operating Day (milligrams/liter)</u>
CN (Cyanide, total)	2.0
Cr (+6) (hexavalent Chromium)	1.0
Cd (Cadmium)	1.0
Ni (Nickel)	3.98

E. All users subject to a National Categorical Pretreatment Standard (NCPS) shall comply with all requirements of such standard, and shall also comply with any limitations contained in these Regulations. Where duplication of the same pollutant exists, the more stringent limitations shall prevail. Compliance with NCPS for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall occur within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standards or by the General Manager. Compliance with NCPS for new sources shall be required upon commencement of discharge.

F. For pollutants listed herein or regulated in NCPS, the General Manager may designate more stringent limitations for such pollutants in the user's discharge permit. For pollutants not listed herein and not regulated by NCPS, the General Manager may designate in the user's discharge permit prohibitions, limitations or other standards, as appropriate, governing such pollutants.

**10.6 LIMITATIONS AT THE POINT OF DISCHARGE.**

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 in trailers, campers or other recreational vehicle, which have been collected and/or held in tanks or other containers, shall not be discharged into the wastewater system except as authorized by the General Manager at specific locations reserved to collect such wastes within the District, if any.

C. It shall be unlawful for any person to discharge cooling waters or process waters to a storm sewer or natural outlet unless such person has a valid CDPS permit.

**10.7 DISPOSAL LIMITATIONS.**

It shall be unlawful for any person to dispose of wastes 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 this Section 10.

**10.8 TESTING PROCEDURES.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the General Manager.

## **SECTION 11**

### **CONTROL OF PROHIBITED WASTES**

#### **11.1 SPECIFIC POWERS OF THE GENERAL MANAGER FOR REGULATORY ACTIONS.**

If wastewater containing any substance described in Section 10 of these Regulations is discharged or proposed to be discharged into any natural waterway or surface drainage within the District, any area under jurisdiction of the District, into the wastewater collection system of the District or to any wastewater system tributary thereto, the General Manager may take any action to:

- A. Prohibit the discharge of such wastewater;
- B. Require the person discharging the waste to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with these 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 Regulations. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- 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 a user discharging without a permit;
- E. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges;
- F. Require grease, oil, and sand interceptors when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the General Manager, and shall be located so to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the General Manager. Any removal and hauling of the collected materials not performed by owner or owner's representative must be performed by licensed waste-disposal firms;
- G. Obtain timely and factual reports from the facility responsible for such discharge; or
- H. Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these Regulations.

## 11.2 GENERAL POWERS OF THE GENERAL MANAGER FOR REGULATORY ACTIONS.

In addition to his authority to prevent or eliminate discharges through enforcement of discharge limitations and prohibitions, the General Manager shall have the following authorities:

A. Endangerment to Health or Welfare of the Community. The General Manager, after informal notice to the affected violator, may immediately and effectively halt or prevent any discharge of pollutants into any natural or 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 to him/her, 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 Treatment Works. The General Manager, after written notice to the violator, may halt or prevent any discharge of pollutants into any natural waterway or surface drainage within the District, any area under jurisdiction of the District, wastewater system tributary thereto, by any means available to him/her, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to 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 these Regulations.

## 11.3 SPECIAL REQUIREMENTS.

A. When required by the General Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be located in an accessible and safe place, and shall be constructed in accordance with plans approved by the General Manager. The structure shall be installed and maintained by the owner at his/her expense, and shall be safe and accessible at all times.

B. Where pretreatment or equalization of wastewater is required prior to discharge into any part of the wastewater treatment system, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the General Manager for review and approval. Such approval shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Such approval shall not be construed as or act as a guaranty or assurance that any discharge is or will be in compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and prior approval of, the General Manager.

C. The General Manager may require a user of sewer services to provide information needed to determine compliance with this Regulation. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period;
- (2) Chemical analyses of wastewater;
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- (5) A plan of sewers on the user's property showing sewer and pretreatment facility location;
- (6) Details of wastewater pretreatment facilities; and

(7) Details of systems to prevent and control the losses of materials through spills to the District sewer.

