

Rules and Regulations



North Table Mountain Water & Sanitation District

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Chapter 1 – General

- 1.1. Authority. These Rules and Regulations are adopted by the Board of Directors of the North Table Mountain Water and Sanitation District in accordance with authority contained in Title 32, Article 1, Colorado Revised Statutes.
- 1.2. Policy. These Rules and Regulations are established to serve a public use and promote the health, safety, prosperity, security and general welfare of the inhabitants of the North Table Mountain Water and Sanitation District. These Rules and Regulations become effective on and after September 8, 1981 and supersede all former Rules, Regulations, and Rules and Regulations.
- 1.3. Purpose of Potable Water System. It is hereby declared that the potable water system of the North Table Mountain Water and Sanitation District is primarily for the purpose of supplying water for domestic use. The system may be used for the purpose of supplying potable water to commercial, manufacturing, or industrial users in accordance with these Rules and Regulations. Water may be provided through District facilities for fire protection service, however, the North Table Mountain Water and Sanitation District assumes no responsibility or obligation to provide or guarantee any specific availability of water to fight fires.
- 1.4. Purpose of Sanitary Sewer System. It is hereby declared that the sanitary sewer system of the North Table Mountain Water and Sanitation District primarily is for the purpose of the disposal of domestic wastes. The system may be used for the purpose of disposing of commercial, manufacturing or industrial wastes when said wastes meet the specific requirements of the Metro District and these Rules and Regulations. It is further declared that the sanitary sewer system of the District was not designed nor intended to be used for other than the purposes before declared, and the District was not intended to provide nor is it able to provide for receiving flood water, surface drainages nor receiving the discharge of water from underground or above ground sources, except as contaminated by human, domestic, commercial, industrial and manufacturing uses as herein provided.
- 1.5. Amendments. These Rules and Regulations may be amended, changed, or added to by the Board of Directors of the District at any regular or special meeting and shall become effective as of the date of the meeting. Revised Rules and Regulations will be reviewed and public comments accepted at two consecutive regular meetings prior to adoption by the Board at the next regular meeting.
- 1.6. Enforcement of District Rules and Regulations. In the event the District must resort to legal action including but not limited to the filing of an action in any Court of competent jurisdiction in the State of Colorado, to compel compliance with any rules or regulations herein or to enforce any violation of these rules and regulations herein in addition to any other relief granted to District as a result of such legal proceedings, District shall be entitled to recover all attorney's fees and Court costs incurred in connection with such proceedings.
- 1.7. Severability. If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such determination shall not affect the enforceability of any other provision or application of these Rules and Regulations.

- 1.8. Definitions. As used in these Rules and Regulations, except where the context otherwise requires, the words defined in this paragraph shall have the intent and meaning as follows:
- a) Board and Board of Directors. The Board of Directors of the North Table Mountain Water and Sanitation District.
 - b) BOD (Biochemical Oxygen Demand). The laboratory determination of the quantity of oxygen utilized in the biochemical oxidation of organic matter in a given time and at a specified temperature, being expressed in parts per million (ppm) of oxygen used in a period of five (5) days at 20°C.
 - c) COD (Chemical Oxygen Demand). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test.
 - d) Design Criteria. Shall mean specifications established by the District's engineer relating to both sewer and water construction, both mains and service facilities and appurtenances thereto, and including general specifications and standard drawings applying to the District as a whole and additional specifications which may be appropriate to any particular project being developed.
 - e) Developer. Any person or corporation engaged in the construction or development of improvements on real property within the District either for their own use or for sale to the general public.
 - f) District. The North Table Mountain Water and Sanitation District, the Board of Directors of the North Table Mountain Water and Sanitation District, or the legal description of the North Table Mountain Water and Sanitation District.
 - g) District Engineer. A registered professional engineer in the state of Colorado charged with responsibility for all District engineering.
 - h) District Facilities. Any and all improvements owned and operated by the District for the provision of water and sanitation service.
 - i) District Manager. The chief administrative officer of the District charged with responsibility for all District operations.
 - j) Flow Charge. The monthly charge to the user for the volume of sewage flow as metered plus an additional charge for excess content of BOD, TKN, or suspended solids plus any other content for which Metro may make a charge.
 - k) Metro or Metro District. The Metro Wastewater Reclamation District.
 - l) Sanitation Service User. Any owner of record of real property to which a sanitary sewer service line connected to the District sewer mains provides or could provide sanitary sewer service, or any party issued a special permit to discharge sewage into District facilities other than through a sanitary sewer service line.

- m) Sanitary Sewer Service Line. All pipe and appurtenances thereto connecting the plumbing of a sanitation service user with the District sewer main. Appurtenances to include but not be limited to elbows, bends, saddle, tap connection, and cleanouts.
- n) Sanitary Sewer Service Stub-in. A sewer tap and all fittings necessary to extend a sewer service line beyond a public road right-of-way the purpose of which is installation of sewer service lines prior to paving of a public street.
- o) Sewer Main. Shall mean any pipe and appurtenances thereto, a part of District facilities, used to collect and transport sewage from District sanitation service users.
- p) Suspended Solids. The laboratory determination of dry weight expressed in parts per million (ppm) of solids that either float on the surface or are in suspension in sewage and can be removed from sewage by filtration.
- q) Tap Fee. The single charge paid by the user to the District for the privilege of connecting to the District's water or sewer system. Said charge to include tap fee, capital improvement charge, Denver Water Board system development charge, Metro District sewer connection charge, and any and all other fees, charges, or deposits as required by the Board of Directors.
- r) Water Distribution Mains. The pipes and appurtenances thereto, a part of District facilities, used to distribute water along public streets or appropriate rights-of-way to District water users.
- s) Water Transmission Mains. The pipes, a part of District facilities, used to carry raw untreated water to the District treatment plant, and the pipes, a part of District facilities, used to carry potable treated water from the District treatment plant to District storage reservoirs or the District distribution system.
- t) Water Service Lines. All pipe, fittings and appurtenances thereto, used to convey water from District water mains, or other facilities as approved by the Board of Directors, to the plumbing of the water user.
- u) Water Service Stub-in. A water tap and all fittings necessary to extend a water service line from a water main to a curb stop or meter yoke beyond a public road right-of-way, the purpose of which is installation of water service lines before the paving of a public street.

Chapter 2 – Provisions of Water Service

- 2.1. Application for Service. All parties desiring water service from the District must make application for a water tap at the District business office on a form provided by the District.
- 2.2. Drought Conditions. Due to possible drought conditions, the Board of Directors may suspend issuing water taps until such a time as the drought is considered over. At the Board of Directors' discretion, issuance of water taps may be suspended permanently.
- 2.3. Fees. Applications for water taps will not be approved until the Denver Water Board system development charge, District capital improvement charge, District water tap fee, and any and all other fees, charges or deposits as required by the Board of Directors, are paid in full. District fees are effective for one year from the date of payment and are premises specific. The Denver Water Board system development charge is remitted to Denver Water Board at the time of tap fee payment and is not refundable by the District. Applicants must seek a refund from Denver Water. If taps are not used within one year from date of payment, a new tap application is required and the current charges and fees will be assessed with credit for the amount previously paid.
 - 2.3.1. Fees for Unauthorized or Unreported Taps. The tap fees and charges as stated in paragraph 2.3 shall be immediately due and payable upon discovery or notification of any unauthorized or unreported connection to the District's water distribution system. The fees and charges in effect at the time of discovery or notification shall apply to any water service connection for which the applicable fees and charges were not previously paid and shall also apply to any multiple use of a water service connection.

In addition to the above fees and charges, for each unauthorized or unreported connection discovered, the Denver Water Board raw water system development charge and the District water charge shall be three (3) times the charge in effect for the size tap at the time of discovery of the unauthorized or unreported connection.
- 2.4. Description of Property. Application for water taps must include a street address and adequate and complete legal description of the property to be served.
- 2.5. General Requirements:
 - a) Water taps will not be permitted until the main on which the tap will be installed has been accepted by the District and the main has been tested and approved as evidenced by a certificate of acceptance issued by said agency.
 - b) Each and every structurally independent residential, commercial or industrial building requiring water service shall be individually tapped and metered.

For the purpose of this Section, buildings shall be considered structurally independent if they do not share a common foundation, walls, or roof. Shared water service to structurally independent non-habitable buildings on a residential property will be considered on a case by case basis.

At the District's discretion exceptions can be made for an Auxiliary Dwelling Unit as defined and permitted by Jefferson County or an equivalent zoning regulation established by one of the Cities served by the District.

Multifamily dwelling units, for which there is separate ownership of each residence as well as the property, shall be individually tapped and metered. This includes structures such as duplexes.

