



Board of County Commissioners

MEMORANDUM

TO: Board of County Commissioners
FR: Jon Adam, Public Works
Mark Ruzzin, Commissioners' Office

RE: Proposed Memorandum of Understanding between Boulder County and Eldorado Artesian Springs, Inc. regarding wastewater treatment services

September 24, 2020

At a public hearing on September 29, 2020, the County Commissioners will be considering adoption of a Memorandum of Understanding between the Eldorado Springs Local Improvement District (ESLID) and Eldorado Artesian Springs, Inc. (EAS), regarding the provision of wastewater treatment services. This memo provides background information on how and why the MOU was developed and the role it will play in defining the future relationship between ESLID and EAS.

ACTION REQUESTED: Decision/Adoption

The Eldorado Springs LID Advisory Committee considered the MOU at a public hearing held during its September 17, 2020 meeting. The committee voted 4-1 to recommend that the Board of County Commissioners enter into the agreement with EAS on behalf of ESLID.

BACKGROUND

Under Colorado Revised Statutes §§ 30-20-401 et seq. and 30-20-601 et seq., the Board of County Commissioners is authorized to operate and maintain water and sewerage facilities through local improvement districts. The commissioners established the Eldorado Springs Wastewater and Electric Local Improvement District in 2003 to operate and maintain the Eldorado Springs Wastewater Treatment Facility and collection system, and subsequently adopted the *Boulder County Eldorado Springs Wastewater and Electric Local Improvement District Rules and Regulations* to govern the operations and functions of the LID and guide overall management of LID infrastructure.

The Board of County Commissioners serves as the ESLID Board of Directors and has approving authority for all operational and financial decisions that impact the district. In 2011 the Board created the Eldorado Springs LID Advisory Committee (ESLAC) to advise the Board on these decisions and serve as a communication link between the ratepayers and residents of the District and the Board.

PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

The MOU is proposed to govern the roles and responsibilities of ESLID and Eldorado Artesian Springs, Inc. as they relate to improvements EAS is making to its swimming pool and ballroom and any resulting impacts on the Eldorado Springs Wastewater Treatment Facility (WWTF). EAS received county approval with conditions for what is known as the East (swimming pool) and West (ballroom) projects through Resolution 2018-91, which was then updated and replaced by Resolution 2020-28.

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

Once these expected improvements to the EAS properties served by the LID are completed, the overall impact of EAS on the WWTF will increase over current conditions. In this scenario, three different LID regulations come into play:

3.4.1. Change in Members' Equipment, Service, or Use of Property

No change in the Member's equipment, service or use of property that may change the property's equivalencies or materially change the composition or flow of sewage shall be made without the prior notification to and written approval of the District.

5.4.2a. Sewer Demand

Any Member increasing the number of bedrooms or bathrooms or increasing Sewage flows so that the number of EQRs will be increased, must apply for a modified Permit.

5.4.2b. Increased Fees

In those cases where the District determines that there will be an increase in Sewage flows or loads, or increase in EQRs, the Member shall pay Fees in accordance with Section 6 and Appendix A.

Upon full execution, the MOU will:

- Satisfy Regulation 3.4.1 in respect to changes of facilities and discharges and serve as the District's written approval for EAS to make the changes necessitated by its property renovation;
- Satisfy Regulation 5.4.2a by acting as a modified Permit for discharges from pre-existing EAS facilities and, when completed, the East Project and West Project; and
- Satisfy Regulation 5.4.2b regarding recalculation of fees.

It is important to note that all matters related to the relationship between ESLID and EAS that are not specifically addressed in the MOU will be governed by the ELSID Regulations. If any provisions of the MOU conflict with any provision of the Regulations, the Regulations will apply. Said differently, the MOU will supplement ESLID Regulations; it will not supplant them.

ESLAC's ROLE IN DEVELOPING THE MOU

Per the ESLID Regulations, ESLAC is required to complete an analysis of any proposed change to the use of a District member's property that could increase the burden that member places on the wastewater treatment facility. Should this analysis show that the proposed changes will increase the member's discharge to the WWTF, ESLAC is then required to calculate a new Equivalent Residential Unit (EQR) and Plant Investment Fee (PIF) for the property.

When evaluating the EAS land use approval, ESLAC also took into consideration Resolution 2020-28 Condition of Approval 10a, which states that the WWTF must maintain adequate capacity to handle the resort wastewater discharge, and requires EAS to monitor and report daily wastewater discharge to the county on an annual basis. ESLAC included provisions in the MOU to address this condition of approval to its satisfaction.

TIMELINE OF THE ESLAC DECISION-MAKING AND PUBLIC PROCESS

Eldorado Springs community members, ESLAC, EAS, and county staff have been engaged in open deliberations on developing the proposed MOU for the EAS East (swimming pool) and West (ballroom) projects since the fall of 2018. Until this EAS proposal, the only changes of use brought to the LID by members have been additions to or rebuilds of residential homes. In these cases, as guided by the ESLID Regulations identified above, recalculating a property's EQR and PIF is a simple formulaic exercise that

requires no formal public process and which is handled through the land use review process overseen by the Community Planning and Permitting department. The EAS proposal is the first commercially oriented project that ESLAC has had to evaluate and process, and this simple fact alone necessitated and required a thoughtful, deliberative process.

ESLAC included the EAS proposal, and ultimately the proposed MOU, as an agenda item on 14 of the 21 monthly meetings it held between October 2018 and September 2020. These meetings included presentations from and dialogue with EAS and its engineering and design teams; conversations with the WWTF operator; and monthly discussions between ESLAC members and county staff. ESLAC members worked collaboratively with county staff to first identify the appropriate approach for evaluating the potential impact of the EAS proposal on the community WWTF, and then to review and “fine tune” the analyses as it was completed. At its monthly meetings ESLAC provided guidance on the items it wanted to see included in the MOU, and made revisions as it saw necessary.

At its September 17, 2020 meeting, ESLAC made one small revision to the fifth version of the MOU, and recommended that version to the BOCC on a 4-1 vote.

Efforts to engage Eldorado Springs community members in the process of developing and providing input to the EAS analysis and MOU included:

- Sharing of the detailed ESLAC monthly meeting minutes to the Eldorado Springs Community Association’s email listserv; minutes were shared after they were formally approved by ESLAC. Meeting minutes and other meeting materials were also posted on the ESLAC webpage on the Boulder County website.
- Every ESLAC meeting includes a public participation agenda item; on several occasions, members of the community shared their opinions on the EAS impact analysis and the MOU during this time.
- Once county staff received approval from the County Attorney’s Office, all versions of the MOU were shared with the community email listserv.
- A virtual community meeting was held on September 3, 2020, with approximately 20 community members participating in the meeting. County staff participating included the ESLAC staff liaisons and representatives from the County Attorney’s Office.

OVERVIEW OF THE MEMORANDUM OF UNDERSTANDING

Please see Attachment A, the MOU.