#### **11.4 OPERATION OF PRE-TREATMENT FACILITIES.**

If pre-treatment or control of wastewater flow is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his/her own cost and expense, subject to the requirements of these Regulations and all other applicable codes, ordinances, laws, rules and regulations.

#### **11.5 ACCESS TO INFORMATION AND ADMISSION TO PROPERTY.**

Whenever it shall be necessary for the purposes of these Regulations, the General Manager, upon presentation of credentials, may enter upon any property or premises at reasonable times, including at any time during the operating day of the user, where a facility or activity which is subject to these Regulations is located or conducted or where records are required to be kept for the purposes of:

- A. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial or other users, compliance or non-compliance with applicable pretreatment standards and requirements by industrial or other users.
- B. Examining and copying any records required to be kept under the provisions of these Regulations or of any other local, state or federal regulation.
- C. Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation.
- D. Sampling any discharge of wastewater into the wastewater treatment system; and/or
- E. Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Regulations, could originate, be stored, or be discharged to the wastewater system.

The occupant of such property or premises shall render all proper assistance in such activities.

#### **11.6 PROTECTION FROM ACCIDENTAL DISCHARGE.**

Each industrial user shall provide adequate protection, as approved by the General Manager, from the discharge of prohibited materials or other wastes regulated by these Regulations. Facilities and procedures to prevent such discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review. The General Manager shall approve the plans before installation of the protection facilities. 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 Regulations.

#### **11.7 SLUG DISCHARGE REPORT.**

If a facility has a slug discharge, the owner or user of the facility responsible for such discharge shall immediately notify the General Manager so that corrective action may be taken to protect the wastewater treatment system. In addition, the responsible person shall file a written report to the General Manager within five (5) days of the occurrence of the non-complying discharge. The report shall include, but is not limited to, the date, time and cause of the slug discharge; the quantity and characteristics of the discharge and the corrective action taken to prevent future discharges.

#### **11.8 FAILURE TO REPORT A DISCHARGE VIOLATION.**

It shall be unlawful for any person to fail to report to the General Manager any discharge that violates the prohibitions and limitations of these Regulations.

#### **11.9 WORKPLACE NOTICES.**

A notice or notices shall be permanently posted in an unobstructed, prominent place or places within the working areas of significant industrial users, significant commercial users and significant waste generators which advise employees of whom to call in the event of a dangerous chemical discharge or potential discharge. These users shall insure that all employees who may cause or suffer to cause such a discharge to occur are advised of the emergency notification procedures.

#### **11.10 pH RECORDING METERS.**

A. Significant industrial users that discharge processed wastewater deemed by the General Manager to contain pollutants necessitating continuous pH adjustment shall, subsequent to notification by the General Manager, install a continuous recording pH meter as approved by the General Manager. Such meter shall be installed, operated and maintained at the user's own cost and expense. Such records generated by the meter shall be retained for three (3) years and shall be made available to the General Manager on request.

B. The General Manager may order other significant users of the District's wastewater treatment system to install and maintain similar equipment as necessary to assure compliance with these Regulations.

## SECTION 12

### CONTRACTOR'S LICENSE

#### GENERAL PROVISIONS

##### 12.1 EFFECTIVE DATE

By order of the Cucharas Sanitation and Water District through Resolution #00-04-02, these regulations are in effect as of the date shown in Section 13, herein. All licenses previously issued by Cucharas Sanitation and Water District shall be null and void. All contractors shall comply with the provisions of these regulations as of its effective date.

##### 12.2 DEFINITIONS

- a. **Chief Inspector** means the General Manager as designated by the Board of Directors.
- b. **Contractor** means any person, company, or corporation performing work of excavation, water, and sewer, or installing sprinkler systems within District boundaries.
- c. **CSWD** means the Cucharas Sanitation and Water District.
- d. **District** means the Cucharas Sanitation and Water District.
- e. **Engineering Standards** means the engineering standards of the District as they apply to water and sewer and the infrastructure of the District.
- f. **Excavation** means any ditch, channel, or hole dug within District boundaries in connection with water and/or sewer services.
- g. **Inspector** means any person appointed by the Chief Inspector to inspect work performed on District lines or infrastructure.
- h. **License Commission** means the Executive Committee of the Board of Directors of the Cucharas Sanitation and Water District.
- i. **Provisions** means the provisions of these rules and regulations.