- c) Water service will not be provided to any residential, commercial, or industrial buildings where cross-connections to any system, line or water source other than that of the District may occur.
 - d) Water Service shall not be provided until all District requirements have been met.
- 2.6. Tap and Installation. After a water tap application has been approved, tapping of the water main and installation of the water service line may proceed. Physical tapping only of the water main for service 1" in diameter or smaller will be made by District personnel. Water service lines to be attached to District water mains will be installed only by contractors bonded to the District. All service line installation must conform to District engineering standards.
- 2.7. Limitation of Service. Water service is provided solely for the property described in the tap application. No water user shall supply or permit water to be supplied to any property or for any use other than that for which service has been approved by the District. The use of water shall not constitute a right to any water right and shall not create any vested or proprietary right to the user.
- 2.8. Service to Property. Water service provided at a property is not affected by changes in the ownership of the property. Water service cannot be transferred from one property to another nor can water from the District be used for purposes other than those approved by the Board of Directors.
- 2.9. Control of Water Use. Notwithstanding the approval of a water tap application, the District reserves the full power and authority to determine all matters in connection with the control and use of all water from District facilities.
- 2.10. Transmission Mains. Unless otherwise approved by the District Engineer, water tap applications will not be approved for direct connection of service lines to either raw or treated water transmission mains.
- 2.11. Service Outside District Boundaries. Water tap applications will not be approved for properties outside the boundaries of the District.
- 2.12. Meter Required. Except as provided for holders of special or bulk water permits or as required for fire protection, water will only be provided through metered services.

- 2.13. Bulk Water Permits. Permits for obtaining bulk water at the District water plant or at other locations as approved by the District Manager for use within the District may be obtained by making application at the District business office. In order to obtain a bulk water permit an applicant must comply with all conditions imposed by the District which are necessary to prevent injury or waste and to secure payment to the District of all sums due to it on account of the issuance or use of the bulk water permit.
- 2.14. Special Permits. Other special permits to provide water service of temporary or unusual nature may be approved at the discretion of the Board of Directors. Such permits may be used only in compliance with any special requirements stipulated by the Board of Directors.
- 2.15. Private Fire Protection Service. Authority to take and use water from the District for private fire protection service is granted only upon the following conditions:
- a) The applicant shall have secured authorization for such service from the District. No further applications shall be approved.
 - b) The applicant shall have executed an agreement adequate to control the use of the fire protection facilities to assure that they will not be used for any purpose other than extinguishing hostile or unfriendly fires.
 - c) If the water to be supplied for fire protection is through the same service line through which water is supplied for other purposes, the fire protection facilities shall be so installed as to prevent the use of water through such facilities for any purpose other than fighting hostile or unfriendly fires.
 - d) The District assumes no obligation for adequacy of private fire protection service.
 - e) No private fire protection service shall be expanded or approved for any future development, except for sprinkler systems for buildings.
- 2.16. Limit to Use of Private Protection Service. The only use for which water may be taken from fire protection facilities is to extinguish hostile or unfriendly fires. Any other use of water from such facilities shall be deemed an unauthorized use of water for which authorization for fire protection service may be suspended or revoked.
- 2.17. Replacement, Enlargement and Abandonment of Taps. In the event a service connection to a property must be enlarged or replaced, the District will calculate and charge an amount equal to the difference, if any, between the fees for the enlarged or replacement service connection and the fees applicable or which would have been applicable to the service disconnection, utilizing then current fee schedules. In no case will the District rebate any fees in the event the replacement service connection is being abandoned or is smaller than the one disconnected.
- 2.18. Water Service Discontinued. Water service to any property or water user may be suspended or revoked by the District without obligation to repay any fees or charge which may have been given for such service for any of the following reasons:

- a) Failure to pay proper charges when due.
 - b) Use of water for purposes not authorized by the District.
 - c) Failure to comply with any of the Rules or Regulations of the District.
 - d) Maintaining unauthorized cross connections or allowing any other unsafe or unsanitary conditions to exist, including but not limited to those described in these Regulations.
 - e) Failure to comply with any of the design criteria of the District.
- 2.19. Limits to Use. The District reserves the right to curtail or limit the use of water by any water user. In the event of a drought, the District reserves the right to limit lawn size. The District strongly encourages that outdoor landscaping follow current low water use practices.
- 2.20. Stub-ins. Requests for stub-ins for water service lines will be evaluated as if they were requests for full water service. Stub-ins shall meet the requirements of the District's design criteria.

Chapter 3 – Provisions of Sanitary Sewer Service

- 3.1. Application for Service. All parties desiring sanitary sewer service provided by the District must make application for a sewer tap at the District business office on a form provided by the District.
- 3.2. Fees. Applications for sewer taps will not be approved until the tap fee, capital improvement charge, the Metro District sewer connection charge and any other fees, charges or deposits, as required by the Board of Directors, are paid in full. District tap fees are effective for one year from date of payment. If taps are not used within one year from date of payment, a new tap application is required and the current charges and fees will be assessed with credit for the amount previously paid.
 - 3.2.1. Fees for Unauthorized or Unreported Taps. The tap fees and charges as stated in paragraph 3.2 shall be immediately due and payable upon discovery or notification of any unauthorized or unreported connections to the District's sewage collection system. The fees and charges in effect at the time of discovery or notification shall apply to any sewer service connection for which the applicable fees and charges were not previously paid and shall also apply to any multiple use of a sewer service connection.
- 3.3. Description of Property. Applications for sewer taps must include a street address and adequate and complete legal description of the property to be served.
- 3.4. General Requirements:
 - a) Sewer taps will not be permitted until the main on which the tap will be installed has been accepted by the District.
 - b) Each and every structurally independent residential, commercial or industrial building requiring sewer service shall be individually tapped and metered.

For the purpose of this Section, buildings shall be considered structurally independent if they do not share a common foundation, walls, or roof. Shared water service to structurally independent non-habitable buildings on a residential property will be considered on a case by case basis.

At the District's discretion exceptions can be made for an Auxiliary Dwelling Unit as defined and permitted by Jefferson County or an equivalent zoning regulation established by one of the Cities served by the District.
 - b) Multifamily dwelling units, for which there is separate ownership of each residence as well as the property, shall be individually tapped. This includes structures such as duplexes.
 - c) Sewer Service shall not be provided until all District requirements have been met.
- 3.5. Tap and Installation. After a sewer tap application has been approved, installation of the sanitary sewer service line may proceed. Sewer service lines to be attached to District sewer mains shall be

- installed only by contractors bonded to the District. All service lines must conform to District engineering standards.
- 3.6. Limitation of Service. Sanitary sewer service is provided at a property solely for the property described in the sewer tap application. No sanitation service user shall permit use of authorized sanitation services for any property or by any party or for any purpose other than those expressly authorized by the Board of Directors.
- 3.7. Service to Property. Sanitary sewer service provided at a property is not affected by a change of ownership of that property. Sewer service cannot be transferred from one property to another, nor can sanitation service provided by the District be used for purposes other than those authorized by the Board of Directors.
- 3.8. Authority of the District. Notwithstanding the approval of a sewer tap application, the District reserves the full power and authority to determine all matters in connection with the control and use of all District sanitary sewer service facilities and connections thereto.
- 3.9. Service Outside the District Boundaries. Sewer tap applications will not be approved for properties outside the boundaries of the District.
- 3.10. Special Permits. Special permits for discharge into the District sanitary sewer facilities or connection thereto for purposes of a temporary or unusual nature may be approved at the discretion of the Board of Directors. Such permits may require compliance with any and all special stipulations as deemed necessary by the Board of Directors.
- 3.11. Replacement, Enlargement and Abandonment of Taps. In the event a service connection to a property must be enlarged or replaced, the District will calculate and charge an amount equal to the difference, if any, between the fees for the enlarged or replacement service line and the fees applicable, or which would have been applicable to the service disconnected, utilizing the current fee schedules. In no case will the District rebate any fees in the event the replacement service connection is being abandoned or is smaller than the one disconnected.
- 3.12. Sewer Service Discontinued. Sanitary sewer service to any property or user may be suspended or revoked by the District without obligation to repay any fees or charges which may have been given for such service for any of the following reasons:
- a) Failure to pay proper charges when due.
 - b) Failure to comply with any of the Rules and Regulations of the District.
 - c) Failure to meet Wastewater Contribution Permit limitations.