Recitals F, G, and H (p. 2): EQR and PIF

Recitals F, G, and H describe in detail the data and information used to analyze and evaluate the potential impact the EAS renovation projects will have on the WWTF. Specific items to note include:

- EAS was assigned an EQR of 8.25 at the time of the District’s formation.
- Through its analysis ESLAC found no need to change the existing 7.0 EQR that is dedicated to the East Project (swimming pool). EAS informed ESLAC that it will be rebuilding the swimming pool from the ground up, and will be upgrading the pool’s filtering equipment; this upgrade is expected to significantly reduce wastewater discharge from the pool.
- ESLAC utilized the maximum total occupant load for the West Project (ballroom) as calculated by CPP staff. This calculation involves applying International Building Code (IBC) requirements to the West Project (ballroom) design plans as submitted to CPP by EAS, and yielded a maximum total occupant load of 376 people per day.

- ESLAC utilized the Colorado Department of Public Health and Environment’s Regulation 43, Table 6-2, to determine that attendees at events held at the West Project (ballroom) will use 5 gallons of water per person per day. This results in a projected total peak wastewater discharge of 1,880 gallons per day above current uses. EAS informed ESLAC that, as required by its land use approval, no on-site kitchen or food service amenities will be included in the ballroom; dish washing and other food service clean-up needs will be handled off-site.
- ESLAC evaluated current operating conditions of the WWTF and the wastewater treatment system in general to determine that each new EQR for the West Project (ballroom) should be assigned a value of 253.5 gallons per EQR.

With this analysis in hand, the EQR and PIF calculations follow as such:

West Project (ballroom) occupant load per IBC = 376
 Peak discharge per occupant per CDPHE Reg 43 = 5 gallons/person/day
 Peak discharge for ballroom = occupant load x discharge per occupant = 1,880 gallons/day
 Gallons of discharge per 1.00 EQR as determined by ESLAC = 253.5

$EQR = 1,880 \text{ gallons of peak discharge for ballroom} / 253.5 \text{ gallons of discharge per 1.0 EQR} = 7.25$

Given that the total EQR currently assigned to the EAS property is 8.25, and just 7.0 of that EQR will be utilized by the East Project (swimming pool), ESLAC supported the inclusion of the remaining 1.25 EQR assigned to the office spaces at the resort into the new EQR for the West Project (ballroom) portion of the resort renovation. This impacts the calculation of the Plant Investment Fee.

Plant Investment Fee = \$13,875.00 per 1.00 EQR (*per ESLID Rules & Regulations*)
 PIF = 7.25 EQR (as determined by ESLAC analysis) - 1.25 EQR credit x \$13,875.00

Thus, the analysis above leads to the following EQR and Plant Investment Fee for the West Project:

West Project occupant load	Peak discharge per occupant (gal/day)	Peak total discharge (gal/day)	Gallons of discharge per 1.00 EQR	EQR	EQR for purposes of calculating PIF	Plant Investment Fee
376	5.0	1,880	253.5	7.25	6.0	\$83,250.00

Note: EQR rounded down to nearest 0.25 increment.

As required by the ESLID Regulations, EAS must pay the PIF of \$83,250.00 before it will receive its building permit for the West Project. Moving forward, EAS will also see an increase in its quarterly wastewater service fees.

Section 7 (p. 4): Discharge Flow Monitoring

To meet the requirements for discharge flow monitoring included in Resolution 2020-28, the MOU requires EAS to purchase and install flow monitoring equipment, including ultrasonic flow meters, auto samplers, flow measurement flumes, and the associated communications equipment needed to review discharge flow data from an internet interface. EAS will also be required to construct manholes to house the monitoring equipment.

Upon installation, this equipment will become the property of the District, which will operate and maintain it over time.

Section 5 (p. 3): Facility Capacity

The discharge flow monitoring equipment described above is critical to understanding the long-term impacts the EAS projects (swimming pool and ballroom) are having on the total processing capacity of the WWTF. Section 5 of the MOU underlines the importance of this discharge flow data and will require EAS and ESLID to meet if the flow data is revealing consistent and regular daily flow levels from the projects that are more than the flows that are expected from the MOU flow analysis.

Section 11 (p. 4) Contract Termination

Either ESLID or EAS may terminate the MOU for any reason by providing 120 days' notice to the other party. However, if the MOU is terminated for any reason, EAS will be deemed to be without a modified Permit as required under Section 5.4.2 of the ESLID Rules and Regulations, and a new process will be required to review and approve the EAS use of the wastewater treatment system. This provision protects ESLID should EAS or even ESLID itself decide to terminate the MOU.

Enforcement

As the county commissioners are familiar with, a Memorandum of Understanding is a common tool employed by local and state governments for entering into agreements such as the one contemplated between ESLID and EAS. As a type of contract, ESLID and the county will have District Court action as a tool for enforcing the MOU if necessary.

ESLAC RECOMMENDATION

As noted above, ESLAC considered the MOU at a public hearing held during its September 17, 2020 meeting. The committee voted 4-1 to recommend that the Board of County Commissioners enter into the agreement with EAS on behalf of ESLID.

ADDITIONAL INFORMATION

Attached please find additional information and analyses that were developed and used to inform ESLAC's decision-making process in developing the new EAS EQR, PIF, and other components of the MOU.

Attachment B: Colorado Department of Public Health and Environment's Regulation 43, Table 6-2

Attachment C: Eldorado Artesian Springs Wastewater Engineering Report

Attachment D: WWTF Capacity Flow, 2013-2020

Attachment E: ESLID EQR Growth over time

Attachment F: ESLID Rules and Regulations

Attachment G: ESLID Rules and Regulations, Appendix A

MEMORANDUM OF UNDERSTANDING

DETAILS SUMMARY	
Document Type	New Contract
OFS Number-Version	
County Contact Information	
Boulder County Legal Entity	Boulder County
Department	Commissioners Office
Division/Program	Eldorado Springs Wastewater and Electric Local Improvement District
Mailing Address	P.O. Box 471, Boulder, CO 80306
MOU Contact – Name, email	Mark Ruzzin, mruzzin@bouldercounty.org
Invoice Contact – Name, email	N/A
EAS Contact Information	
EAS Name	Eldorado Artesian Springs, Inc.
EAS Mailing Address	
Contact 1- Name, title	
Contact 1- email	
MOU Term	
Start Date	Upon approval of the Certificate of Occupancy for either the East or West Project, whichever is first.
End Date	Upon any modification to EAS property resulting in additional discharges over those described in this Memorandum of Understanding
Brief Description of MOU	
MOU governing the roles and responsibilities of the Eldorado Springs Wastewater and Electric Local Improvement District, Boulder County, and Eldorado Artesian Springs, Inc. as they relate to EAS's continued improvements to its property and resulting impacts on the Eldorado Springs Wastewater Treatment Facility.	

