

**BOULDER COUNTY
ELDORADO SPRINGS WASTEWATER AND ELECTRIC
LOCAL IMPROVEMENT DISTRICT
RULES AND REGULATIONS**

SECTION 1 - GENERAL/EXPLANATORY MATERIAL

1.1 INTRODUCTION. The Eldorado Springs Wastewater and Electric Local Improvement District (“District”) was created to provide sewage collection and treatment to the Eldorado Springs platted townsite area, including amended plat of Moffat Lakes, amended plat of First Addition to Moffat Lakes, amended plat of Second Addition to Moffat Lakes, and amended Plat of Barbers Addition to Moffat Lakes, with the exception of all vacant land currently listed on the Boulder County Assessor’s records; also with the exception of: 35 Eldorado Springs Dr., Lot 7 and 8, Block 14 Moffat Lakes 2; and Public Service Company of Colorado, .04 ACS, NW1/4, SW1/4, 30-1a-70. The boundaries of the district do not include Eldorado Springs Canyon State Park or Valle del Rio subdivision east of the canyon, or any properties east of 3450 and 3461 Eldorado Springs Drive. Properties were assessed for the cost of the project in Resolution No. 2010-20.

1.2 SCOPE. These Rules and Regulations (“Rules”) have been adopted and promulgated pursuant to Sections 30-20-603 and 30-20-401 through 422, Colorado Revised Statutes (C.R.S.), and shall be considered the comprehensive regulations governing the operations and functions of the District.

1.3 POLICY. It is hereby declared that these Rules will serve a public use and are necessary to ensure and protect the health, safety, prosperity, security and general welfare of the Members of the District.

1.4 PURPOSE. The purpose of these Rules is to set the terms under which services are provided to members and to provide for the orderly financing, control, management and operation of the Eldorado Springs Sewer Treatment and Collection System with its electric power supply (collectively, the “System”), including any additions, extensions and connections thereto.

1.5 INTENT OF CONSTRUCTION. It is intended that these Rules shall be liberally construed to effect the general purposes, and that each and every part is separate and distinct from all other parts. No omission or additional material set forth in these Rules shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility, or limitation or restriction, imposed or conferred upon the Board of County Commissioners for Boulder County (the “Board”) by existing or amended statutes, or under any contract or agreement existing between the District and any other governmental entity. Nothing in these Rules shall be construed to prejudice or affect the right of the District or Boulder County (the “County”) to secure the full benefit and protection of any law which is now enacted or may subsequently be enacted by the Colorado General Assembly pertaining to the governmental

or proprietary affairs of the District or operations of the System.

1.6 AMENDMENT. The District retains the power to amend these Rules as it deems appropriate and that such amendments shall be incorporated into all digital and printed copies of these Rules.

1.7 NO SEPTIC SYSTEMS IN SERVICE AREA. No onsite wastewater system may be utilized within the Service Area unless the District declares an emergency, the septic system is certified by Boulder County Public Health, and a waiver pursuant to Section 2.5 is obtained.

1.8 DEFINITIONS. Unless the context specifically indicates otherwise and in addition to terms defined in the body of the Rules, the following definitions apply:

Eldorado Springs Local Improvement District Advisory Committee (ESLAC) refers to the citizen advisory committee, appointed by the Board, which facilitates communications between the ratepayers and residents of the District and the Board, consults with and provides recommendations to the Board on all key matters impacting the ratepayers and residents of the District based on community input and expressed concerns of residents of the District, and makes recommendations to the Board regarding operation of the System, based on information gathered from System operations staff and the community.

Engineer shall mean any engineering firm(s), or duly authorized representative(s) (engineer(s)), designated by the District to act on its behalf in all engineering and related matters, and shall include any inspector(s) employed by the Engineer.

Grinder Pump Station shall mean the District-owned grinder pump components, consisting of the holding tank, grinder and pump, electrical components and control panel, and the station's associated housing and lid.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic or sanitary wastes.

Member shall mean any Person owning property within the District boundaries that has obtained a Permit to use the System at a specific building site or property.

Owner shall mean the fee title holder of a property, or the lessee of a property who has obtained the right from the fee title holder to develop the property. Owners become Members when a Permit is issued to them for a specific building site or property.

Permit shall mean written permission of the District, as set forth in these Rules, authorizing the applicant to connect to or to utilize a Sewer Main of the District or to expand or modify an already permitted use.

Person shall mean any individual, firm, company, association, society, corporation, joint

venture, partnership, group or governmental authority or agency.

Service Area shall mean all property within the boundaries of the District as set forth in Resolution 2010-20, as modified by any statutory property inclusions or exclusions and any more recent assessment roll approved by the Board.

Service Lines shall mean the Member-owned sewer lines extending from a building drain to the Grinder Pump Station, and any gravity line extensions.

Sewer Main shall mean a District-owned sewer pipeline, including main line and extensions, that to carry Sewage from individual grinder pumps to the treatment plant.