- 3.13. Ground Water Discharge to the Sewer. Penalty charges as established by the Board of Directors shall be assessed against any person, company, or corporation who is determined to be discharging ground water to the District sanitary sewer system. Penalty to apply to any ground water discharge which is detected. If ground water discharge to the District sanitary sewer system occurs due to a sewer service line break and the break is repaired and the discharge is controlled to the satisfaction of the District, no penalty shall be assessed.
- 3.14. Unauthorized Discharge. Discharge of unauthorized materials or substances into the District collection system is prohibited. Such discharge or any other misuse of District sanitary sewer facilities may result in fines or special charges as deemed necessary and appropriate by the Board of Directors.
- 3.15. Stub-ins. Requests for stub-ins for sanitary sewer lines will be evaluated as if they were requests for full service. Stub-ins may be approved only upon completion and acceptance of the sewer mains by the District. A fee for sewer service stub-ins will be charged as determined by the Board of Directors. This fee will be in addition to normal tap fees.
- 3.16. Wastewater Contribution Permit. All commercial and industrial wastewater users must secure an annual Wastewater Contribution Permit and must comply will all of the requirements of Chapter 14 of these Rules and Regulations with respect to Pretreatment/Industrial Waste Control.

Chapter 4 – Billing Procedures

- 4.1. Payment Responsibility. It is a requirement of the District that the property owner is ultimately responsible to pay all fees and charges when due. Bills for water and sanitation service are normally sent to the address of properties served unless otherwise arranged. The obligation to pay promptly for service is in no way affected by failure of the District to furnish and/or send a bill, or of the owner/occupant of the property to receive a bill for services. Bills and notices are sent solely as a convenience to users.
- 4.2. Water Rates. The Board of Directors will establish and periodically review rate schedules for all water users. Total charges for water users will be based on the amount of water used and recorded on the water meter based on the then current rate schedules or upon rate schedules established for water users with bulk permits or other special permits. Water rates will be approved and posted in accordance with State statute CRS 32-1-1-1001 (2) (a).
- 4.3. Minimum Charges. Regardless of the amount of water used, a minimum charge for water service will be assessed by the District on all property served. Such minimum charges will be established at a rate deemed appropriate by the Board.
- 4.4. Sanitation Service Rates. The Board of Directors will establish and periodically review rate schedules for sanitation service users, based upon the estimated or measured rate of discharge into the District system and on the type or quality of sewage discharge estimated or determined by analysis from any property.
- 4.5. Billing Frequency. Bills for water and sanitation service will normally be due on a quarterly basis unless, at the discretion of the Board of Directors, a monthly or other designated period is allowed or required.
- 4.6. Special Sanitation Service Charges. Special charges for sanitation service based on the type or volume of discharge into the District sewer main or as required by the Metro Wastewater Reclamation District may be assessed at the discretion of the Board. The normal billing procedures including late charges and turn-off for non-payment shall apply to such special charges. All special sanitation service charges shall be due in full within 10 days of the date of the bill for all wastewater which originates outside of the boundaries of the District and is discharged to the District's sanitary sewer system.

If full payment for special sanitation service charges is not received within 10 days of the billing date a shut-off notice in a form as approved by the Board of Directors will be mailed to the user of record. If the bill is not paid within 10 calendar days after a the shut-off notice, the service will be shut off.

For any bill over \$5,000.00 which is not paid within 5 calendar days after a shut-off notice, the service will be shut off.

- 4.7. Late Payment. Full payment for water and/or sanitation services is due within 30 days of the billing date. All accounts not paid in full within the 30-day period will be considered delinquent and will be assessed a late charge as established by the Board of Directors.
- 4.8. Turn-off for Non-payment. If full payment for service at a property is not received within 45 days of the billing date a shut-off notice in a form as approved by the Board of Directors will be mailed to the user of record. If the bill is not paid within 10 days of the shut-off notice date, the service will be shut off. If service to a property is discontinued, a reinstatement-of-service fee will be assessed against the property and must be paid in full along with normal charges, including the late charge and shut-off notice charge, before water service will be restored.
- 4.9. Voluntary Shut-off. Water users may voluntarily have their water service discontinued. A reinstatement-of-service fee as established by the Board of Directors will be assessed for restoration of service. Minimum service charges shall apply during the period that service is discontinued.
- 4.10. Non-payment of Sewer Sanitation Service Charges. If full payment of all sanitary sewer charges, fees, and penalties is not received within 30 days from the billing date, a late charge as established by the Board of Directors will be assessed. If full payment for service at a property is not received within 45 days of the billing date, a shut-off notice in a form as approved by the Board of Directors will be mailed to the user of record. If the bill is not paid within 10 days of the shut-off notice date, the sewer service line will be severed. The Jefferson County Department of Health will also be notified that the sanitary sewer service has been severed for non-payment. Service will not be restored until the bill is paid in full including the late fee, shut-off notice, and all costs associated with severing and reconnecting the property service line
- 4.11. Special Service Fee. If, in order to enforce compliance with District Regulations, employees of the District provide special services at a property which the owner or occupant neglects or refuses to perform himself, or which are not related to the general maintenance of District facilities, then the cost of such work, including but not limited to all materials, shall be charged to the property owner as a special service fee.
- 4.12. Account Adjustment. Accounts will be adjusted when an error is made in rendering the account, crediting payments, calculating charges and the like. In case an accounting adjustment is required by reason of some act or omission in connection with use of water or sanitation services at a property or by a holder of a special permit, an adjustment of charges will be made in sufficient amounts to clearly prevent that service user from receiving service at the expense of other users of District services.

Charges on account of metered service shall be adjusted where necessary and to the extent required to correct proven errors. In the event of a service line leak on the private service line between the meter and the premises served, no adjustments will be made. If adjustment is required by reason of a meter having become inaccurate as determined by the District, water service will be charged for based upon estimated consumption. The District shall remove and test any meter upon request of a customer whenever there is cause to believe that the meter is inaccurate. A meter removed and tested at the request of a customer and found to be accurate shall be replaced and the costs incurred by the District shall be borne by the customer. There shall be no charge to the customer in the event the meter is found to be inaccurate, unless such inaccuracy was caused by or attributable to the customer.

- 4.13. Payment at Business Office. Payment for services rendered by the District must be made at the District business office. Charges for service, late fees or any other charges will be credited as paid only when received in the District business office. Payments in transit through the United States Postal Service or any other agent or delivery service will not be credited to a customer account until the payment is received at the District business office.
- 4.14. Payment to Employees. District employees are not authorized to accept payment for services at the property served or in any manner other than the usual course of business at the District business office.
- 4.15. Charges to Begin With Connection. Minimum charges for water and sanitary services will begin on the day the service line is connected to the property to be served or, for water services, when the meter has been installed by a District employee.
- 4.16. Returned Check Charge. A charge as established by the Board of Directors will be assessed for any check submitted to the District in payment for services which is returned by the bank due to insufficient funds on deposit. If the check is submitted to avoid a service shut-off due to non-payment of a bill, immediate discontinuance of service will occur until full payment is received.
- 4.17. Service Transfer. A service transfer fee as established by the Board of Directors will be assessed when a final bill is requested and a special meter reading and billing must be made. This charge will be assessed and is due from the party presently receiving service from the District. No charge will be made for changing the name on an account when a special meter reading or billing is not required.
- 4.18. Discount on Bills. A discount as established by the Board of Directors will be allowed on all payments for water and/or sanitation services when the payment is physically received at the District office within 10 days of the billing date. If the 10th day falls on a weekend or holiday, the following regular business day will be the last day for receiving a discount.

- 4.19. Collection and Enforcement of Delinquent Fees and Charges. Until paid in full, all fees, rates, tolls, penalties or charges imposed by District shall constitute a perpetual lien upon and against the real property served. Such lien may be foreclosed as provided by the laws of the State of Colorado for the foreclosure of mechanic's liens. If the District resorts to any legal remedy to collect or enforce unpaid or delinquent rates or charges of any kind, in addition to the amount of the delinquency, the owner of the property served shall be responsible for payment of costs and/or expenses of collection, including Court costs and attorney's fees incurred by District in collection efforts or preparation and filing of any lien or foreclosure for unpaid rates, charges or penalties. The owner of the property served shall further be responsible for any penalties prescribed by these rules and for interest on all unpaid accounts accruing at the rate of 1% per month.