RECITALS

- A. Eldorado Artesian Springs, Inc. (“EAS”) owns a commercial property in Eldorado Springs, Colorado.
- B. Under §§ 30-20-401 et seq. and 30-20-601 et seq., C.R.S., the Board of County Commissioners of Boulder County (the “Board”) has authority to operate and maintain water and sewerage facilities through local improvement districts. The Board established the Eldorado Springs Wastewater and Electric Local Improvement District (“District”) to operate and maintain the Eldorado Springs Wastewater Treatment Facility (“Facility”). As authorized by statute, in 2015 the District adopted the *Boulder County Eldorado Springs Wastewater and Electric Local Improvement District Rules and Regulations* (the “Regulations”) for management of the Facility.
- C. EAS is currently in the process of renovating its property, which lies within the District boundaries and is served by the Facility. EAS intends to remodel its swimming pool (the “East

Project”) and ballroom/snack bar (the “West Project”).

D. The East Project and West Project were approved with conditions by the Board through Resolution 2020-28.

E. Section 3.4.1 of the Regulations states that “any . . . change which, in the opinion of the District, will increase the burden placed on the System by the Member, or change the Member’s EQR, shall require a redetermination of the fees set forth in Appendix A, and the Member shall pay the increase or decrease in such fees in proportion to the adjustment in equivalencies.” Appendix A makes reference to Colorado Water Quality Control Regulation 43 for calculation of EQRs for commercial uses.

F. At the request of EAS, the District provided an updated calculation of Equivalent Residential Units (“EQRs”) applicable to, and the Plant Investment Fee (“PIF”) required for, the East Project and West Project. The District relied on *EQR Recommendations for Eldorado Springs Resort Renovation Project* produced by Trail Ridge Consulting Engineers for EAS dated March 7, 2019, the Colorado Department of Public Health and Environment’s Regulation 43, Table 6-2, and calculations conducted by County staff based on International Building Code (“IBC”) and other applicable standards.

G. The Regulations identified an original EQR for the entire EAS property of 8.25, with 7.0 EQR dedicated to the pool and 1.25 EQR dedicated to other uses on the EAS property. This total EQR has governed EAS payments to the District. Regarding the East Project, the District found no change to the existing 7.0 EQR dedicated to the pool/East Project.

H. Application of the International Building Code to the West Project yielded a maximum total occupant load of 376 people per day, each using 5 gallons of water, for a projected total peak discharge of 1,880 gallons per day above current uses. The additional use and projected discharge rates yielded an additional EQR of 7.25. The District credited 1.25 EQR back to EAS based on its analysis of the actual discharges from EAS property over time, resulting in a new, additional EQR from the West Project of 6.0, for a revised total EQR of 14.25. Applying the formulae set forth in Appendix A to the Regulations, the new EQR results in a new Plant Investment Fee requirement of \$83,250.00.

I. In Resolution 2020-28, the Board noted that adequate wastewater treatment capacity must be maintained for operation of the EAS property as expanded through the East Project and West Project. Therefore, the Board included a condition of approval requiring EAS to monitor its average daily wastewater discharge going forward.

J. The Parties recognize that there is some uncertainty as to future water usage and discharge rates from the renovated EAS property and wish to clarify their rights and obligations with respect to changed conditions.

THEREFORE, THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between the County, on behalf of the District, and EAS to address potential future occurrences. The County, District, and EAS are each referred to as a “Party,” and, collectively, the “Parties.”

In consideration of the mutual covenants contained in this MOU, the sufficiency of which is hereby

acknowledged, the Parties agree as follows:

1. Incorporation into MOU: The **Details Summary** and **Recitals** set forth above are incorporated into this MOU.

2. MOU Satisfies Requirement for Modified Permit; Conflict with Rules; Effect of Termination. Upon full execution, this MOU satisfies the requirements of the Regulations for permitting of the pre-existing EAS facilities and the East Project and West Project. The fully signed MOU will satisfy Section 3.4 of the Regulations with respect to changes of facilities and discharges. EAS is presumed to have a current permit per Section 5.4 of the Regulations. The fully signed MOU satisfies Section 5.4.2 of the Regulations and acts as a modified Permit for discharges from pre-existing EAS facilities and the completed East Project and West Project. All matters not specifically addressed in this MOU will be governed by the Regulations. If any provisions of the MOU conflict with any provision of the Regulations, the Regulations will apply.

If this MOU is terminated for any reason, EAS will be deemed to be without a modified Permit as required under Section 5.4.2, and all rights and obligations in the Regulations with respect to provision of services by the District to EAS will immediately apply.

3. Term of MOU: The **MOU Term** begins on the **Start Date**, and ends on the **End Date**.

4. Extension of MOU Term: This MOU may only be extended upon mutual agreement of the Parties in writing.

5. Facility Capacity: Upon the occurrence of the following, the Parties agree to immediately meet to discuss Facility capacity and the potential for State-mandated Facility expansion:

a. Evaluation of EAS flow data reveals consistent and regular daily flow levels, as defined by the County, that are 25% above 1,880 gallons per day for the West Project and 2,000 gallons per day for the East Project.

6. Extraordinary Use: Pursuant to occupancy maximums set forth in the conditional approval of Docket LU-18-0012 for the East Project and West Project, the West Project's updated EQR and PIF allow for a total peak discharge of 1,880 gallons per day from the ballroom/snack bar facilities.

a. EAS shall pay a surcharge to the District for each day that discharge to the Facility exceeds 1,880 gallons from the ballroom/snack bar facilities, at the rate of 1.2 cents per gallon.

b. Any surcharge required hereunder shall be added to the EAS quarterly operating fee and shall be paid by EAS to the District no later than thirty (30) days following delivery of an invoice from the District to EAS.

c. Pursuant to Regulation 3.4.1, the District reserves the right to find that frequent or exceptional daily discharges from the ballroom/snack bar facilities in excess of 1,880 gallons per day constitute a change that requires a redetermination of the fees as set forth in the Regulations, Appendix A.

7. Responsibilities of EAS:

- a. EAS shall pay to the District the full PIF of \$83,250.00 for the West Project facilities prior to commencing work on the West Project.
 - b. To meet its monitoring requirements set forth in Resolution 2020-28:
 - i. EAS shall purchase 3 commercial grade E-one duplex units to replace the existing residential E-one units, one E-one pump unit to be installed in the East Project pit; one to be installed in the West Project pit; and one to be used as a back-up unit to be stored in the Facility.
 - ii. EAS shall purchase and install 2 ultrasonic flow meters, 2 auto samplers, 2 flow measurement flumes, and their associated communications equipment, one set for the East Project pit and one for the West Project pit.
 - iii. EAS shall install 2 monitoring manholes upstream of the two E-one pits, that will each hold an auto-sampler and flow measurement flume.
 - c. Upon installation, the equipment identified in 6b above shall become the property of the District, which will operate and maintain the equipment over time.
8. Responsibilities of the District:
- a. The District will monitor flow meter data related to the East and West Project facilities using the improvements made by EAS under Section 7. If the District determines that metering is no longer required, the District shall provide notice thereof to EAS.
9. Liability: Each Party agrees to be responsible for its own actions or omissions, and those of its officers, agents and employees in the performance or failure to perform any responsibilities under this MOU. By agreeing to this provision, neither Party waives or intends to waive, as to any person not a party to the MOU, the limitations on liability that are provided to the Parties under the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S.
10. Independent Contractor: Neither Party is an employee of the other Party for any purpose, including the Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the Colorado Workers' Compensation Act, the Colorado Unemployment Insurance Act, and the Public Employees Retirement Association. Each Party is responsible for employing and directing such personnel and agents as it requires to perform its responsibilities hereunder.
11. Termination: Either Party may terminate this MOU for any reason upon one hundred-twenty (120) days' notice to the other Party.
12. Governmental Immunity: Nothing in this MOU shall be construed in any way to be a waiver of the County's or District's immunity protection under the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as amended.
13. Execution by Counterparts; Electronic Signatures: This MOU may be executed in multiple