Sewage shall mean any liquid waste which contains animal or vegetable matter in suspension or solution, but which does not contain Industrial Wastes.

Sewer Collection System shall mean the District-owned Sewer Main gravity line extensions, Grinder Pump Stations, including indoor units, and all pressure lines for the collection and conveyance of Sewage to the Sewer Treatment System.

Sewer Treatment System shall mean the District-owned Fluidyne Sequencing Batch Reactor and associated electrical components, pumps, building and discharge lines.

Special Permit shall mean a permit issued pursuant to Section 3.6.

SECTION 2 - OWNERSHIP AND OPERATION OF FACILITIES

2.1 RESPONSIBILITIES.

2.1.1 Responsibilities of the District. It is the District's responsibility to maintain, operate, repair and replace the System. Costs for certain operations may be assessed against Members as set forth in these Rules.

2.1.2 Responsibilities of the Member. It is the responsibility of the Member to pay the actual cost of and to construct all Service Lines. The Service Lines shall be constructed in accordance with standards previously approved by the District and the County and shall be inspected and approved by the District prior to use. Members shall be responsible for the maintenance and replacement of all Service Lines on their property. Owners and/or developers seeking a Permit may be required to prepay or guarantee future payment of the fees set forth in Appendix A, or to abide by other special arrangements as the Board may determine necessary.

2.2 LIMITATION OF LIABILITY OF DISTRICT. The District hereby reserves any and all rights contained within and not expressly waived by the Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S. The District reserves the right to take those actions necessary to operate or maintain the System or to secure the health, safety and welfare of the public. The District shall not be liable or responsible for inadequate sewer treatment or interruption of any

services related to safe operations of the System, or brought about by circumstances beyond its control.

2.3 OWNERSHIP OF SYSTEM COMPONENTS. All existing and future System components accepted for operation and maintenance pursuant to these Rules shall become and are the property of the District, unless a written contract between the District and an Owner or Member provides otherwise. This principle shall not be changed due to the location of such system components, or by the fact that the Member might construct, finance, pay for, repair, maintain or otherwise affect the System components. District ownership will remain valid whether such components are constructed, financed, paid for or otherwise acquired by the District, or by other Persons.

All existing or future Services Lines shall become and are the property of the Member served by those lines, regardless of any District contribution to the construction, financing, or maintenance of a Member's Service Line. The construction of and connection of any Service Line shall be done in compliance with these Rules. The Member's ownership of the Service Line shall not entitle the Member to make unauthorized uses of the System once the Service Line has been connected to a Sewer Main. All uses of a Service Line after the initial connection to the System shall be subject to these Rules.

2.4 RIGHT OF ENTRY. The District and its representatives, Engineers, Inspectors, or officers and employees of the County, or other Person designated by the District, bearing proper credentials and identification, shall be permitted to enter upon all properties that are receiving or have applied for service from the District, for the purpose of maintenance, inspection, observation, measurement, sampling and testing, and also in the event of an emergency, in accordance with the provisions of these Rules. The granting of right of entry by the Member and property occupant is a condition precedent and a condition subsequent to the provision of sewer collection service.

2.5 MODIFICATION, WAIVER AND SUSPENSION OF RULES. The Board shall have the sole authority to waive, suspend or modify these Rules. Such waiver, suspension or modification may be made upon any condition deemed necessary or appropriate by the Board. Such waiver, suspension or modification must be in writing and signed by the Board. Any such waiver shall not be deemed an amendment of these Rules. Further, no waiver of any one section shall be deemed a waiver of any other section.

SECTION 3 – SERVICE POLICIES; PERMITTING

3.1 PERMITS REQUIRED. The right to discharge Sewage through the Sewer Collection System shall exist only under a Permit, and no physical connection may be made or modified to the Sewer Collection System for any purpose unless a Permit shall have first been obtained authorizing the use for which such a connection is to be made. All properties listed in Resolution No. 2010 - 20 will be deemed to have a Permit. Permits attach to the designated premises only and are non-transferrable to other properties. Permits run with the land and survive changes of ownership.

3.2 GENERAL POLICY. It is the intention of the Board and the community that the

availability of sewer service not become a catalyst for additional growth. New service will be furnished only after the following conditions are satisfied:

- The proposed area has been approved for development under the Boulder County Land Use Code;
- The proposed area for which service is requested is included within the Service Area;
- Components needed to serve the proposed area have been constructed or will be contemporaneously constructed;
- The applicable Permits have been applied for and approved and all required Plant Investment Fees have been paid;
- The Service Lines for the proposed area have been installed in accordance with District standards and their construction inspected and approved by the Engineer; and
- All fees have been paid as per Section 6 and Appendix A.

3.3 PRE-APPLICATION MEETING. Any Owner desiring to have sewer service initially extended to the Owner's property must have an existing development application for a new structure or use initiated with the County's Community Planning & Permitting Department. As part of the land use process, the Owner shall meet with District representatives (to include the County staff liaison and at least one member of ESLAC) prior to submitting an application to the District for service. An Owner shall be entitled to one such meeting with the District at no cost to the Owner.