Chapter 5 – Conditions for Providing Services to Developments

- 5.1. Policy. This chapter is enacted to provide for the orderly development of the District facilities for the benefit of all who are or may become users of these facilities within the District. All developers, both residential and non-residential, desiring to proceed with development within the District must conform to all the Rules and Regulations of the District and to the specific conditions contained in this chapter.
- 5.2. District Planning. The District considers it imperative to engage in long-range planning of the overall development of the District's water and sanitary sewer systems. The District reserves the right to establish system development priorities as determined within the sole and unlimited discretion of the Board.
- 5.3. General Conditions for Providing Services to Developments. The following general conditions shall apply to all developments within the North Table Mountain Water and Sanitation District.
 - a) Developer shall pay all costs involved in providing water and/or sanitary sewer services within his development. The developer may also be required to pay for costs to improve facilities outside the physical boundaries of the development if such improvements are necessary to adequately supply the development.
 - b) All proposed facilities will be sized in accordance with the District engineering requirements. Cost sharing or reimbursement may be made by the Board of Directors of the District at their sole and unlimited discretion when the facilities are of general benefit to the District.
 - c) Developer will be required to install all facilities to serve his development when the requirement for the facilities occurs prior to the time that the District has planned to install the facilities.
 - d) To assure both adequate fire flows and water quality, all water distribution systems within developments shall be designed to avoid creating dead-ends. A developer will be required to connect water facilities within a development to water distribution facilities located outside said development to assure looping, whenever required by the District Engineer.
 - e) There shall be no reimbursement to the developer of any tap fees paid by any user. This applies to properties within the boundaries of the development as well as outside the boundaries of the development.
 - f) Upon completion of construction and acceptance of sewer and water mains and appurtenances by the Board of Directors upon recommendation of the District Engineer, sewer and water mains and appurtenances shall become the property of the District. The District will assume maintenance after a two-year warranty period commencing when the water and sewer facilities have been accepted in writing by the District.
 - g) In the event that the location of the development or the height of the structures to be erected thereon will require the installation of a pump station, storage tank or other appurtenances in order to provide suitable pressure at the development for said residential service and for fire protection, the District Engineer shall establish the design criteria.

The District Engineer shall review all proposed developments and approve or disapprove the utility plan based on District concerns. There shall be no automatic approvals of any new pump station and/or storage tank to serve specific areas within the District. After Board approval and upon approval by the District Engineer, said appurtenances shall be constructed at the sole cost and expense of the developer and upon completion and acceptance become the property of the District in the same manner as set forth in these Rules and Regulations.

- h) In the event that any improvement to be constructed in the development is so located that its sewer service line shall need or require some sort of sewage lifting device, said lifting device shall be installed in the sewer service line and the same shall be considered a part of the service line, not subject to any ownership or maintenance by the District.
- i) Unless otherwise approved by the Board of Directors, no additional sewage lift stations will be permitted in the District.
- j) Soil Amendment. The following applies to developments larger than two lots and must be implemented prior to installation of plant materials. Before the District will set a water meter, the property owner must sign an Affidavit of Soil Amendment certifying that amendment has been or will be installed according to approved plans and District specifications.

District accepted Soil Amendment shall be added at a rate of four cubic yards per 1,000 square feet of permeable area and incorporated (roto-tilled) to a depth of six inches.

Water service is subject to suspension, and associated charges as stated in these rules and regulations, if property owner does not honor the signed affidavit.

- k) Landscape and Irrigation. The following applies to common areas of new developments. Landscape and Irrigation plans must be submitted with the construction plans and approved by the District.

The Landscape and Irrigation plans must be designed per the District specifications, be stamped by a certified professional and shall include:

- a. A summary of landscaped area and supplemental irrigation quantities.
- b. Calculations showing that the supplemental irrigation quantity is equal to or less than 15 gallons per square foot per year.

Before the District will set a water meter, the property owner must sign an Affidavit of Landscape and Irrigation Installation certifying that it was installed according to approved plans and District specifications.

The water service is subject to suspension, and all associated charges as stated in these rules and regulations, if property owner does not honor the signed affidavit.

- 5.4. Water and Sewer Availability. Any developer desiring to proceed with rezoning, platting, or exemption from platting will be furnished a general letter of availability of water and sewer service for the proposed area. Said letter shall contain the following items:
- a) That water service is available within the District and the developer must provide all facilities required to serve the development. No specific quantity or pressure is guaranteed.
 - b) That sewer service is available within the District and the developer must provide all facilities required to serve the development. No specific capability or location guaranteed.
 - c) That no water or sewer service will be considered until the developer submits detailed plans for water and sewer construction to serve the development and such plans shall have been reviewed by the District Engineer.
 - d) That no specific fire flow is guaranteed.
 - e) All water and sewer availability is as of the date of the letter.
- 5.5. District Review of Proposed Developments. The District will not review, advise, approve, or disapprove any proposed development until a minimum escrow deposit of \$2,000.00 is deposited with the District to secure payment of the District's expenses in connection with said development. Expenses to include, but not be limited to, engineering expense, legal expense, title expense, plan review, inspection, and related expenses. In the event that the total of said expenses exceeds the amount of the escrow, the developer shall promptly pay such deficit to the District. In the event that the total of said expenses is less than the escrow, said surplus will be returned to the developer. In no event will District funds be expended for any development. No development will be approved until all fees have been paid.
- 5.6. Approval of Proposed Developments. No developer shall proceed with construction of any water or sewer facilities until the following conditions are met:
- a) Approval of detailed plans for water and sewer construction by the District Engineer and other public agencies. Approval shall extend for a six-month period only.
 - b) Submittal of deeds of easement, accompanied by necessary releases of encumbrances, for all easements required for the proposed water and sewer facilities.
 - c) Submit a copy of the developer's contract with the person or corporation who is to construct the proposed sewer and water mains together with said contractor's performance bond. Said performance bond shall meet all statutory requirements of performance bonds for municipalities and shall provide a two-year warranty on workmanship and materials.
 - d) Submit an escrow deposit in an amount to be determined by the District Engineer to secure payment of the District's expenses in connection with said development, including but not limited to engineering expense, legal expense, title expense, field inspection, plan review, filing fees, and related expenses. At the time of completion and acceptance of the facilities, the District shall provide an itemized bill to the developer. In the event that the total of said bill exceeds the amount of the escrow, the developer shall promptly pay such deficit to the District. In the event that the total of such bill is less than the escrow, said surplus shall be returned to the developer.

5.7. Construction of Proposed Developments. Construction of approved water and sewer facilities by a developer will be subject to the following conditions:

- a) Submittal of the District's Utility Permit and Utility Permit fees.
- b) All construction of water and sewer mains and appurtenances thereto shall comply with all appropriate statutes, ordinances and regulations of the State of Colorado, the County of Jefferson, the Denver Water Board, Metro Wastewater Reclamation District, EPA and the District.
- c) During the time of construction the developer's engineer shall provide daily on-site inspection and shall upon completion certify that construction has complied with the plans. The District shall have the right through its District Engineer or his representative to make field inspection of said construction at such times and with such frequency as the District Engineer shall determine. The District Engineer shall have the right to halt progress of the construction any time it is determined that such construction is not proceeding in accordance with the plans or the design criteria. In the event that the District Engineer shall halt the progress of construction in accordance with this paragraph, construction may not resume until the District Engineer shall determine that such deviations from the plans or the design criteria have been corrected.
- d) Upon completion of the construction of sewer and water mains and appurtenances, developer shall provide the District with as-built plans in AutoCAD 2002 or newer, pdf format file, archival quality hard copy for sewer and water mains and appurtenances and GIS data collection fees.

Chapter 6 – Mains

- 6.1. Ownership. Unless an agreement provides otherwise, all water and sewer mains located in the District and/or attached to District facilities are owned by the District.
- 6.2. Operation and Maintenance. The District operates and maintains all water and sewer mains which are part of District facilities. Mains which are damaged by the acts of individuals or entities other than the District will be repaired by the District, at the expense of such individuals or entities, or by approval of the District Engineer by the individuals or entities under the supervision of the District.

The District reserves the right at any time, without notice, to modify water pressure or shut off the water in its mains for the purpose of making repairs or extensions or for other useful or necessary purposes. No water user shall be entitled to damages or refund by the District on account of any modification, interference or termination of water services.

It shall be the policy of the District to repair, clean or otherwise restore to normal service, with all haste, any sanitary sewer main that fails or malfunctions. In no case shall the District be held liable for damage to the personal property of any sanitation service user because of failure, clogging or other malfunction of the sanitary main.

- 6.3. Replacement for Larger Service. If an applicant requests a new or increased service which, in the determination of the District Engineer, is large enough to impose a demand in excess of the capacity of the existing main, the applicant is required to provide engineering plans sealed by a Registered Professional Engineer to meet system requirements as solely determined and defined by the District. The applicant shall also provide the necessary construction to implement these plans. The full cost thereof shall be paid by applicant.
- 6.4. Extensions. The proprietary functions of the District do not require extension of its facilities beyond those currently existing and any such extensions are undertaken in the exercise of discretion as a governmental function in the interest of public health, safety and welfare. The District reserves the right to install mains in situations which it determines may be in the best interest of the District or its customers.
- 6.5. Location. Water and sewer mains may be installed only in dedicated public streets or ways or a similar area in which the District's rights of occupancy and use will be at least as good as if the area were a dedicated public street or way. Mains will not be laid on any street or way unless it is of a width, grade, alignment, curvature and other characteristics as permit them to be laid and maintained in the normal and usual manner. Service to an area abutting a non-conforming street or way may be, in special circumstances, as determined by the District Engineer, through a private main or service or attached to a main.
- 6.6. Installation. All District water and sanitary sewer mains shall be installed in conformance with District design criteria, approved construction drawings, and District Engineering Standards.
- 6.7. Main Extensions. Requests for extensions or additions to the District water distribution system or the District wastewater collection system made by any developer shall be undertaken as provided and in accordance with Chapter 5 of these Regulations.