##### 12.3 LICENSE COMMISSION

- a. The License Commission is hereby authorized, empowered and directed to interpret and enforce all provisions of the Engineering Standards of the District.
- b. The Chief Inspector shall designate inspectors and is hereby authorized to interpret and enforce all provisions of the Engineering Standards of the District.
- c. Any person aggrieved by any decision or order of the Chief Inspector, or the Chief Inspector's authorized representative, relative to the enforcement or interpretation of the Engineering

Standards, may appeal such decision or order to the License Commission. Every such appeal shall be made in writing within ten (10) calendar days of the date of the decision or order appealed. The License Commission shall review such appeal and render a decision within five (5) working days. All decisions of the Commission are final and unappealable.

#### 12.4 **LICENSE REQUIRED**

Except as otherwise specified in these regulations:

- a. It shall be unlawful for any unauthorized person or company to perform construction work as it relates to the District.

“Unauthorized” is defined as any individual who has not been issued a District license or whose company is not licensed as provided in this regulation.

A company is appropriately licensed if the owner, a supervisor, or an employee has obtained a District license.

- b. It shall be unlawful for any person or company to perform work on District water lines, sewer lines, fire hydrants, or install sprinkler systems, unless the person or company so hired, employed, contracted with, or engaged to perform construction work, is licensed as provided in this regulation.

#### 12.5 **APPLICATION/EXAMINATION**

Any person or company representative who desires to be licensed to engage in the construction business or to perform construction work as it relates to the District, is required to make application and thereafter take and pass an examination. The completed application form shall include the name of the Applicant, the Applicant’s home and business address and a resume’ or the Applicant’s education, training, and experience or such other information as may be required. The application shall be accompanied by the required license fee. (See Appendix A for fee.)

- a. The Chief Inspector is hereby authorized to develop exams in accordance with District Engineering Standards, or designate a third party test to meet the requirements.
- b. The Chief Inspector, upon receipt of a completed application and the required fee, shall schedule a testing date and time for the Applicant’s exam.
- c. An Applicant may at any time withdraw from the examination, provided 24 hours’ notice is given.

#### 12.6 **APPLICATION/EXAMINATION PROCESS/CREDIT REPORT**

The License Commission and the Chief Inspector shall examine the Applicant and investigate the character, training, experience and financial responsibility of the Applicant for the license and of the organization for which Applicant is employed and is responsible for the work performed by the Applicant. Applicant of an organization applying for a license shall submit a credit report to the Commission. The credit report shall be from a recognized credit reporting agency. The credit report shall not be more than ten (10) days old from the date of application. A license shall not be issued unless this provision is complied with.

- a. A license shall not be issued if the Applicant fails to pass the required examination.



b. A license shall not be issued if, in the judgement of the License Commission, there is found evidence that an Applicant lacks experience, training and/or is a danger to the public health, safety or welfare.

c. A license shall not be issued if, in the judgement of the Commission, it finds deficiency in the Applicant, finding that the Applicant is not capable of performing the work for which the Applicant is seeking a license.

**12.7 RE-EXAMINATION**

If a licensed Applicant fails to pass an examination, the Applicant may apply for re-examination after two weeks, upon paying an additional 50% of the license fee. If an Applicant fails to pass a second time, the Applicant may apply for re-examination thirty (30) days from the date of the second examination and upon paying 50% of the license fee. If an Applicant fails a third time, the Applicant may apply for re-examination at six (6) month intervals. In any case, where an Applicant fails a test, he/she may request a review of the test results from the License Commission. If an Applicant is taking a third party test, that Board's re-examination procedure shall apply.