counterparts, each of which will be deemed an original, but all of which will constitute one agreement. The Parties approve the use of electronic signatures, governed by the Uniform Electronic Transactions Act, §§ 24 71.3 101 to 121, C.R.S. The Parties will not deny the legal effect or enforceability of this MOU solely because it is in electronic form or because an electronic record was used in its creation. The Parties will not object to the admissibility of this MOU in the form of electronic record, or paper copy of an electronic document, or paper copy of a document bearing an electronic signature, because it is not in its original form or is not an original.

14. Insurance: Each Party shall always during the terms of this MOU maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities in performing its responsibilities under this MOU.

15. Governing Law: The laws of the State of Colorado govern the construction, interpretation, performance and enforcement of this MOU.

16. Third Party Beneficiary: Enforcement of the terms and conditions and all rights and obligations of this MOU are reserved to the Parties. Any other person receiving services or benefits under this MOU is an incidental beneficiary only and has no rights under this MOU.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties have executed and entered into this MOU as of the latter day and year indicated below.

SIGNED for Boulder County on behalf of the Eldorado Springs Local Improvement District	SIGNED for and on behalf of EAS
Signature:	Signature:
Name: Deb Gardner	Name:
Title: Chair of the Board of County Commissioners for Boulder County	Title:
Date:	Date:
↓↓ <i>For Board-signed documents only</i> ↓↓	
Attest Signature:	<i>Initial</i>
Attestor Name:	
Attestor Title:	

- c. The stored flow must be distributed to the soil treatment area before the next greater-than-average peak.
- d. Flow equalization may be used only if:
 - (1) The facility is non-residential;
 - (2) The facility is only used for one purpose;
 - (3) Flows will follow a predictable pattern; and
 - (4) There is a long-term expectation that size and pattern of the flows will remain the same.
- e. Timed dosed pressure distribution or timed dosed NDDS must be used. The soil treatment area reduction for pressure distribution (Table 10-2) must not be used in addition to the flow equalization reduction.
- f. Contingency plans must be made for expanding the capacity of the OWTS in the event of changed use at the facility.

TABLE 6-2 For Design Purposes, the Estimated Daily Wastewater Flow and BOD₅ Load Per Person Unless Otherwise Noted

RESIDENTIAL WASTEWATER	GPD	BOD ₅ IN POUNDS PER DAY
Single-family dwellings	75	.20
Auxiliary buildings, by fixture type		
Bath/Shower	14.7	.014
Dishwasher	1.8	.002
Kitchen sink with garbage grinder	5.8	.052
Laundry washer	19.5	.037
Lavatory	8.4	.021
Water closet (toilet)	24.8	.029
Hotels and motels per room	75	.15
Multiple-family dwellings or apartments	75	.20
Boarding and rooming houses (users absent during working hours)	50	.15

Tiny Homes ³ , per unit	150	.40
Mobile home	75	.20
Mobile home park per space	300	.80
COMMERCIAL WASTEWATER	GPD	BOD₅ IN POUNDS PER DAY
Facilities with short-term or transient visitors		
Examples: Airports or bus stations per passenger; fairgrounds per person attending; ball parks, race tracks, stadiums, theaters or auditoriums per seat	5	.02
Airport per employee	10	.06
Barber and beauty shops per chair	100	.70 ¹
Bowling alleys per lane - toilet wastes only	5	.03 ¹
Country club per member	30	.02
Country club per employee	20	.06
Dentist offices per non-wet chair	50	.14 ¹
Doctor offices per doctor	250	.80 ¹
Factories and plants exclusive of industrial wastewater per employee per eight-hour shift – no showers	20	.05
Factories and plants exclusive of industrial wastewater per employee per eight-hour shift - showers provided	35	.08
Kennels per dog	30	.20
Laundries, self-service per	400	.75

commercial washer		
Office buildings per employee per eight-hour shift	15	.06
Service stations per toilet fixture	250	.50 ¹
Stores and shopping centers per square foot of retail space	.1	.01 ¹
Work or construction camps semi-permanent with flush toilets	50	.17
Work or construction camps semi-permanent without flush toilets	35	.02
FOOD SERVICE ESTABLISHMENT	GPD	BOD₅ IN POUNDS PER DAY
Restaurant open 1 or 2 meals per seat	50	.06/meal
24-hour restaurant per seat	75	.07/meal served
Restaurant with paper service only per seat	25	.01/meal served
Additional for bars and cocktail lounges per seat	30	.02
Drive-in restaurant per car space	50	.02
INSTITUTIONAL WASTEWATER WITHOUT KITCHENS UNLESS OTHERWISE NOTED	GPD	BOD₅ IN POUNDS PER DAY
Churches per seat; without any food service, or other uses	3.5	.01
Churches, per seat; warming kitchen only, no major food service	5	.01
Churches, per seat; with food service, per meal served ⁴	4	.02

Hospitals per bed space	250	.20
Nursing homes; Group homes for developmentally disabled, per bed space	125	.20
Schools, Boarding per person	100	.17
Schools, Day without cafeteria, gym or showers	15	.04
Schools, Day with cafeterias, no gym or showers	20	.08
Schools, Day with cafeterias, gym and showers	25	.10
Schools, Day additional for school workers	15	.06
RECREATIONAL AND SEASONAL WASTEWATER USE	GPD	BOD₅ IN POUNDS PER DAY
Camps, day, no meals served	15	.12
Luxury resort	125	.17
Resort night and day	50	.12
Campground per campsite ²	50	.12
Public park flush toilet per fixture per hour when park is open	36	.04 lbs./ fixture
Public park urinal per fixture per hour when park is open	10	.01 lbs./fixture
Public park shower per fixture per hour when park is open	100	.10 lbs./ fixture
Public park faucet per fixture per hour when park is open	15	.04 lbs./ fixture
Swimming pools and bathhouses	10	.06

Travel trailer parks with individual water and sewage hookup per unit ²	100	.24
Travel trailer park without individual water and sewage hookup per unit ²	50	.12

- 1 BOD levels need further verification depending on the specific use of the facility.
- 2 Laundry facilities are to be calculated on a per commercial washer basis in accordance with other elements of this table.
- 3 For the purposes of this Table, a "Tiny home" is a structure (a non-recreational vehicle) that has only one bedroom and has <400 sq.ft. of livable space, including lofts. In this instance, the OWTS may be sized for only one bedroom.
- 4 For churches with food service, the 4 gal/meal must be added to the 3.5 gal/seat to determine projected design flows.