3.4 APPLICATION AND DEPOSIT. If the Owner determines to move forward with the development project after the pre-application meeting, the Owner shall submit an application for service to the District. The application shall be submitted to the District. A deposit to cover the costs incurred by the District for review of the development project may be required. The amount of this initial deposit will be determined on a case-by-case basis. The District shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the District's costs for planning and engineering review services, attorney and other consultant fees, and other costs and expenses incurred with regard to the application. Any balance remaining in the escrow account following approval, denial or withdrawal of the application shall be returned to the Owner without interest. In the event that the initial deposit is exhausted before final disposition of the application, a supplemental deposit may be required to cover future costs and expenses resulting from the application. Failure to make such necessary supplemental deposits shall cause the application review process to be suspended until the required deposits are made. The District, upon good cause shown and subject to the Board's final decision, may reduce the amount of the initial deposit; however, the Owner shall remain responsible for the Actual Costs incurred by the District associated with the application.

3.5 PERMIT APPLICATION. As part of an existing application process under the Boulder County Land Use Code, the applicant or the applicant's agent shall submit a signed, written application for service to the District which shall contain the following information:

- A description of the premises to be served under the Permit by reference to land

survey, or by designation of lot and block, or other legal description adequate to define the area to be served by convenient references.

- A description of the building, or buildings, to be constructed and their purpose(s). This description shall include square footage and measurements of the building, the name of the Contractor and Contractor's phone number, and Member's Land Use Permit Number. If the buildings are to be used for commercial or industrial purposes (any use other than residential) then the applicant shall furnish an estimate of expected peak and average flow loads, with calculations and information required by the Engineer.
- An acknowledgment and agreement by the applicant that use under the Permit must be as limited and defined by applicable law and these Rules.
- If a use is proposed which could result in high rate service demands, then the District may require that the applicant submit additional information regarding demands or load rates.
- Payment of Fees in accordance with Appendix A.

3.6 SPECIAL PERMITS

3.6.1 Change of Use. Wherever necessary for changes in a Member's use of the Sewer Collection System as defined in Section 3, Members must submit an application to the District for a Special Permit.

3.6.1.1 Application. An application for a Special Permit shall include the following:

- Member's name and contact information;
- Property address and legal description;
- Description of existing Permit conditions, including the number of EQRs assigned and service rates assessed;
- A narrative describing the change requested and the reason for the change; and
- A Special Permit fee may be required to cover the District's costs in reviewing the application, the amount of which will be determined on a case-by-case basis.

3.6.1.2 Special Permit Terms. The terms of a Special Permit will supplement and may supersede the terms of any existing Permit for the identified property, to the extent that they differ. Special Permit terms may include but will not be limited to the following (as determined by the District):

- New EQR assignment for the property;
- Redetermination of the Member's Operating Fees per Appendix A;
- Additional Plant Investment Fees;
- Conditions and requirements for any necessary modifications to Service Lines or other Member-owned equipment; and
- Other conditions reasonably necessary to ensure the viability of the Sewer

Collection System.

3.6.1.3 No Refund. If a change in service or use of property reduces the number of EQRs, the Operating Fee will be adjusted to reflect the new EQR but there will be no refund of any Plant Investment Fees originally paid. In no case will the property assessments be reduced due to a reduction in EQRs.

3.6.1.4. No change to assessments. In no case will property tax assessments be modified due to issuance of a Special Permit for change of use.

3.6.2 Specially Regulated Wastes. A Special Permit is required for the discharge of the following: (i) Industrial Wastes including cooling water; (ii) unpolluted process waters; (iii) bakery or restaurant wastes; (iv) car washing waste; (v) swimming pool drainage; and (vi) floor drainage from enclosed and covered areas. An application for a Special Permit for such wastes shall include the following:

3.6.2.1 Application. An application for a Special Permit shall include the following:

- Member's name and contact information;
- Property address and legal description;
- Description of the facility or operation creating the discharges;
- An estimate of the nature, volume, and rate of flow to be discharged at both typical and maximum periods; and
- Plans and specifications for any waste-management and pre-treatment processes.

3.6.2.2 Special Permit Terms. Under this Section 3.6.2, Special Permits for specially regulated wastes may contain, in addition to the terms identified above, but will not be limited to the following conditions:

- Member construction of flow measuring and/or sampling devices;
- Member construction of valves or gates to stop flows on an emergency basis;
- Member construction of grease, oil or sand interceptors, or other pretreatment facilities;
- Member construction of holding tanks with timed releases for large-volume discharges; and
- Any other conditions reasonably necessary to protect the viability of the Sewer Collection System.