Chapter 7 – Fees, Charges and Rates

- 7.1. General. The schedule of fees, charges, rates, capital improvement charges, tap fees, and all other charges shall be in accordance with the provisions of this chapter and Appendix A – Fees, Charges, and Rate Schedule. These fees, charges, and rates may be amended, altered, changed, or added to by the Board of Directors of the District at any regular or special meeting and shall become effective at the time and in the manner specified.
- 7.2. Water Rates. Outlined in **Appendix A - Fees, Charges and Rates Schedule**.
- 7.3. Sewer Rates. Outlined in **Appendix A - Fees, Charges and Rates Schedule**.
- 7.4. Water Tap Fees. Outlined in **Appendix A - Fees, Charges and Rates Schedule**.
- 7.5. Sewer Tap Fees. Outlined in **Appendix A - Fees, Charges and Rates Schedule**.
- 7.6. Tap Fee Surcharge.
 - 7.6.1. Policy. Under C.R.S. 32-1-1006(1)(g) the North Table Mountain Water and Sanitation District Board of Directors is vested with the power to fix and increase or decrease tap fees. C.R.S. 32-1-1006(1)(b)(l) vests the Board of Directors with the power to fix different charges or fees within the several areas of the District, according to the services and facilities furnished or to be furnished within a period of time within those areas. It is the determination of the Board of Directors that as a matter of fairness and equity to existing District customers, the cost of constructing certain designated facilities be paid by those customers generating the specific need for the construction of such facilities. Such facilities are constructed for the specific use and benefit of designated areas within the District, and are readily identifiable by reason of the varying terrain and elevations present in North Table Mountain Water and Sanitation District. The current District tap fee structure is designed to recover amounts of money necessary to construct facilities of general benefit to the entire District. It is the purpose of this Rule to establish a surcharge to be applied within designated geographic areas of the District.
 - 7.6.2. Water and/or Sewer Tap Fee Surcharge. The Board of Directors, acting upon recommendation of the District Engineer/ Manager, shall, from time to time, designate specific geographic areas of the District to be subject to a tap fee surcharge. The tap fee surcharge shall vary in accordance with the cost of the upgrades or new facilities to be constructed. Each such designation shall be incorporated into the tap fee surcharge map and upon completion of the amendment process, all water or sewer taps, as applicable, for which application is made after the effective date of the amendment, shall be subject to the surcharge. The surcharge shall be in addition to other applicable tap fees set forth in these Rules and Regulations.
- 7.7. Miscellaneous Charges. Outlined in **Appendix A - Fees, Charges and Rates Schedule**.
- 7.8. Penalty Charges for Discharging Groundwater to the District Sanitary Sewer System. Outlined in **Appendix A - Fees, Charges and Rates Schedule**.
- 7.9. Grease Trap Sewer Charge. Outlined in **Appendix A - Fees, Charges and Rates Schedule**..

Chapter 8 – Water Service Lines

- 8.1. Installation. The service pipe and fittings through which a property receives water service from District facilities shall be installed at the expense of the water user/property owner.
- 8.2. Design Criteria. The service pipe and fittings to any property shall be installed according to specifications and procedures in the District Engineering Standards. Failure to comply with these specifications or any other instructions or requirements as may be deemed necessary by the District Engineer or his representatives may result in denial of water service, notwithstanding previous approval of the water tap application.
- 8.3. Location of Service Lines. Water service lines may be connected to the water main only in a public street or right-of-way or in such other location, approved by the District Engineer, as will allow District personnel as free a right of access as it would have in a public street. The property to be served must front, or be adjacent to, the District water main by a minimum of ten feet through one ownership. Water service lines can never be installed in a private easement nor run up a public right-of-way to reach a property.
- 8.4. Ownership. The water service line and appurtenances thereto, including but not limited to the, meter and meter pit, shall be owned by the property owner of the property served.
- 8.5. Maintenance. Maintenance of the service line from the water main to and including the water meter shall be the responsibility of the District. Maintenance of the service line from the effluent side of the meter to the plumbing facilities of the water user/property owner shall be the responsibility of the water user/property owner. Water user/property owner shall be financially responsible for any damage to or loss of his meter caused by vandalism, malicious mischief, theft, hot water, tampering, water hammer or other casualty other than ordinary wear and tear.
- 8.6. Inspection. For inspection purposes, District personnel shall be allowed free access to any property where District water service is provided.
- 8.7. Separation. A separate water service line will be required for each property served by the District. In addition, a separate water service line and meter shall be required for each and every structurally independent residential, commercial, or industrial building.
- 8.8. Abandoned Service Line. If a water line is to be replaced by one of a different size, abandoned on demolition of improvements or replaced with one at a different location in order to supply the property, the service line being abandoned or replaced must be properly cut off at the main per District Engineering Standards at the same time a new service line is connected or demolition completed. A utility permit is required before any water service line is to be replaced or abandoned. Verification of actual cut-off must be made by a representative of the District.

Chapter 9 – Sanitary Sewer Service

- 9.1. Installation. The service pipe and fittings which connect the property of a sanitation service user with District sanitation service facilities and any appurtenances thereto, shall be installed at the cost of the sanitation service user/property owner.
- 9.2. Design Criteria. The sanitary sewer service pipe, fittings and appurtenances thereto shall be installed according to the specifications and procedures as set forth in District Engineering Standards. Failure to comply with these specifications or any other instructions or requirements as may be deemed necessary by the District Engineer or his representatives may result in denial of sanitation service, notwithstanding previous approval of the sewer tap application. Discharge of groundwater or surface water to the District sanitary sewer system is prohibited and penalty charges shall be assessed for violation of this provision. Discovery of non-compliance with District specifications on a sanitary sewer service line in use may result in penalties, fines, special service fees, or legal action as deemed necessary by the Board of Directors to bring such service lines into conformance with District design criteria.
- 9.3. Location. Sanitary sewer service lines shall be connected to the sewer main in public streets, rights-of-way or at other locations, approved by the District Engineer, as will allow District personnel as free a right of access as if the connection were made in a public street. The property to be served must front, or be adjacent to, the District sewer main by a minimum of ten feet through one ownership. A sewer service line can never be installed in a private easement nor run up a public right-of-way to reach a property.
- 9.4. Ownership. The sanitary sewer service line, tap and tapping sleeve, and any appurtenances shall be owned by the sanitation service user/property owner.
- 9.5. Maintenance. The maintenance of the sanitary sewer service line shall be the responsibility of the sanitation service user/property owner. The sanitary sewer service line shall be so maintained as to prevent any excess infiltration of groundwater, as determined by the District Engineer, into the District sanitation service facilities and so as to comply with all sanitary regulations of the State of Colorado and the Jefferson County Public Health Department. District shall not be liable for any blockage or resultant personal property damage which may occur.
- 9.6. Inspection. For inspection purposes, District personnel shall be allowed free access to any property where District sanitation service is provided.
- 9.7. Abandoned Service Line. If a service line is to be replaced by one of a different size, abandoned on demolition of improvements or replaced with one at a different location in order to provide service at the same property, the service line being replaced must be properly plugged per District Engineering Standards at the sewer main at the same time a new service line is connected or demolition completed. A utility permit is required before any sewer service line is to be replaced or abandoned. Verification of actual plugging must be made by a representative of the District.

- 9.8. Grease Traps. Grease traps shall be installed and maintained by a property owner when so directed by the District Engineer. All grease traps shall be cleaned and pumped by an outside disposal company on a monthly basis. District inspection and checking of disposal records shall periodically occur. Failure to comply with District requirements shall result in an additional sewer charge, as established by the Board of Directors, for each instance of non-compliance. All grease traps shall be maintained by the customer/property owner at their expense and shall function efficiently at all times.