B. Wastewater Strength

1. Table 6-3 includes levels of treatment that can be achieved by various OWTS components, excluding the soil treatment area. Systems qualifying for these treatment levels except TL1 produced by a septic tank alone must be approved under section 43.13. of this regulation. If soil treatment area or vertical separation distance reductions are permitted, the local public health agency must have a maintenance oversight program under section 43.14.D. in place.
2. High strength waste must be reduced to at least Treatment Level TL1 quality or lower before applying to a soil treatment area. Waste strength levels defined in Tables 6-3 and 6-4 must be used to determine compliance.

Table 6-3 Treatment Levels

Treatment Level	BOD ₅ (mg/L)	CBOD ₅ ¹ (mg/L)	TSS (mg/L)	Total Nitrogen (mg/L)
TL1 ²	180	-	80	60-80
TL2	-	25	30	N/A ³
TL2N	-	25	30	>50% reduction ⁴
TL3	-	10	10	N/A ³
TL3N	-	10	10	20 mg/L

Shading indicates higher treatment levels.

- 1 Requirements for CBOD₅ are only related to effluent samples from a higher level treatment system.
- 2 Domestic septic tank effluent prior to soil treatment or higher level treatment has a wide range of concentrations. These values are typical, but values used for design must account for site-specific information.
- 3 Total Nitrogen does not apply to Treatment Levels TL2 and TL3. Processes intended to reduce total nitrogen are addressed in Treatment Levels TL2N and TL3N. Any total nitrogen reductions that may be observed for TL2 and TL3 are as a result of the treatment process for BOD₅ and TSS reductions.
- 4 NSF/ANSI Standard 245 – Wastewater Treatment Systems – Nitrogen Reduction requires reduction of 50 percent rather than an absolute value.



March 7, 2019

Doug Larson
Eldorado Springs Water Company
255 Artesian Drive
Eldorado Springs, CO

RE: EQR Recommendations for Eldorado Springs Resort Renovation Project

Doug:

This letter is to provide recommendations for determining an EQR for the Eldorado Springs Resort in support of a Building Permit Request for the renovation project. In accordance with the Eldorado Springs Wastewater and Electric Local Improvement District (LID) Rules and Regulations, the recommendations and reasoning within this letter is submitted for the LID Board to consider. It is understood that typical procedures require presentation of the findings in the letter at a Board Meeting for discussion purposes. Our team welcomes the opportunity to discuss this project with the Board at an upcoming meeting.

The Eldorado Springs Resort Renovation project consists of upgrades to the facility including the Ballroom/Snack Bar Building, the outdoor pool and supporting Bathhouse Building. The pool facilities do not operate year-round and are seasonal in nature with an average season of approximately 3 months. The Ballroom Facility is open year-round for booking of private events and typically sees use on a seasonal or part time basis as well.

As a part of the Building Permit Submittal the following maximum occupancy loads for the facility are determined:

<u>Pool/Bathhouse Facility (total persons)</u>	
North balcony	115
Bathhouse balcony	147

Lifeguard balcony	49
Pool	108
Pool decks	439
Picnic terrace	135
Pool equipment room	8

East Half Total 1001

Ballroom/Snack Bar Facility (total persons)

Snack bar	103
Ballroom	368
Ballroom Balcony	101
Water room	8

West Half Total 580

The Eldorado Springs facilities are currently being utilized with a peak daily flow rate exceeding 2000 gallons/day during flushing and maintenance activities for the pool which is generally completed during off peak hours from the resort. Currently, the pool is assessed 7 EQR and the snack bar/ballroom facilities are assessed an additional 1.25 EQR for a total of 8.25 for the facility.

The upgrades to the pool facility include installing new flushing and filter equipment which will significantly reduce the peak flow rates from the pool maintenance facilities. The new equipment proposed for the facility is a regenerative filter which does not require backwashing. The upgraded pool peak discharges will be reduced to 35 gal/day, significantly reducing the peak discharges from the existing backwashing and maintenance of the pool itself. The pool facilities include some upgrades to the current bathhouse and may include additional visitation and use. The peak discharge associated with the pool use has historically been attributed to the backwashing and maintenance of the facility. The backwash procedures currently in place utilize 2000 gallons per backwash run in 10-minute cycles at 200 gallons per minute. This process is completed every other day with daily backwashing completed during peak season. With the upgrades proposed for the backwashing equipment, no change to the EQR for the pool facility is currently recommended. Product data sheets are provided for the new pool equipment proposed.

The ballroom/snack bar facilities will be upgraded as well with potential expansion of the existing use of that facility. The general use of the facility would be to host private events within the ballroom. Events will generally

be limited to the ballroom space only and will not include use of the pool facilities unless desired on a case by case basis. The facility will not include any food/meal preparation with offsite catering services being generally used for the event guests. No cleaning or dishwashing of catering services is anticipated to take place at the facility. The snack bar will provide a small offering of prepackaged snacks and drinks to provide for the facility's guests. The snack bar facility has a maximum occupancy of 103 persons, of which will generally be included within the ballroom and pool/bathhouse use. To determine the adjusted EQR for the proposed ballroom/snack bar upgrades, the maximum occupancy numbers listed above as well as the *Colorado Department of Health and Environment Water Quality Control Commission Regulation No. 43* was referenced for determining a Peak Daily Loading for the sewer system. Referencing Table 6-2 of said document for a Commercial Wastewater use classification of Facilities with short-term or transient visitors, a peak discharge of 5 gallons per day per person was used. The Facilities with short-term or transient visitors is the closest use classification that fits the snack bar/ballroom facility use. The snack bar maximum occupancy of 103 persons and the ballroom balcony maximum occupancy of 101 persons was subtracted from the total occupancy use as guests of the facilities using the snack bar or ballroom balcony would already be accounted for within the pool facility or the ballroom facility. Considering the occupancy loading of the ballroom and water room a total occupant load of 376 people for the facility at 5 GPD results in a theoretical total peak discharge in GDP of 1,880 for the ballroom/snack bar facility.

The historic use of the facility has generally resulted in less visitation than the calculated maximum occupancy numbers provided by the code analysis. The facility has been utilized for several decades with recent visitation only exceeding 750 people per day a total of 4 times. General peak visitation to the facility has typically been averaged at around 370 people (per data kept by the owners). The EQR of 1.25 for the ballroom/snack bar facility was set at the standard rate for a commercial facility. The calculated theoretical peak daily flow determined by using the maximum occupancy of the snack bar/ballroom is approximately equivalent to the historical peak discharges seen from the facility. The peak discharge from the pool facility (backwash and maintenance discharges) will be significantly reduced. We understand the district board is not able to reduce an established EQR for a facility.