3.7 RIGHT TO DENY PERMITS. Nothing in this Section 3 shall prohibit the District from denying an application for a Permit or Special Permit if the District determines that the new demand on the System impairs the District's existing operations or the new exceeds existing or regulatorily required capacity of the Sewer Treatment System.

SECTION 4 - CONDITIONS OF USE OF SYSTEMS

4.1 WHO MAY USE. Sewer collection services will be furnished subject to these Rules and only to properties within the Service Area.

4.4 CHANGE IN MEMBER'S EQUIPMENT, SERVICE OR USE OF PROPERTY.

4.4.1 No change in a Member's equipment, service or use of property subject to an existing Permit that may exceed the property's assigned Equivalent Residential Unit ("EQR") or materially change the permitted composition or volume or rate of flow of Sewage shall be made without the prior notification to and a Special Permit from the District pursuant to Section 3.6.

4.4.2 If the District has good cause to suspect that a Member's property is exceeding its permitted flow rates or volumes, the District may install temporary meters to measure discharge. If measured rates or volumes exceed the property's permit, the Member will be required to submit a Special Permit application. Members may also submit Special Permit applications where they believe their measured may result in a reduction in the EQRs and fees associated with the property.

4.4.3 Any Member believed to have changed the equipment, service or use of property connected to the System(s) in violation of this Section or Section 3.6 shall be notified of a potential violation and given 10 days to respond to the District. After consideration of any response received in a timely manner, the District will determine whether a Special Permit proceeding is required for the change in discharges.

4.5 UNAUTHORIZED CONNECTIONS AND FEES. No Person shall connect to the System without complying with the conditions in Section 3, the prior payment of Plant Investment Fees, and without adequate supervision and inspection of the tap and service line by District representatives. Any such connection, enlargement or change shall be deemed an unauthorized connection. Upon the discovery of an unauthorized connection, the District shall send written notice to the Owner(s) of the property benefitted by such unauthorized connections stating that an unauthorized connection has been made between the Owner's property and the System. Furthermore, the Owner shall be required to disconnect the unauthorized connection within 10 days of notice. The Owner shall apply to the District for permission to re-connect and if approved, will be subject to payment of Actual Costs and appropriate Plant Investment Fees, Tapping Fees, and Operating Fees.

4.6 CHANGE IN SYSTEM AT MEMBER'S REQUEST. A Member may request the relocation of System components. If the District approves of this request the Member making the request shall pay Actual Costs of relocating the components and any appropriate Tapping Fees.

4.7 UNAUTHORIZED TAMPERING WITH SYSTEMS.

4.7.1 No unauthorized Person shall uncover, use, alter, disturb, or make any connection with, or opening onto the System without first obtaining a Permit from the County. Unauthorized uses of the System include, but are not limited to, an unauthorized disconnection or re-

connection of sewer collection service, or a tampering or in any way modifying any grinder pump station, even though the unauthorized use may be performed on a privately-owned and maintained Service Line.

4.7.2 No Person shall maliciously, willfully or negligently, break, damage, destroy, uncover, deface or tamper with any portion of the System.

4.7.3 Any Person who violates the provisions of this Section 4.7 shall be prosecuted to the full extent of Colorado law.

SECTION 5 – SEWER COLLECTION SYSTEM AND DISCHARGE REGULATIONS

5.1 DISCHARGES TO SEWER COLLECTION SYSTEM. The Sewer Collection System is for the disposal of water contaminated by biodegradable wastes. No Person shall connect roof downspouts, exterior foundation drains, areaway drains, surface drains or other sources of surface runoff or groundwater directly or indirectly to the Sewer Collection System. To protect the System from damage, destruction, deterioration, misuse or malfunction and to guard against health hazards and the creation of public nuisance, the following regulations shall apply.

5.2 PROHIBITED DISCHARGES. The following items could negatively impact the Sewer Collection and Treatment System, and are therefore prohibited.

5.2.1 No person shall contribute or cause to be contributed, directly or indirectly, into the Sewer Collection System any pollutant or wastewater which will interfere with the operation or performance of the System. These general prohibitions apply to all users of the System, whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. No person shall contribute the following substances to the System:

- (1) *Unauthorized discharge in excess of permitted rates or volumes.*
- (2) *Explosives or flammable wastes*, which shall include any liquids, solids, or gases which, by reason of their nature or quantity, are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or to the operation of the System. At no time shall two successive readings of any explosion hazard meter, at the point of discharge into the System (or at any point in the System) be more than five percent nor any single reading over ten percent of the lower explosive limit of the meter, nor shall any waste stream at point of discharge have a closed cup flashpoint of less than 140 degrees Fahrenheit (60° Centigrade) using the test methods specified in the Code of Federal Regulations, title 40, section 261.21. Prohibited materials include, but are not limited to, gasoline, fuel oil, diesel fuel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which the director, the state, or the EPA has notified the user is a fire hazard or an explosive hazard to the System.