**12.8 LICENSE FEES AND EXPIRATION DATES**

The fees for permits, licenses, and inspections and all other services performed by the District, the Chief Inspector, and the License Commission, shall be established and/or amended by resolution of the Cucharas Sanitation and Water District Board of Directors.

**12.9 REPORTS AND RECORDS**

The Chief Inspector shall keep complete record of all licenses, permits, inspections, re-inspections, fees and other monies collected. The Recording Secretary of the Board of Directors, or his/her authorized representative, shall keep an accurate and permanent record of all proceedings before the License Commission.

Unless otherwise specified, no fee or charge shall be prorated or refunded.

a. All licenses shall expire on December 31 of the year issued and shall be renewed annually upon application and payment of license fee, subject to the following limitations:

(1) A license not renewed within 120 days of expiration shall not be renewed without re-examination and resubmission of all requirements in the provisions.

(2) A new licensee issued in the last quarter of the preceding years may request a renewal waiver from the Commission.

b. No permit shall be issued to any unlicensed person or to any licensed person who is delinquent in payment of annual license fee, or who has failed to comply with a provisional order, or whose license is suspended or revoked, or whose insurance has expired.

**12.10 INSURANCE REQUIREMENTS/EXCAVATION SAFETY**

a. Before any license shall be issued, an Applicant shall file with the Chief Inspector a Certificate of Commercial Liability Insurance, with appropriate personal injury and property damage limit. (See Appendix A for insurance limits.) Workers Compensation Insurance is required in accordance with State statutes.

b. Such insurance certificates shall include the policy numbers, the name of the Applicant, the effective and expiration dates, the limits of such policies and a description of coverage by the insurance carrier. The Cucharas Sanitation and Water District shall be listed as the loss payee (Resolution #00-04-02).

c. Applicants shall also provide evidence that they have attended an OSHA-approved excavation safety seminar within the last three (3) years.

~~d. Applicants shall obtain both a wastewater collection and water distribution certification from the Colorado Distribution and Collection System Certification Council within six (6) months of issuance of a Cucharas Sanitation and Water District license, and shall comply with all requirements of the Certification Council to maintain said license. The Chief Inspector shall have the authority to extend this requirement to coincide with the Council's testing schedule.~~ Omitted/Revised 6/10/16

#### 12.11 **REVOCAION OR SUSPENSION OF A CONTRACTOR'S LICENSE**

Any license issued pursuant to this resolution may be revoked or suspended by the License Commission when provided by the Chief Inspector, after notice and hearing, of any of the following violations:

- a. Abandonment of a contract without legal justification;
- b. Diversion or misapplication of funds or property received to perform or complete a contract or for a specified purpose in the performance or completion of a contract; application or use of such funds for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property to perform or complete such contract;
- c. Substantial departure from, or disregard of, plans or specifications in any material respect without consent of the Owner or the Owner's duly authorized representative;
- d. Willful or deliberate disregard or violation of applicable provisions of this resolution;
- e. Failure to comply with any lawful order of the Chief Inspector of the Cucharas Sanitation and Water District;
- f. Failure to keep records for a period of one (1) year after completion of each separate contract, showing all receipts and disbursements of the license in all transactions as a contractor, and to produce the same for examination by the Licensing Commission;
- g. Fraud or misrepresentation of a material fact by the Applicant obtaining a license;
- h. Committing any willful or fraudulent act by the licensee as a contractor;
- i. Using a license to obtain permits for another reason;
- j. Carelessness or negligence in providing reasonable safety measures to protect workers or the public;
- k. Canceling or not renewing required insurance coverage. However, the license may be re-instated upon re-filing proof of insurance as approved by the License Commission.
- l. Being convicted of a felony relating to performing a construction contract;
- m. Failing to notify the Chief Inspector of a change of address and/or telephone number. If suspended for this cause, license shall be re-instated upon notification of said new

address and/or telephone number. Three (3) violations of this provision will cause the License Commission to review license for further disciplinary action.

(1) If any of the causes listed have been committed, the License Commission shall, in writing, notify the licensee of a "Notice of Hearing for Revocation". Such notice may be served personally on the licensee or may be sent by First Class Mail, at least five (5) days before the hearing.