Strictly considering the reduction in daily peak discharge from the pool compared to the expanded use of the ballroom is almost a one to one comparison. The total increase of peak discharge attributed to the ball room expansion will generally be offset due to the pool equipment. Upgrades with the pool equipment result in water usage saved in backwashing being slightly higher than the theoretical maximum daily peak flow calculated from the ballroom usage. From this standpoint it is reasonable to expect that the ballroom facility impact will be generally mitigated by the reduction in pool equipment discharge.

From the architectural code study, the ballroom occupancy numbers listed above show roughly 50% occupant load of the total pool facility. The pool facility EQR is generally agreed to be a reasonable assessment for the facility at 7 EQR. The ballroom facility will have about half of the pool facility's peak occupancy. Based upon these facts we are recommending that a new EQR of 3.5 (roughly half of the EQR for the pool facility) be applied to the ballroom/snack bar facility and combined with the pool facility EQR of 7. The resulting total EQR for the facility would result in 10.5. If there are any questions about the methodology used within, please feel free to contact me.

Sincerely,



David Bangs, P.E.
Principal Engineer

Attachments:

- Pool Equipment Product Data
- Correspondence from Pool Designer

ATTACHMENT D

ESLID Plant Capacity Flow Data

Below please find a table listing monthly Plant Capacity Flow percentages for 2013-2020. This data comes from reports submitted by Ramey Environmental and ORC Water Professionals as the plant operators over the years, and is provided to ESLAC in monthly operating reports.

The table below shows Plant Capacity flows for the past nearly 8 years:

WWTF Plant Capacity Flow, %

	2013	2014	2015	2016	2017	2018	2019	2020
JAN	51	55	59	56	53	52	54	53
FEB	50	55	58	54	50	51	54	52
MAR	51	50	55	53	56	48	49	61
APR	51	54	58	58	59	50	55	76
MAY	60	66	98	72	77	66	49	91
JUN	74	65	62	66	67	91	53	64
JUL	54	65	56	84	68	81	56	52
AUG	56	65	82	83	64	65	60	58
SEP	105	56	55	62	57	54	62	
OCT	59	73	55	58	60	54	65	
NOV	55	57	55	63	50	52	60	
DEC	59	56	54	58	57	53	55	
AVG	60.4	59.8	62.3	64.0	59.8	59.8	56.0	63.4
AVG PLANT CAPACITY FLOW 2013-2020								60.6

Above 80% Design Capacity

Above 95% Design Capacity

Between January 2013 and August 2020, a total of 92 months, the plant has seen capacity flows above 80% design capacity in 6 different months, and capacity flows above 95% in 2 different months. We do know that extenuating circumstances explain some of these high capacity flow months:

- Sept 2013: Boulder County experienced the Front Range Flood
- June and July 2018: The EAS pool filtering system suffered a mechanical malfunction that resulted in significant flows being sent to the treatment plant; it took a number of weeks to identify and solve the problem.
- May 2020: With residents quarantining at home as a result of the COVID pandemic, wastewater flows were significantly higher than normal for this month, and the preceding month as well.

ATTACHMENT E

ESLID EQR Growth over time

County staff culled through old records to piece together ESLID EQR growth over time. The following table has been pulled together using various SDMS customer files and other information that Pete Salas archived over the years. While not a complete history of EQR growth, it does provide an accurate count in respect to where the EQR total currently stands:

YEAR	TOTAL EQRs
2006 & 2010 LID enabling resolutions	145.00
2013	147.75
2015 voluntary EQR update (4.75 EQRs added)	152.50
Current SDMS customer list	153.50

With a current EQR assessment of 8.25, EAS is apportioned about 5.4% of total plant capacity. Each 1.0 increase in assessed EQR for the resort will increase their apportionment by approximately 0.7%.

Utilizing a current total EQR of 153.50 and an average plant capacity flow of 60.6% based on the 2013-2020 Capacity Flow analysis results in the following assessment of future EQR growth:

EQR Total	Plant Capacity Flow (%)
153.50 (current)	60.60
202.60	80.00
240.60	95.00
253.30	100.00

It appears, then, that there is room for growth of approximately 49.10 EQR before the plant operates consistently at 80% capacity.

Review of archived files and documents shows that 8.50 EQR have been added to the LID since the plant began operating in 2010.

ATTACHMENT F

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 30-20-401-422, 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 the Rules hereinafter set forth 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 provide for the orderly financing, control, construction, management and operation of the Sewer Treatment and Collection System of the District, 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 set forth herein, and that each and every part thereof 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 by virtue of statutes now existing or subsequently amended, or under any contract or agreement existing between the District and any other governmental entity. Nothing contained herein shall be so construed as to prejudice or affect the right of the District 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.

1.6 AMENDMENT. It is specifically acknowledged that the District shall retain 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 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 occasioned by reason of such violation, including liability for all applicable fees provided by these Rules, and upon non-payment thereof at the demand of the Manager shall be assessed costs, penalties and fees in the amounts set forth in Appendix A, which penalties and fees may be 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 a lien upon the property receiving the unauthorized services at the time of the violation, whichever the Manager deems appropriate. The District may assess interest on unpaid portions of all such costs, penalties and fees, accrued from the due date established pursuant to these Rules.

The District may also 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 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.

1.8 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 from the District.

1.9 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows (all fees are defined in Appendix A):

Board and Board of County Commissioners shall mean the governing body of the District.

Eldorado Springs Local Improvement District Advisory Committee (ESLAC) shall mean the advisory committee, appointed by the Board of County Commissioners which acts to facilitate communications between the ratepayers and residents of the District and the Board of Directors, and consults with and provides recommendations on all key matters impacting the ratepayers and residents of the District to the Board and Manager based on community input and expressed concerns of residents of the District.

Electric Supply shall mean the power distribution system installed to provide electric power to the Grinder Pumps.

Engineer shall mean the 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.

Manager shall mean the Manager of the District, or in his/her absence, his/her duly authorized agent. The Manager will be designated by the Board of County Commissioners.

Member shall mean any Person authorized to use the System at a specific building site or property under a Permit issued or otherwise authorized by the District or the Manager.

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

Permit shall mean the written permission of the District, as part of an established Boulder County Land Use application process, authorizing the applicant to connect to or to utilize a Sewer Main of the District.

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 approved for service by the Board, as well as any other properties outside the District approved for service by the Board.

Service Lines shall mean the privately-owned sewer lines extending from the building drain to the grinder pump, 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.

System shall mean the District-owned Sewer Treatment System, and Sewer Collection System, and the Electric Supply.

SECTION 2 - OWNERSHIP AND OPERATION OF FACILITIES

2.1 RESPONSIBILITIES.

2.1.1 Responsibilities of the District. It is the District's responsibility to plan, finance, design and construct all System components. The District will only construct System components or portions thereof when the Board has made a determination that such construction is economically feasible. After construction, the District will be responsible for the maintenance, operation and replacement of all System components, except as provided in section 1.7.).