- (2) *Solids*, which shall include solid or viscous substances which may, by reason of their quantity, cause or may cause obstruction to the flow in a sanitary sewer or other interference with the operation of the System or service connection such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, fabrics, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, cement, concrete, plaster, gravel, hay hooves, lime slurry or sludge, paint, or chemical residues.
- (3) *Corrosive wastewater*, which shall include wastewater having a pH less than 6.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the System.
- (4) *Toxic wastewater*, which shall include any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the System, to contaminate the sludge of any System systems, or to exceed the limitation set forth in a categorical pretreatment standard.
- (5) *Untreatable substances*, which shall include any substance which may cause the System's effluent or any other product of the System, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the System is pursuing a reuse and reclamation program. In no case shall a substance discharged to the System cause the System to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to federal or state statutes applicable to the sludge management method being used.
- (6) *Toxics*. Toxic or non-biodegradable waste or any other waste which results in effluent not being within state standards after providing conventional treatment shall not be discharged into the Sewer Collection System. No drain accepting discharge from vehicle wash racks, filling stations, restaurants or other building sewers as specified by the District shall be connected to any Service Line unless the discharge first passes through an acceptable grease, oil or sand interceptor.
- (7) *Dilution*. No Person shall ever increase the use of water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other specific pollutant limitation developed by the city or

state. No Person shall discharge volumes of water or any water containing Sewage or Industrial Waste into the Sewer Collection System such that actual damage to the System results, whether through negligence or otherwise.

(6) *Other prohibited discharges:*

- Any substance which will cause the System to violate its NPDES permit or the receiving water quality requirements;
- Any wastewater with color exceeding 150 units, as measured by the platinum-cobalt standard method;
- Any wastewater with turbidity exceeding 150 nephelometric turbidity units;
- Malodorous substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or for sampling or monitoring;
- Any wastewater having a temperature which will inhibit biological activity in the Sewer Treatment System resulting in interference, but in no case wastewater with a temperature at the introduction into the System which exceeds sixty-six degrees centigrade (150° F) or which causes temperature at the head works of the SYSTEM treatment plant to exceed forty degrees centigrade (104° F);
- Slug loads;
- Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations;
- Any wastewater which causes a hazard to human life or creates a public nuisance;
- Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through;
- Pollutants which result in the presence of toxic gases, vapors, or fumes within the System in a quantity that may cause acute worker health and safety problems;
- Any trucked or hauled pollutants, except at discharge points designated by the District and with prior approval of the District; provided, however, that recreational vehicles with a holding tank capacity of less than fifty gallons may discharge into the Sewer Collection System through designated discharge points.
- Any liquid or vapor having temperatures higher than one hundred and four degrees Fahrenheit (104° F)
- Any water or waste which may contain more than one hundred parts per million (100 ppm) by weight of animal or vegetable fat, oil or grease.
- Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas, oil or grease.
- Any garbage that has not been properly shredded to less than one-half inch (½") in the largest dimension.

- Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper and normal operation of the Sewer Collection System.
- Any waters or wastes having pH lower than 5.0 or higher than 9.0, or having any other corrosive or toxic property capable of causing damage or hazard to structures, equipment or personnel of the System.
- Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any Sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving waters of the sewer treatment plant effluent.
- Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewer treatment plant.
- Any noxious substances or malodorous waste, waters, gases or substance capable of creating a public nuisance, either in the sewer or at the sewer treatment plant.
- A five (5) day B.O.D. concentration greater than three hundred parts per million (300 ppm).
- A concentration of more than three hundred parts per million (300 ppm) of suspended solids.
- Concentrated wastes from septic tanks and portable sanitary devices.
- A peak flow rate greater than five (5) times the average flow rate or peak flow greater than two times the EQRs for the property more than three times in 12 months.
- Any chemicals having a twenty-four (24) hour proportionate composite sample concentration at the point of discharge in excess of the following:

Cadmium	0.10 mg/l
Chromium	5.0 mg/l
Copper	3.0 mg/l
Cyanides	2.0 mg/l
Iron	15.0 mg/l
Phenol	10.0 mg/l
H ₂ s (Hydrogen Sulfide)	1.0 mg/l
Zinc	2.0 mg/l

- Any water in such volume or any water containing Sewage or Industrial Waste, in such volume, discharged into the Sewer Collection System such that actual damage to the System results, whether through negligence or otherwise by the discharging Person.

5.3 PRETREATMENT. Where deemed necessary by the District, whose determination shall be final, the Member shall provide preliminary treatment at its sole cost and expense. Where preliminary treatment facilities are provided for any non-domestic wastewater, they shall meet with the approval of the Board for adequacy of design, and once built, shall be maintained

continuously in satisfactory and effective operation by the Member. When required by the Board, the Member of any property served by a Service Line carrying Industrial Wastes or Other Wastes shall install a suitable control manhole or monitoring point in the building sewer to facilitate observation, sampling and measurement of the waste discharged into the System before it enters the grinder pump station. Such manhole or monitoring point shall be accessible and safely located, and constructed in accordance with plans and specifications approved by the District. The manhole or monitoring point shall be installed and maintained by the Member at its expense.