(2) If the License Commission finds against the licensee, the Commission, in its sole discretion may suspend, revoke, or decline to renew the license. If a license is suspended, the Commission may assess a suspension for any period up to six (6) months. A license revoked shall not be re-issued within a period to be determined by the Commission, not to exceed twenty-four (24) months from the effective date of revocation.

(3) The Chief Inspector is authorized to suspend the work and temporarily suspend a license for violations pending review and hearing by the Commission. If such action is by order of the Chief Inspector, it shall be in writing to the licensee and to the Commission within (24) hours of such action.

#### **12.12 LICENSE NON-TRANSFERABLE**

No License issued under these regulations shall be transferable. It shall be unlawful for any licensee to transfer or attempt to transfer such license or to allow it to be used, directly or indirectly, by another person. The license of any organization shall remain in effect only during the time the person who was examined remains a full-time active employer of such license. Whenever such an employee, who was examined for a license, ceases to be a full-time active employee, such person shall immediately notify the Chief Inspector. Failure to notify the Chief Inspector shall be grounds of suspension or revocation of the license.

#### **12.13 CONTRACTOR-OBTAINED PERMITS**

A properly licensed contractor, that is, a contractor who has complied with all provisions of these regulations, shall be issued a permit to perform work on District lines or for connection to lines, or for new development of main lines, under the following terms and conditions.

- a. Payment of permit fees as set by the Board of Directors;
- b. A signed permit request by the property owner with all required information;
- c. On new development, the performing contractor shall submit a set of engineered plans. New development engineered plans shall meet all specifications as set by the District Engineer and shall be submitted twenty (20) days prior to receiving a permit.

#### **12.14 PROPERTY OWNERS' PERMITS**

The recorded owner of a single family dwelling used exclusively for living purposes, may perform construction work on his/her service lines without a license, provided the work performed meets engineering standards of the District and is approved by the Chief Inspector or his authorized representative. No property owner shall perform work on the District's main lines, or make connections to the District lines, without a license. A permit shall only be issued to perform work on service lines on the property owner's lines within their property boundaries.

#### **12.15 INSPECTOR'S DISREGARD OF REGULATIONS**

- a. It shall be unlawful for any Inspector employed by the Cucharas Sanitation and Water District, under penalty of suspension or termination, to disregard regulations, orders of

the Commission, or to improperly and knowingly approve work that does not meet the District's standards.

b. It shall be unlawful for any Inspector employed by the Cucharas Sanitation and Water District to knowingly allow an unlicensed contractor to work within the District under penalty of suspension or termination.

12.16 **FEES**

Fees for Licenses and/or Permits are set by the Cucharas Sanitation and Water District Board of Directors. See Appendix A for all fees, rates and charges.

**SECTION 13**  
**EFFECTIVE DATE**

**13.1 EFFECTIVE DATE.**

These Regulations shall be in full force and effect on the 1<sup>st</sup> day of July, 2005.

**13.2 SUPERSEDES REGULATIONS.**

These Rules and Regulations, adopted July 8, 2005, supersede the former Rules and Regulations dated January 25, 2000 and the Sewer Use Ordinance dated July 14, 1995 of the Cucharas Sanitation and Water District and amendments thereto.

**ENACTED** this 8<sup>th</sup> day of July, 2005.

**BOARD OF DIRECTORS**  
**CUCHARAS SANITATION AND WATER DISTRICT**  
**16925 STATE HIGHWAY 12**  
**CUCHARA, COLORADO 81055**

By: \_\_\_\_\_  
Louis J. Franc, President

**APPENDIX A: AMENDED 10/13/2017**  
**Equal Quantity Ration**  
**Fees, Rates, Charges and Penalties**

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**Equal Quantity Ration (EQR)**