2.1.2 Responsibilities of the Member. It is the responsibility of the Owner/Member to pay the Actual Cost of and to construct all Service Lines. The Service Lines shall be constructed in accordance with standards 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 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 temporarily discontinue service to any Member, at any time, for any reason deemed necessary or appropriate by the Board of County Commissioners 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 for these reasons or for reasons 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. Said 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. This principle shall not be changed by the fact that the District might construct, finance, pay for, repair, maintain or otherwise affect the 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 the Service Line or any appurtenances thereto at any time after the initial connection to any of the Systems shall be subject to these Rules.

2.4 RIGHT OF ENTRY. The Manager, Engineer, Inspector, officers and employees of the District or County, or other Person designated by the Manager, bearing proper credentials and identification, shall be permitted to enter upon all properties that are receiving service from the District or have applied for the same, 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 property owner and 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 or the Manager, acting on instructions of 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 or the Manager. 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 - CONDITIONS OF USE OF SYSTEMS

3.1 WHO MAY USE. Sewer collection services will be furnished subject to these Rules and only to properties within the Service Area. An exception to this rule requires a special service contract approved by the Board.

3.2 COMMITMENT TO SERVE. A request submitted to the District by any Owner of real property within the Service Area for a confirmation of a commitment to serve the property with sewer collection and treatment services will be granted by the District only after such Owner has signed an agreement as required by Section 5.5.4 herein and has otherwise fully complied with these Rules.

3.3 SERVICE OUTSIDE THE SERVICE AREA. No service shall be provided to property outside of the Service Area, except pursuant to the terms and conditions of a written agreement with the District approved by the Board. Charges for furnishing service outside of the Service Area shall be at the discretion of the Board, but in no case shall service be furnished to property outside of the Service Area unless the charge equals at least the capital and ongoing cost of service, plus all fees for which such property would be responsible if it were within the Service Area.

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

3.4.1 No change in the Member's equipment, service or use of property that may change the property's equivalencies or materially change the composition or flow of sewage shall be made without the prior notification to and written approval of the District. Any such change which, in the opinion of the District, will increase the burden placed on the System by the Member, or change the Member's EQR, shall require a redetermination of the fees set forth in Appendix A, and the Member shall pay the increase or decrease in such fees in proportion to the adjustment in equivalencies. Change in service or use of property may also mean the addition or conversion of space within the building, by permit or otherwise, that adds a bathroom or bedroom, thereby increasing the number of equivalencies per Section 6.4. Operating Fees shall reflect the new EQR and an additional Plant Investment Fee shall be imposed, pursuant to Section 6 and Appendix A. In no case will the property assessments be increased due to an increase in equivalencies.

3.4.2 Change in service or use of property may also mean the modification of the premises such that the number of equivalencies are decreased. In that event the Operating Fee will be adjusted to reflect the new equivalency number as per Section 6.4. However, 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 equivalencies.

3.4.3 Any Member believed to have changed the equipment, service or use of property connected to the System(s) in violation of this section shall be notified of the District's intent to assess any Actual Costs, Plant Investment Fees or Operating Fees, and shall be afforded ten (10) business days in

which to respond to the District's notice. Failure to respond as required herein within the ten (10) business day period shall be deemed to establish such change, and such Actual Costs, Plant Investment Fees or Operating Fees as are deemed appropriate by the District as provided in Section 6 and Appendix A shall be assessed against the property and shall be collected as provided under these Rules and Colorado law. No Member response will be deemed valid and no right to a hearing provided for in Section 8 of these Rules shall vest, unless the Member has allowed an inspection of the property deemed necessary by the Manager or the Manager's representative to clearly establish the nature of the equipment, service and use of the property.

3.5 UNAUTHORIZED CONNECTIONS AND FEES. No Person shall connect to the System, or shall enlarge or otherwise change equipment, service or use of property within the Service Area without complying with the conditions in Section 5, 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.

3.6 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.

SECTION 4 - SEWER COLLECTION SYSTEM

4.1 UNAUTHORIZED TAMPERING WITH SYSTEMS.

4.1.1 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.

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

4.1.3 Any Person who violates the provisions of this Section 4.1 shall be prosecuted to the full extent of Colorado law.

4.2 DISCHARGES TO SEWER COLLECTION SYSTEM. The Sewer Collection System is for the disposal of water contaminated by biodegradable wastes. No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, surface drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Sewer Collection System. In order 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 relative to the discharge of Sewage containing deleterious wastes.

4.2.1 Specially Regulated Wastes.

a. Industrial Wastes. No Person shall discharge or cause to be discharged any Industrial Waste of any type into the Sewer Collection System unless written permission is received from the District.

b. Inflow/Infiltration. No Person shall discharge or cause to be discharged into the Sewer Collection System, storm drainage from ground surface, roof ladders, catch basins or any other source, or sub-surface drainage or ground water.

c. Other Wastes. Industrial cooling water, unpolluted process waters, bakery/restaurant wastes, car washing wastes, swimming pool drainage and floor drainage from enclosed and covered areas may be connected to the Sewer Collection System only by a special Permit from the District. The application for such a Permit, in addition to information normally required for a Permit application, shall include the following:

- Name and address of the Owner.
- Location of the property for which the request is made.
- Description of the facility or operation requested for connection.
- Estimated quantities and qualities of the waste to be discharged including maximum rates.
- Plans and specifications of related waste generating processes and any pretreatment processes.

Such Permits issued by the District may contain the following conditions:

- the construction of flow measuring and/or sampling devices;
- the construction of valves or gates to stop flows on an emergency basis;
- the construction of grease, oil or sand interceptors, or other pretreatment facilities; and
- the construction of holding tanks with timed releases – e.g. for pool.

The District may place other restrictions on the Permit as reasonably required under the circumstances. Nothing in this Section 4.2.1(c) shall prohibit the District from denying an application for a Permit if the District determines that the demand on the System impairs the District's existing operations or use or exceeds or threatens to exceed capacity or required capacity of the Sewer Treatment System.

4.2.2 Prohibited Wastes. Prohibited and accidental discharges.

The following items, whether applicable to residential or commercial properties, could negatively impact the Sewer Collection and Treatment System, and are therefore prohibited.

(A) *Prohibited discharges, specific categories.* 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) *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) *Other prohibited discharges:*

- a. Any substance which will cause the System to violate its NPDES permit or the receiving water quality requirements;
- b. Any wastewater with color exceeding 150 units, as measured by the platinum-cobalt standard method;
- c. Any wastewater with turbidity exceeding 150 nephelometric turbidity units;
- d. 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;
- e. 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);
- f. Slug loads;
- g. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations;
- h. Any wastewater which causes a hazard to human life or creates a public nuisance;
- i. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through;
- j. 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; or
- k. 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.

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.

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.