In addition to the foregoing requirements, the Member shall also provide to the District the information requested in the application attached hereto as Appendix D, and shall abide by any additional requirements imposed by the District due to the nature of the commercial or industrial use requested.

5.4 SUMP PUMPS AND OTHER ILLEGAL DEVICES. No plumbing fixture, device, construction or plumbing system shall be installed within any building or improvement which will directly or indirectly connect to the Sewer Collection System, and no physical connections shall be permitted between a Service Line and a sump pump or other facility in such a manner that through either the manipulation of valves, the lack of back pressure valves, or as a result of any other arrangement or connection, it is possible to drain flood, overflow, storm or ground water directly or indirectly into the Sewer Collection System. In addition to any other penalties imposed under these rules, any person having connected, or permitting to be connected, such a system to a Service Line or a Sewer Main may be given notice to immediately disconnect such device or pumping system at his/her cost.

5.5 SERVICE LINES AND CONNECTIONS

5.5.1 Cost Responsibility. All cost and expense incident to the installation, connection, maintenance and replacement of Service Lines shall be borne by the Member.

5.5.2 Maintenance of Service Lines. Member shall be responsible for maintaining the entire length of the Member's Service Lines from the building to the grinder pump. Maintenance of the Service line shall include, but not be limited to, snaking and jetting to remove blockages from the Member's building to the grinder pump. Excess infiltration leaks, collapse of the pipe, or breaks in the Service Lines shall be repaired by the Member within seventy-two (72) hours from the time of notification of such condition by the District, or the Member's discovery of such condition. If satisfactory progress toward repairing the leak has not been made by the time specified, the District shall have the authority to repair, or have repaired, the Service Lines and shall charge the Member all resulting costs. The District may place a lien against the property of such Member to secure the payment of repair costs, in addition to other available authorized procedures. Where a gravity line extension in the service line (from home to grinder pump) was installed in a roadway or other property owned or controlled by a third party, and where legal access is needed to effectuate a repair or clearing of blockage, the Member shall take reasonable steps, including written requests, to obtain necessary access from the third party. If the Member is not able to obtain the necessary legal access, the District shall be responsible for obtaining access, and the Member shall not be liable for costs of obtaining such access. The District, to the

extent feasible, shall provide the Member a reasonable opportunity and time period (no more than 72 hours) to effectuate the necessary repair, based on access secured by the District for the Member. If access cannot be obtained by the District for the Member to perform the repairs, the District shall perform the necessary repairs. If construction specification or workmanship defects are the cause of gravity line extension failure, the responsible engineer or builder will be notified and assessed costs. If the gravity line extension is not under construction or other warranty, the District shall pay all costs of necessary repair in the gravity line extension section of the Service Line. Actual ownership of the gravity line extension shall not alter the procedures set forth in this section.

5.5.3 Design – Construction. All Service Lines shall be constructed in accordance with the minimum standards set forth by the Engineer. Service Lines shall not be used until inspected and approved by the District. The cost for this inspection service is set forth in Appendix A.

5.6 INDIVIDUAL SERVICE LINES. Each individual commercial structure connected shall pay for individual sewer taps (Tapping Fee) and shall install separate Service Lines for each commercial structure. Each individual residential structure connected shall pay for individual sewer taps (Tapping Fee) and shall install separate Service Lines for each residential structure. Any variance from these requirements must be authorized by obtaining written approval of the Board.

5.7 GREASE, OIL OR SAND INTERCEPTORS.

5.7.1 Installation and Location. Grease, oil or sand interceptors shall be provided and installed at the sole cost and expense of the Member when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing greases or oils in excessive amounts, or any flammable wastes, sand or other harmful ingredient. All interceptors shall be located as to be readily available and accessible for cleaning and inspection. Grease, oil or sand interceptors shall be in an accessible location for maintenance and inspection and shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Interceptors shall be watertight, and, if necessary, as determined by the District, gastight and vented.

5.7.2 Maintenance and Inspection. Where installed, all grease, oil or sand interceptors shall be maintained by the Member at the Member's sole cost and expense, in continually efficient operation at all times. The District requires a monthly or periodic cleaning and pumping of any grease, oil or sand interceptors as approved by the District. The District shall make at least quarterly inspections of grease, oil or sand interceptors. The cost of the District's inspections shall be billed directly by the District to the Member.

5.8 SWIMMING POOLS. No public or private swimming pool shall be connected to the Sewer Collection System without first obtaining a special Permit from the District. Such Permit shall define and specify the hours during which water may be discharged from such pools into the Sewer Collection System and prescribe the fees and charges thereof.

A permanent sign must be placed prominently at all pool filter installations stating that

pools are not to be drained without permission from the District, that pool draining rates will be subject to approval of the District, and that draining shall be limited to the hours between 11 p.m. and 6 a.m. on the date specified by the District.