Chapter 10 – Cross Connection Control Standards

10.1. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Regulation, shall have the meanings hereinafter designated:

- a) Auxiliary Water Supply. Any water supply on or available to the premises other than the approved public potable water supply, including water from another purveyor's public potable water supply or any natural source such as a well, spring, or stream.
- b) CDPHE. Colorado Department of Public Health and Environment
- c) USC FCCC & HR. University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.
- d) ASSE. American Society of Sanitary Engineering
- e) ABPA. American Backflow Protection Association
- f) Controlled. Having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
- g) Multi-Family. A single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.
- h) Single-Family.
 - i. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - ii. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.
- i) Approved Backflow Prevention Device. A device or other means to prevent backflow or back-siphonage approved by the District and certified to be in full compliance with CDPHE and ASSE or USC FCCC & HR, as follows:
 - 1. Air Gap. The unobstructed vertical distance through free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the edge of the vessel from which the water overflows, which shall be at least six inches or two pipe diameters, whichever is greater, above the overflow rim of the receiving vessel.
 - 2. Reduced Pressure Backflow Prevention Assembly (RP). Two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves.

3. Double Check Valve Assembly (DC). An assembly of two independently operating approved check valves, with tightly closing shut-off valves, plus properly located test cocks for the testing of each check valve.
 4. Vacuum Breaker (VB). A vacuum breaker designed so as not to be subjected to line pressure.
 - f) Cross Connection. Any physical arrangement connecting a public water supply, directly or indirectly, with any other water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.
 - g) District. The North Table Mountain Water and Sanitation District.
 - h) Industrial Fluids. Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply.
 - i) Public Water Supply. A system for the provision to the public of piped water for human consumption.
- 10.2. Purpose. To protect the District's public water supply from the possibility of contamination by isolating, within the customer's internal distribution system, such contaminants that could backflow into the public water system causing a health hazard.

10.2.1. Authority. The authority to implement this program is contained in the following statute, legislation and regulations and acts:

- a. Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes (CRS)
- b. Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations
- c. Colorado Plumbing Code

The District shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross connection.

The District shall have the authority to control any service connections within the distribution system that are determined to be cross connections.

The District may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure backflow prevention assembly.

The District may collect fees for the administration of this program.

- 10.2.2. Applicability. This program applies to all commercial, industrial and multi-family residential service connections within the District's system and to any persons outside the District who are, by contract or agreement with the District, users of the water system. This program does not apply to single-family-residential service connections unless the public water system becomes aware of a cross connection at the single family connection.
- 10.2.3. Policy. No water service connection shall be installed or maintained by the District unless the water supply is protected as required by State law and the District's Regulations. Service of water to any premises may be discontinued by the District if a backflow prevention device required by this Regulation is not installed, tested, and maintained, or if it is found that a backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.
- 10.2.4. Right of Entry. The customer's system should be open for inspection at all times to authorized representatives of the District to determine whether cross connections or other structural or sanitary hazards, including violations of these Regulations, exist.
- 10.2.5. Requirements. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and/or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the District. If the assembly or method cannot be installed within 120 days the District must take action to control or remove the cross connection, suspend service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

An approved backflow prevention device shall be installed before the first branch line leading off of the service line wherever the following conditions exist:

- a) In the case of a premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality, and that is not acceptable as an additional source by the District Engineer/Manager.
- b) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, including the handling of process water and water originating from the public water system which have been subject to a deterioration in quality.
- c) In the case of a premises having internal cross connections that cannot be permanently corrected or controlled. In the existence of intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist

- d) In the case of a premises having a lawn irrigation system.
- e) In the case of a premises using a vehicle or equipment to take water from the public water system.

10.2.6. Required Backflow Prevention Device. The type of protective device required under subsection 10.2.5 shall depend upon the degree of hazard which exists as follows:

- a) In any premises, which has an auxiliary supply, which is not subject to any of the following Rules, the public water system shall be protected by an approved air-gap separation, or an approved RP.
- b) In any premises where there is water or any other substance that would be objectionable if introduced into the public water system, but would not be hazardous to health, the public water system shall be protected by at a minimum by an approved DC.
- c) In any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation, or an approved RP.
- d) In any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an approved air gap separation, or an approved RP.
- e) In any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected by an approved air gap separation or an approved RP.
- f) All fire sprinkling lines shall have a minimum protection of an approved DC for containment of the system. All glycol or antifreeze systems shall have an approved RP assembly. Dry fire systems shall have an approved DC installed upstream of the air pressure valve. Single-family residences with fire systems shall have a DC installed when no chemicals are used and an RP when chemicals are present.
- g) In any location where an irrigation system exists, the public water supply shall be protected by a properly installed approved vacuum breaker backflow preventer or an approved RP.
- h) Any vehicle for construction, maintenance or any other use used to store water taken from a utility water supply system shall be equipped with an air gap or an approved backflow prevention device. This shall apply to street sweepers, sanitary sewer cleaners (jet trucks), tank trucks, fire trucks, and any other equipment that utilizes water from the utility system and that could also be used to draw or store another substance.

10.2.7 Approved Backflow Prevention Devices. Any backflow prevention device required by these Regulations shall be of a model and size approved by the District Engineer/Manager. The installation of any such device shall also be approved by the District Engineer/Manager. In order to be approved the device shall:

- a) Be manufactured in full conformance with the current standards established by the American Water Works Association.
- b) Be certified by an approved testing laboratory in full compliance with the CDPHE standards and ASSE or USC FCCC & HR specifications.

Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.

Reduced pressure principle backflow prevention assemblies shall not be installed in a manner subject to flooding.

Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.

All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The assemblies and methods must be reinstalled and then tested by a certified cross connection control technician upon reinstallation.

Where a backflow prevention assembly or method is installed on the District's water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

No bypass piping around any backflow prevention device is allowed. Any existing bypass piping is required to be removed or severed in such a way as to create an air gap and ensure that no water can bypass the device. The customer/user shall complete all necessary modifications at their expense.

The District can require the customer/user to replace/upgrade any non-testable device to meet current valve requirements. The customer/user shall complete all necessary modifications at their expense.

10.2.8. Backflow Prevention Device Testing. The customer/user, at any premises where backflow devices are installed, shall have certified inspections and operational tests made when the device is installed and at least once per year thereafter. In those instances where the District Engineer/ Manager deems the hazard great enough, certified inspections at more frequent intervals may be required. These inspections and tests shall be at the expense of the customer/user and shall be performed by an ASSE or ABPA certified inspector/tester.

Backflow prevention devices shall be repaired, overhauled, or replaced at the expense of the customer/user whenever they are found to be defective. Records of tests, repairs, and overhauls shall be kept, by the customer, for a period of three (3) years and made available

to the District Engineer/Manager. A copy of all "Passed Test Reports" are to be sent to the District within five (5) working days after testing, inspecting or repairing any backflow prevention assembly. Any failed assembly should be repaired immediately; if not, the technician must report the failure to the District within one working day and submit the written test report within three (3) days.

If an assembly is replaced, for any reason, the customer is responsible for notifying the District within five (5) business days. The notification shall include certified test results as well as the serial number of the old device being replaced as well as the new device.

- 10.3. Costs. All costs for design, installation, maintenance, repair, and testing are to be borne by the customer.
- 10.4. Violations. The District shall notify the owner, or authorized agent of the owner, of the premises in which there is found a violation of these Regulations. The notice shall set a specific time for the owner to have the violation removed or corrected. If the owner fails to correct the violation in the specified time, the District Engineer/Manager may, if in his judgment an imminent health hazard exists, require that the water service to the premises be terminated.

Discontinuance of service may be summary, immediate, and without written notice whenever, in the judgement of the District, such action is necessary to protect the public potable water supply or the distribution system.

- 10.4.1. Penalties. Any fees associated with terminating service to a property found in violation of these rules shall be the responsibility of the customer/user.

The costs to clean up a contamination of the District's water supply due to a violation of these Regulations, up to and including the water line replacement shall be the sole responsibility of the persons causing the contamination.

Chapter 11 – Fire Protection

- 11.1. Authorized Use. All connections to District facilities for public fire protection must be approved and authorized by the District Engineer. The only use for which water may be taken from fire protection facilities without a special permit is for extinguishing fires.
- 11.2. Public Hydrants. Public fire hydrants for new developments are placed at locations designated by the appropriate fire officials and as designated and approved by the District Engineer. All public hydrants shall be tested at regular intervals by the District and maintained by the District.
- 11.3. Obstruction of Hydrants. Free access to public fire hydrants must be maintained. Property owners will not be allowed to obstruct free access to hydrants with trees, shrubbery, landscaping, fences or any other improvement. Written notice will be given to any property owner who allows any obstacle under his control to interfere with free access to public fire hydrants. If the obstacle or obstruction to free access is not removed within 15 days of said written notice, the District will proceed to remove said obstruction at the expense of the property owner, as provided in these Regulations.
- 11.4. Relocation of Hydrants. Relocation of fire hydrants may be permitted with the approval of the District Engineer and the local fire authority with jurisdiction. The full cost thereof shall be paid by the party requesting the relocation. A fire hydrant that must be relocated cannot be reused unless approved by the District Engineer.
- 11.5. Private Fire Protection Service. Private sprinkler systems and standpipes shall be installed at the expense of the property owner. Private fire protection service shall be installed at locations designated by the appropriate fire officials and approved by the District Engineer. The property owner is required to submit engineered plans sealed by a Registered Professional Engineer, for District review and approval, prior to installing or expanding a private fire loop. The applicant shall also provide the necessary construction to implement these plans, the full cost thereof shall be paid by the applicant.
- 11.6. Maintenance of Private Fire Protection Service. The owner of property served shall be responsible for maintenance of private fire protection service beginning at the tap on the District's water main. In no case shall the District be held responsible for any failure of the private fire protection service.
- 11.7. Payment for Private Fire Protection Service. Private fire protection service is paid for by the owner of the property served under standby charges established by the District Board of Directors.
- 11.8. Special Permits. Water to be used for purposes other than extinguishing fires may be withdrawn from a hydrant only under the authority of a special permit issued at the District business office.
- 11.9. Unauthorized Use. Any use of water from a public fire hydrant or private fire protection system, not made for extinguishing fires, or pursuant to a special permit granted by the District, shall be deemed unauthorized use. Unauthorized use shall be paid for at the rates established by the Board of Directors for special use together with a penalty as assessed by the Board of Directors.