4.2.3 Except as provided herein, no Person shall discharge or cause to be discharged any of the following described waters or wastes to the Sewer Collection System:

- a. Any liquid or vapor having temperatures higher than one hundred and four degrees Fahrenheit (104° F).
- b. 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.
- c. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas, oil or grease.
- d. Any garbage that has not been properly shredded to less than one-half inch (½") in the largest dimension.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. A five (5) day B.O.D. concentration greater than three hundred parts per million (300 ppm).
- k. A concentration of more than three hundred parts per million (300 ppm) of suspended solids.
- l. Concentrated wastes from septic tanks and portable sanitary devices.
- m. A peak flow rate greater than five (5) times the average flow rate.
- n. 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

- o. 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.

4.2.4 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.

4.2.5 Sump Pump and Other Illegal Devices. No plumbing fixture, device, construction or plumbing system shall be installed within any building or improvement which will provide a connection between the Sewer Collection System, directly or indirectly, or with a Sewer Service Line for the purpose of draining ground or surface waters into the Sewer Collection System, and no physical connections shall be permitted whereby a Service Line is connected to 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, and upon failure to do so, the District may forthwith disconnect any Service Line from the property containing such a forbidden device or pumping system at the Sewer Main. The cost of such disconnection shall be a lien and charge against the property involved. No Service Line shall thereafter be connected to the Sewer Collection System without payment of all costs and expenses of the District relative thereto and positive proof that such improper and illegal connection or device has been removed and will not thereafter be re-connected to the Sewer Collection System.

4.2.6 Grease, Oil or Sand Interceptors.

- a. 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 Manager, they are necessary for the proper handling of liquid wastes containing greases, oil, etc., 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.

b. 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 Manager. 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.

4.2.7 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.

4.2.8 Enforcement.

a. Discharge of Sewage or Industrial Waste in any manner in violation of these Rules shall be corrected or abated as directed by the District. No septic tanks or other individual sewage disposal system shall be planned or constructed within the boundaries of the Service Area.

b. 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 and effect disconnection of the Service Line from the Sewer Collection System until such time as the District has received adequate assurances that any and all violations of the Rules will cease and will not occur in the future. In addition, all of the costs of the aforementioned proceedings shall be charged against the property and, until paid, shall constitute a perpetual lien against the property.

c. 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.

d. The District may enter upon private property for the purpose of inspection and maintenance of the System and may terminate service to property in which a violation of any of these Rules is found to exist pursuant to the procedures set forth herein.

e. 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 Manager.

SECTION 5 - SERVICE EXTENSION POLICIES

5.1 GENERAL POLICY. It is the intention of the Board and the community that the availability of sewer service not be 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, or the Board has furnished a written specific exemption pursuant to the terms of a written agreement.
- 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.
- All fees have been paid as per Section 6 and Appendix A.

5.2 PRE-APPLICATION MEETING. Any Owner desiring to have sewer service extended to the Owner's property, shall meet with the District Manager as part of an existing Boulder County Land Use application process to discuss the same at a pre-application meeting prior to the submission of 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.

5.3 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 along with an initial deposit to cover the costs incurred by the District in association with the review of the development project, which deposit shall be held by the District in a non-interest bearing escrow account. The amount of this initial deposit shall be five thousand dollars (\$5,000). 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, the Owner shall make a supplemental deposit to the escrow account in the amount of five thousand dollars (\$5,000) 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 Manager, upon good cause shown to the Manager's satisfaction 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.

5.4 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 included in Resolution No. 2010 - 20 will be deemed to have a Permit. Notwithstanding the issuance of a Permit, the District reserves the full power and authority to determine all matters in connection with the discharge of wastes into the Sewer Collection System.

5.4.1 Separate Permits. No Member in or upon any premises to which sewer service is provided shall allow discharge of wastes generated from offsite property to a sewer connection located on the Member's property. Permits attach to the designated premises only. Permits are not affected by changes in the ownership of the permitted premises and are usable only in accordance with the terms of the Permit. Permits are not transferable to other properties

5.4.2 Increased Service for Existing Members.

- a. Sewer Demand. Any Member increasing the number of bedrooms or bathrooms or increasing Sewage flows so that the number of EQRs will be increased, must apply for a modified Permit, whether or not the actual Sewer Service Line size is increased.
- b. Increased Fees. In those cases where the District determines that there will be an increase in Sewage flows or loads, or increase in EQRs, the Member shall pay Fees in accordance with Section 6 and Appendix A.

5.5 PERMIT ISSUANCE. A Permit may only be issued under the following conditions:

5.5.1 Application. As part of the Land Use application process, 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. 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.
- b. A description of the building, or buildings, to be constructed and their purpose. 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.
- c. An acknowledgment and agreement by the applicant that use under the Permit must be as limited and defined by applicable law and these Rules.
- d. If a use is proposed which could result in high rate service demands, then the Manager may require that the applicant submit additional information regarding demands or load rates.
- d. Payment of Fees in accordance with Appendix A.

5.6 SERVICE LINES AND CONNECTIONS

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

5.6.2 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.

5.6.2 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 Manager or District representative. The cost for this inspection service is set forth in Appendix A.

5.6.3 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.

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 BOCC 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.

TABLE 6.4
EQUIVALENT RESIDENTIAL UNIT (EQR) SCHEDULE -
SEWER COLLECTION SYSTEM

<u>Class of User</u>	<u>EQR</u>
A. RESIDENTIAL CLASSIFICATIONS	
1) Manufactured Homes having one bathroom (more than one bathroom will be assessed as a house (see #2 below):	.75
2) Properties with one house having one bedroom and one bathroom: increasing in increments of .25 as bedrooms and bathrooms are added, to whichever one is the highest number.	1.0,
3) Properties having more than one living unit (i.e., a separate unit with a bathroom and a kitchen), whether attached or detached: .75 per living unit, increasing in increments of .25 as bedrooms or bathrooms are added, to whichever one is the highest number.	
B. COMMERCIAL CLASSIFICATION	
A commercial use property with the exception of the Eldorado Springs Artesian pool, dance hall, office building group.	1.25
C. MISCELLANEOUS CLASSIFICATIONS	
1. Eldorado Springs Artesian pool, dance hall, office building group	8.25

Note: A permanent sign must be placed prominently at all pool filter installations stating that pools are not to be drained without permission from the Manager, 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.

6.5 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 account becomes over \$150.00 and six months delinquent, 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 of the Member's account, all legal, administrative, court, County and other costs necessary to or incidental to the collection of said account.

6.6 PRIORITY OF APPLICATION OF OPERATING FEE PAYMENTS RECEIVED BY THE DISTRICT. The District incorporates the priority of payments schedule set forth in these Rules, as follows

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 - REVOCATION OF SERVICE

7.1 EMERGENCY. 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 eliminating discharges to the System, unless notified otherwise.

SECTION 8 - COMPLAINT RESOLUTION AND APPEAL PROCEDURES

8.1 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.

8.2 COMPLAINT RESOLUTION. Complaints concerning the interpretation, application or enforcement of the Rules of the District must be presented in writing to the District, or such representative as may be designated by the Board, within 3 months 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 or its representative, 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 of the Manager 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.

8.3 APPEAL. The Complainant may appeal the decision of the Manager or the District's representative by submitting a written request to the Manager or 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.

ATTACHMENT G

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.