SECTION 6 - RATES AND CHARGES

6.1 GENERAL. The Board has established Plant Investment Fees, Tapping Fees, Operating Fees and other fee schedules. The current fee rates are set forth in Appendix A. These fees may be increased or decreased by the Board at a publicly-noticed business meeting.

6.2 TAPPING FEES. For sewer line extension for new service, tapping fees are set to cover the Actual Cost incurred by the District in the inspection of tap connections and Service Line installations and records processing for the same. If multiple inspections are required because of poor installation or poor scheduling on the part of the contractor, the District may charge additional fees based on Actual Costs, hourly rates and expenses incurred.

6.3 EQUIVALENT RESIDENTIAL and NON-RESIDENTIAL UNIT (EQR) SCHEDULES. For the setting of certain fees, the District has established Equivalent Residential and Non-Residential Unit (EQR) schedules. The schedules are given in the following table.

EQUIVALENT RESIDENTIAL UNIT (EQR) SCHEDULE

A. RESIDENTIAL CLASSIFICATIONS

Type of Use	Number of EQRs
Manufactured Homes having one bathroom	0.75
Homes with one bedroom and bathroom; Manufactured Homes with more than one bathroom	1.00
Homes with more than one bedroom or bathroom	1.00 + 0.25 for each additional bedroom and bathroom
Properties with more than one living unit	0.75 per living unit + 0.25 for each bedroom or bathroom added

B. COMMERCIAL CLASSIFICATION

Type of Use	Number of EQRs
Eldorado Artesian Springs facilities (including pool, event space, food service, offices)	14.25
Commercial property other than Eldorado Artesian Springs	1.25

6.4 PRIORITY OF APPLICATION OF OPERATING FEE PAYMENTS RECEIVED BY THE DISTRICT. The District incorporates the following priority of payments schedule:

1. First, towards the payment of all late charges, penalties and miscellaneous fees imposed with regard to any and all sewer services and facilities; then
2. Towards the payment of all past due Sewer Operating Fees; then
3. Towards the payment of all current Sewer Operating Fees

SECTION 7 – ENFORCEMENT

7.1 VIOLATION OF RULES. Any Person violating any of the provisions of these Rules shall become liable to the District for any expense, loss or damage arising from the violation as set forth in this Section 7 and applicable law. Enforcement proceedings in this Section 7 are subject to the rights of appeal in Section 9 and granted under state law.

7.2 EXCESSIVE OR UNAUTHORIZED DISCHARGES

7.2.1 Discharge of Sewage or Industrial Waste in any manner in violation of these Rules shall be corrected or abated as directed by the District.

7.2.2 Whenever a discharge of Sewage or Industrial Waste or the operation or maintenance of a grease, sand or oil interceptor or any pre-treatment system is in violation of the provisions of these Rules or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District will issue written notice to correct the practice within seventy-two (72) hours of the notice. If the practice is not corrected within such time, the District may notify the State Health Department. In addition, all of the costs of the aforementioned proceedings and any fines or penalties imposed on the District by the State shall be charged against the property and, until paid, shall constitute a perpetual lien against the property.

7.2.3 When a discharge of wastes causes an obstruction, damage or any other impairment to the System, the District may assess a charge against the Member for the work required to clean or repair the facility and add such charge to the Member's sewer service charge, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges, which until paid shall constitute a perpetual lien against the property.

7.2.4 The District may enter upon private property for the purpose of inspection and maintenance of the System and may take action under these Rules where a violation of any of these Rules is found to exist pursuant to the procedures set forth herein.

7.2.5 The prohibitions against unauthorized discharge of wastes proscribed in this Section include the dumping or pumping of wastes directly into the District's manholes without the prior written consent of the District.

7.3 PENALTY FOR LATE PAYMENT. If at any time, a Member's account becomes over fifteen (15) calendar days past due, the District shall have the right to assess the Member a past due charge of \$15.00. If at any time, a Member's delinquent account is over \$150.00 and six months past due, the District may choose to certify the delinquent amount with the Boulder County Treasurer for collection with property taxes. Further, the District has the right to assess to any Member who is overdue in payment all legal, administrative, court, County and other costs necessary to or incidental to the collection of said account.

7.4 LIEN FOR PAST DUE AMOUNTS. All overdue costs, fines and penalties may become a lien upon the violator's property, if appropriate, as allowed by Sections 30-11-101, *et. seq* and 30-20-402, C.R.S., as amended, or may become a lien upon the property receiving the unauthorized services at the time of the violation, or both, as the District deems appropriate. The District may assess interest on unpaid portions of all such costs, penalties and fees, accrued from the due date established by the District.

7.5 COURT ACTION The County may, on behalf of the District, file an action in civil court against any person who intentionally or negligently violates any provision of these Rules or conditions set forth in any Permit or Special Permit duly issued by the District for damages incurred as a result of such negligence or intentional violation of these Rules. Before filing a Court action against an individual member, the District must first provide written notice and an opportunity for appeal to the Board pursuant to Section 8.3.