Chapter 12 – Water Meters

- 12.1. Ownership. Meters which are read for billing purposes by the District shall be owned by and installed at the expense of the water user/property owner at the property served.
- 12.2. Purchase. All water meters, corporation stops, and meter yokes shall be purchased from the District.
- 12.3. Size and Type. The size, type and quality of all meters used in the District shall be as set forth in the District Engineering Standards. Size of tap and water meter shall be the same.
- 12.4. Location. All meters shall be located so as to provide free and non-hazardous access at times for reading, removal, inspection and replacement. In general, meters shall be in a frost-proof meter pit or vault, at the boundaries of a public right-of-way on the property owners side and adequately protected from the hazards that may surround it.
- 12.5. Settings. Meter settings shall be as prescribed by the District Engineering Standards.
- 12.6. Customer Request for Maintenance. When any residential water user/property owner requests maintenance for their meter, the District shall remove the meter for inspection. If, upon inspection, the meter is found to be faulty or inaccurate, the District shall proceed with all necessary maintenance and repair. If, however, the meter is found to be in proper working order per American Water Works Association specifications, it shall be reinstalled and a charge assessed against the water user/property owner equal to the cost of removal, inspection, testing and reinstallation.
- 12.7. Maintenance – Normal Wear and Tear. The District will maintain at its cost, against normal wear and tear, all meters for billing purposes. The District will repair or replace meters in need of maintenance or calibration. This shall hold true in either case: that in the judgment of the District the work is deemed necessary, or if the work is requested by the water user and the District agrees that it is necessary.
- 12.8. Extraordinary Damage. The water user/property owner, including commercial or industrial users, shall be financially responsible for any damage to or loss of his meter caused by vandalism, malicious mischief, theft, hot water, tampering, water hammer or other casualty other than ordinary wear and tear. When a water meter shall have been damaged as a result of any such causes, the water user/property owner shall bear the entire expense of removing, repairing, resetting and replacing the meter.
- 12.9. Non-conformity. As required for the proper management, operation or maintenance of the District's water facilities, the District may, at its own expense, relocate meters or modify meter settings.
- 12.10. Unauthorized Use. Any use of water that occurs without proper measurement of the quantity is considered unauthorized use. This may include removing, bypassing, disabling or otherwise tampering with the service line, yoke, meter or register or taking water from a connection or a hydrant without a valid permit. Unauthorized use shall be required to reimburse the District for the quantity of water taken as well as be subject to fines as established in these Rules and Regulations.

Chapter 13 – Bonding of Contractors

- 13.1. Authority. No work shall be completed in connection with water or sewer service lines or appurtenances directly or indirectly connected or to be connected to District facilities other than by a bonded contractor who has been issued a Utility Permit by the District Engineer. Issuance of a Utility Permit is at the sole discretion of the District Engineer.
- 13.2. Definition - Bonded Contractor. A bonded contractor shall be a contractor who has been issued a Utility Permit by the District in accordance with District requirements.
- 13.3. District Requirements - Bonded Contractor. The District requirements for licensing of bonded contractors are as follows:
 - a. Provide a license or permit bond to the District in the penal sum of ten thousand dollars (\$10,000.00) with good and sufficient surety or in cash, effective for a two-year period, conditioned on faithful compliance with all applicable standards, Rules and Regulations, District Engineering Standards, and all ordinances with respect to the District Water Distribution System and Sewage Collection System.
 - b. Apply for and be issued a Utility Permit upon forms provided by the District.
 - c. Pay a Utility Permit fee for each individual project at a cost to be determined and established by the Board of Directors.
 - d. Furnish a copy of contractor's general liability insurance in the minimum amounts of one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) general aggregate.
 - e. Furnish evidence of adequate Workers Compensation Insurance as prescribed by the Workmen's Compensation Act, as amended, of the State of Colorado.
- 13.4. Responsibility. No bonded contractor shall allow his name to be used by any other person directly or indirectly to do any work under his bond, provided, however, that plumbing which is supervised by a bonded contractor may be performed by others upon a condition that work so performed shall remain the sole responsibility of the bonded contractor.
- 13.5. Standards of Work. All work performed by a bonded contractor shall conform to the Rules and Regulations and Engineering Standards of the District.
- 13.6. Revocation or Suspension of Utility Permit. The District Manager shall have the authority to suspend any utility permit issued pursuant to the Rules and Regulations when the utility permit holder has engaged in work activities in an inferior or unsafe manner or contrary to the provisions of these Rules and Regulations. Suspension will remain in force until work is in compliance with all Rules and Regulations of the District.

Chapter 14 – Pretreatment / Industrial Waste Control

14.1. GENERAL PROVISIONS

14.1.1. Purpose and Policy. This Regulation sets forth uniform requirements for direct and indirect contributors into the wastewater collection system for the North Table Mountain Water and Sanitation District and enables the District to comply with all requirements of the Metro District, applicable state laws and the General Pretreatment Regulations issued pursuant to the Clean Water Act of 1977.

The objectives of this Regulation are:

- a) to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- b) to prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- c) to prevent the introduction of pollutants into the municipal wastewater system which may pose health or safety hazards to workers in the sewer system or at the treatment plant;
- d) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

This Regulation provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, and requires User reporting.

This Regulation shall apply to the North Table Mountain Water and Sanitation District and to persons outside the District who are Users of the District POTW. Except as otherwise provided herein, the District Engineer/Manager of the North Table Mountain Water and Sanitation District shall administer, implement, and enforce the provisions of this Regulation.

14.1.2. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Regulation, shall have the meanings hereinafter designated:

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Administrator. The Administrator of the Environmental Protection Agency.
3. Approval Authority. The Director of the Water Quality Control Division of the Colorado Department of Health, or the Regional Administrator of the EPA.

4. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) a responsible officer if the Industrial User is a corporation, specifically the president, secretary, treasurer, or vice president in charge of principal business activity or any other person who performs similar policy or decision making functions for the corporation, or the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) a general partner if the Industrial User is a partnership, or by the proprietor if the Industrial User is a sole proprietorship; or (3) a duly authorized representative of the individual designated in (1) or (2) above having overall responsibility for the facility from which discharge originates if the authorization is made in writing.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter [mg/L]).
6. Building Sewer. A sewer conveying wastewater from the premises of a User.
7. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standards.
8. Colorado Discharge Permit System Permit or CDPS Permit. A permit issued pursuant to the Colorado Water Quality Control Act (25-8-101 et. seq., CRS 1973 as amended).
9. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
10. District. The North Table Mountain Water and Sanitation District or the Board of Directors of North Table Mountain Water and Sanitation District.
11. District Engineer/Manager. The person designated by the District to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
12. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency.
13. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
14. Industrial User. Any non-domestic source discharging pollutants into a POTW.
15. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the Metro District's NPDES or CDPS

Permit(s) (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act (33 U.S.C. 1345), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

16. Metro District. The Metro Wastewater Reclamation District, a political subdivision of the State of Colorado.
17. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) and set forth and defined in 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N which applies to a specific category of Industrial User.
18. National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
19. New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(C) of the Act which will be applicable to such source provided that: (1) the building, structure, facility or installation is constructed at a site at which no other source is located; or (2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
20. Pass Through. A discharge which exits the facilities of the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES or CDPS permit(s) (including an increase in the magnitude or duration of violation).
21. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, including any person or entity contracting with the District for sewage service. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
22. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