<u>Type of Building</u>	<u>EQR</u>
Dwelling Units:	
Single Family	1.00
Multi-family – 651 sq. ft. or more	1.00
Multi-family – 650 sq. ft. or less	0.70
Dwelling Units – Transient:	
Hotel/Motel/Lodge with kitchen – per room	0.20*
Hotel/Motel/Lodge without kitchen – per room	0.15*
Boarding House – Main Residence	1.00
Additional per Boarder Room	0.30
Dormitory – per Bed	0.20
Bed & Breakfast/B&B style – Main Residence	1.00
Additional per Room	0.25
Trailer Park/Campground – per Seasonal Use	0.10
Restaurants (restrooms included):	
Full Service – per Seat	0.05
Short Order – per Seat	0.02
Short Order (paper only) – per Seat	0.01
Bar/Cocktail Lounge or Tavern – per Seat	0.02
Bakery	1.00
Other Units:	
Service Station	1.00
Self-Service Laundry – per Machine	0.80
Retail/Office: Minimum per building or customer per 2,000 sq. ft. area	1.00
For each additional 1,000 sq. ft. building area or part thereof	0.50
Store – Small Service/Convenience: Minimum per building or customer per 1,500 sq. ft. area	1.00
For each additional 1,000 sq. ft. building area or part thereof	0.50
Public Hot Tubs – per Tub	0.25
Self-service Car Wash – per bay	0.40
Automatic Car Wash – per bay	0.80
Hairdresser/Barber – per Station	0.40
Swimming Pool: per 20,000 gallons or fraction thereof, but not less than one (1) EQR	1.00

**Fees**

Administration	\$20.00
Administration fee for additional billing	\$20.00
Collection by Certification	\$30.00
Connection Permit	\$10.00
Connection Permit, Renewed	\$50.00
Inspection (per inspection)	\$50.00
License	\$75.00

**\*Temporary Changes Made 10/13/2017**

## Appendix A: Amended 10/13/2017 (continued)

### Fees (continued)

Septic Tank Pumping Fee (Not to exceed 1,000 gallons.)	\$225.00
(Higher volumes per gallon):	0.225
Tap Fee (Single Family Only) – Sewer	\$7,500.00
Tap Fee (Single Family Only) – Water	\$7,500.00
Tap Fee (Commercial) – Sewer & Water	As Determined by the District*
Turn On/Turn Off	\$25.00

### Rates and Charges

Late Fee (on unpaid balances), per month	\$5.00 plus 1.5%
Call for Special Meeting (\$500.00 deposit)	All District Expenses
Main line extension agreement (deposit)	\$1,000.00
Charge to change diversion point (deposit)	\$5,000.00
Charge to accept water rights (deposit)	\$5,000.00
Shipping/handling	Actual Charges
Bulk purchases of water (per gallon)	\$0.10

#### Residential:

Sewer Service (per month)	\$35.00
Water Service (per month)	\$45.00
Sewer usage in excess of 84,210 gallons per year of metered potable water per 1,052 gallons	\$3.75
Water usage in excess of 80,000 gallons per year of metered potable water per 1,000 gallons	\$1.75

#### Commercial:

Sewer Service (per month, per EQR)	\$35.00*
Water Service (per month, per EQR)	\$45.00*
Sewer usage in excess of 7,018 gallons of potable water per EQR month per 1,052 gallons:	\$3.75
High-strength sewage surcharges: 5-day BOD >300mg/l	\$0.783/+lb
TSS >300mg/l	\$0.333/+lb
Water usage in excess of 6,667 gallons per EQR per month per 1,000 gallons:	\$1.75

#### Water Meter and Hydrant:

Water meters and fire hydrants, and all appurtenances thereto, shall be purchased from the District through the General Manager. Cost to the Contractor or Owner shall be the same cost incurred by the District, plus shipping and handling and an administrative fee of 10% of the equipment costs.

### Penalties and Fines

Violation of these Rules and Regulations (corrected)	\$1,000.00
Court conviction for blatant violation (uncorrected)	\$10,000.00

### Insurance Limits

Personal Injury and Property Damage (per occurrence)	\$1,000,000
Personal Injury and Property Damage (aggregate)	\$1,000,000

#### \*Temporary Changes Made 10/13/2017