SECTION 8 – EMERGENCY REVOCATION OF SERVICE

In the event of an emergency, the District may temporarily suspend service without prior notice; provided however, the District shall provide subsequent notice to the affected properties of the suspension which states the reason for, and estimated duration of, such action. Members shall take all reasonable steps to cooperate with District operations and directives intended to restore service as a result of an emergency, including preventing all discharges to the System, unless and until notified otherwise.

SECTION 9 - COMPLAINT RESOLUTION AND APPEAL PROCEDURES

9.1 APPLICATION. The procedures established by this section shall apply to all complaints concerning the interpretation, application or enforcement of the Rules of the District, as they now exist or may hereafter be amended. However, the procedures established by this section shall not apply to the complaints arising out of the interpretation of the terms of District contracts.

9.2 COMPLAINT RESOLUTION. Complaints concerning the interpretation, application or enforcement of the Rules of the District must be presented in writing to the District within 60 days of the District's action, or notice of such action, whichever is later, that is the subject of the complaint. Upon receipt of a complaint, the District, after a full and complete review of the allegations contained in the complaint, shall take such action and/or make such determination as may be warranted and shall notify the complainant of the action or determination by mail within fifteen (15) days after receipt of the complaint. However, where the Complainant's interests are

not prejudiced by a delay, the District may have up to 3 months to respond. Decisions which impact the District financially will not be binding upon the District unless approved by the Board at a special or regular meeting of the Board. The processing of such complaint shall be at no cost to the complainant.

9.3 APPEAL. The Complainant may appeal the decision of District by submitting a written request to the Board within fifteen (15) days from the date written notice of the decision was mailed. Upon receipt of the appeal, if it is timely, and if any and all other prerequisites prescribed by these Rules have been met, the Board shall hear the appeal at its convenience, but in any event not later than thirty (30) days after the submission of the appeal.

Approved by the Board of County Commissioners for Boulder County at a duly noticed public _____ on _____ by Resolution Number _____.

Appendix A

Fees

The Owner/Member shall pay the fees for the following as applicable:

Actual Cost shall mean all direct costs applicable to the connection of a property to the System as it was completed in 2010, including new equipment, surveys, preliminary and design engineering, construction, inspection by the Inspector/Engineer, administrative, regulatory agency fees, bond fees, all required easements and/or rights-of-way, plan approval fees, "as-built" drawings, attorneys' fees, any other Inspector/Engineer expense.

Plant Investment Fee for Residential Construction:

In order to secure funding for future system and capital improvements, the LID shall collect prior to issuance of a building permit the following Plant Investment Fees related to new residential construction:

- New unit on a vacant lot: Regardless of the size of the unit, the Plant Investment Fee shall be calculated as \$13,875 per equivalency ("EQR").

For additions to existing residential structures, the Plant Investment Fee for each bedroom or bathroom added shall be calculated at \$3,470 (an additional .25 EQR).

Plant Investment Fee for Commercial Construction:

In order to secure funding for future system and capital improvements and to accurately charge Owners for the impacts of their new use on the System, the LID shall collect prior to issuance of a building permit Plant Investment Fees related to new commercial construction or new commercial use in the following manner:

The EQR assigned to the new construction or use will be determined on a case by case basis, using the flow analysis formula set forth in Colorado Water Quality Control Regulation number 43. In lieu of relying on Regulation No. 43, the Owner/Member may hire a licensed engineer to conduct an independent flow analysis that may take into account use of specific conservation measures.

All Plant Investment Fees collected shall be placed in a capital reserve fund.

Changes in Use:

- For any change in use from residential to commercial, the methodology described above for new commercial use shall be used to determine any increase or decrease in EQR.
- For any change in use from commercial to residential, the EQR shall be determined using the same bedroom/bathroom formula as for any other residence.

- A change in use that reduces the EQR does not entitle the Member to any refund of the PIF amount originally paid.

Operating Fees: Members shall pay a quarterly operating fee based on the EQR's in Section 6.4.

Changes in flows or modifications to structures that increase or decrease the EQR's shall entitle the Member to a recalculation of their Operating Fees. The increase or decrease in EQR shall be applied to the Member's Operating Fees from the date when the Land Use Building Permit is issued, or the date when the increase occurred.

No refunds will be made for any fees paid prior to notice that a reduction in EQR has occurred. Modifications that decrease the EQR do not entitle the Member to a refund of the PIF originally paid.

Tapping Fee. This fee is intended to cover the cost of the District's inspection of the physical tap and installation of the Customer's Service Line, entering the tap location on the District's as-built drawing set, and other ancillary services needed in connection with a new tap. If repeat inspection services are required due to unacceptable installation or improper scheduling, then the District will charge additional fees based on hourly rates and expenses incurred. This fee will be determined at the time of the application for new service.