23. Pollutant. Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
24. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by other means, except as prohibited by 40 CFR Section 403.6(d).
25. Pretreatment Requirement. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
26. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the North Table Mountain Water and Sanitation District or Metro District. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Regulation, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, Users of the District's POTW.
27. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
28. Significant Industrial User: Any Industrial User who (1) is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (2) is designated as such by the North Table Mountain Water and Sanitation District or the Metro District on the basis that the Industrial User has a potential for adversely affecting POTW operations or for violating any pretreatment standard or requirement; or (3) discharges an average of 25,000 gallons per day or more of process wastewater to the sanitary sewer system (excluding sanitary, noncontact cooling and boiler blow down wastewater); or (4) discharges a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant. The Metro District may delete a non-categorical Industrial User from the list of Significant Industrial Users if the Industrial User has no potential for adversely affecting the Metro District's operation or for violating any deleterious waste standards as set forth in this Regulation.
29. Significant Noncompliance. An Industrial User whose violations meet one or more of the following criteria is considered to be in Significant Noncompliance with pretreatment standards and requirements:

- a) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - b) Technical Review Criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC is 1.4 for BOD; TSS; and fats, oil and grease; and 1.2 for all other pollutants except pH. TRC for pH is one pH unit below the lower limit);
 - c) Any violation of a pretreatment effluent limit (daily maximum or longer-term average) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - d) Any discharge that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under Section 14.4.1 of this ordinance to halt or prevent such a discharge;
 - e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
 - f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - g) Failure to accurately report noncompliance; or
 - h) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the pretreatment program.
30. Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
31. State. State of Colorado.
32. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.
33. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

34. Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering according to standard laboratory procedure.
35. Toxic Pollutant. Including, but not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other acts.
36. User. Any person who contributes, causes or permits the contribution of wastewater into the District's POTW.
37. Wastewater. The liquid and water-carried industrial and domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
38. Wastewater Contribution Permit. As set forth in Section 14.3.1 of this Regulation.

14.1.3. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	United States Code
TSS	Total Suspended Solids

14.2. REGULATIONS

14.2.1. General Discharge Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirement. A User may not contribute the following substances to the POTW:

- a) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall any reading on an explosion hazard meter, at the point of discharge into the District's System (or at any point in the Systems), or at any monitoring location designated by the District in a Wastewater Contribution Permit, be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- c) Any wastewater having a pH less than 6.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- d) Any wastewater having a temperature which will inhibit biological activity in the POTW Treatment Plant resulting in interference, but in no case wastewater containing heat in such amounts that the temperature at the introduction into the POTW Treatment Plant exceeds 40°C (104°F).
- e) Any wastewater containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Standard.
- f) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- g) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause pass through or interference. In no

case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- h) Petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin, each in amounts that will cause interference or pass through.
- i) Any trucked or hauled pollutants except at discharge points approved by the District and the Metro District.
- j) Sewage of such a nature and delivered at such a rate as to impair the hydraulic capacity of the system, normal and wear, and usage excepted.
- k) Sewage of such a quantity, quality or other nature as to impair the strength or the durability of the sewer structures, equipment, or treatment works, either by chemical or mechanical action.
- l) Sewage having a flash point lower than 187F, as determined by test methods specified in 40 CFR 261.21.
- m) Any radioactive substance the discharge of which does not comply with section RH 4.18 of the Colorado Rules and Regulations Pertaining to Radiation Control.
- n) Any garbage other than that received directly into the POTW from domestic and commercial garbage grinders in dwellings, restaurants, hotels, stores, and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.
- o) Any night soil or septic tank pumpage, except by permit in writing from the District and the Metro District at such points and under such conditions as the District and the Metro District may stipulate in each permit.
- p) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants, except such sludge or other material, the discharge of which to the POTW shall be governed by the provision of this Regulation or otherwise authorized by the District and the Metro District.
- q) Water which has been used for cooling or heat transfer purposes without recirculation, discharged from any system of condensation, air conditioning, refrigeration, or similar uses.
- r) Water accumulated in excavations or accumulated as the result of grading, water taken from the ground by well points, or any other drainage associated with construction.
- s) Any water or wastes containing grease or oil and other substances that will solidify or become discernibly viscous at temperatures between 32F and 150F.

- t) Any wastes that contain a corrosive, noxious or malodorous material or substance which, either singly or by interaction with other wastes, are capable of causing damage to the POTW, a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.
- u) Any wastes that contain concentrated dye wastes or other wastes that are either highly colored or could become highly colored by reacting with other wastes, except by permission of the District and the Metro District.
- v) Any wastes which are unusual in composition, i.e. contain an extremely large amount of Suspended Solids or BOD; are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; contain substances conducive to creating tastes or odors in drinking water supplies; otherwise make such water unpalatable even after conventional water purification treatment; or are in any other way extremely unusual, without permission of the District and the Metro District.
- w) Any substance which may cause the POTW's effluent or any other product of the POTW (such as residues, sludges or scums) to be unsuitable for reclamation processes. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- x) Any substance which will cause the POTW to violate its NPDES or CDPS permits or the receiving water quality standards.
- y) Except for existing combined sewer facilities, any stormwater, directly or indirectly, from surface drains, ditches, or streams, storm or combines sewers, roof, areaway, sumps and sump pumps, or foundation drains, or from any other means, including subsurface drainage or ground water.
- z) Any water or wastes potentially contaminated with (1) transmissible spongiform encephalopathy agents from diseases such as chronic wasting disease, bovine spongiform encephalopathy, scrapie, Creutzfeldt-Jakob disease, (2) foot-and-mouth disease agents, or (3) anthrax, except by permission of the Metro District.

When the District Engineer/Manager determines that a User is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the District Engineer/Manager shall: 1) Advise the User of the impact of the contribution on the POTW, and 2) Develop effluent limitations for such User to correct the interference with the POTW.

14.2.2. National Categorical Pretreatment Standards. Upon the promulgation of a National Categorical Pretreatment Standard for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Regulation for sources in that subcategory, shall immediately supersede the limitations imposed under this Regulation. The District Engineer/Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

14.2.3. Specific Pollutant Discharge Standards. No User shall discharge wastewater containing any of the following materials and substances in excess of the limitations provided herein:

	Limit mg/L
Cadmium	3.4
Chromium	3.6
Copper	6.1
Lead	2.2
Nickel	5.6
Zinc	15.6
Mercury	0.13 *
Silver	2.9
Arsenic	0.33
Molybdenum	0.43 **
Selenium	0.66
Tetrachloroethene	1.5 ***
pH, standard unites	> 6.0 s.u.

* This limitation may be imposed directly on mercury-containing wastewaters prior to dilution by domestic and other non-mercury containing wastewaters discharged by the User.

* * Discharge to the sanitary sewer system from cooling towers, boilers, closed-loop heat transfer systems, and any other cooling/heating system treated with molybdenum water treatment chemicals is prohibited entirely.

*** Notwithstanding this numeric limitation, the discharge of dry-cleaning process wastes, including new and used tetrachloroethene (perchloroethylene), still bottom oil, and separator water, is prohibited entirely. Where necessary, the District may require that these wastes be physically prevented from discharging into the sanitary sewer system.

14.2.4. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Regulation.

14.2.5. District's Right of Revision. The District reserves the right to establish by regulation more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 14.1.1 of this Regulation.

- 14.2.6. Excessive Discharge. No User shall ever increase the use of process 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 National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or the State.
- 14.2.7. Accidental Discharges. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Regulation. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. In the case of any accidental or unusual discharge, it is the responsibility of the User to immediately telephone and notify the North Table Mountain Water and Sanitation District and the Metro District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- 14.2.7.1. Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the District Engineer/Manager a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- 14.2.7.2. Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.
- 14.2.7.3. Slug Discharge Determination. At least every two years, the North Table Mountain Water & Sanitation District shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. If a slug plan is needed, the plan shall contain, at a minimum, the following elements:
- a) Description of discharge practices, including non-routine batch discharges;
 - b) Description of stored chemicals;
 - c) Procedures for immediately notifying the North Table Mountain Water & Sanitation District of slug discharges, including any discharge that would violate a prohibition under Section 14.2 of this Regulation, with procedures for follow-up written notification within five days;
 - d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

14.2.8. Hazardous Waste Discharge Reporting. Industrial Users shall notify the North Table Mountain Water & Sanitation District, the Metro District, the EPA regional waste management division director, and the State hazardous waste authorities in writing of any discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261. This notification does not apply to pollutants already reported under the reporting requirements in Section 14.3.2.2 of this Regulation. Specific information to be reported and the time frames in which it is to be reported are found at 40 CFR 403.12(p).

14.3. ADMINISTRATION

14.3.1. Wastewater Contribution Permits

14.3.1.1. General. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW.

14.3.1.2. Permit Application. Users required to obtain Wastewater Contribution Permit shall complete and file with the District an application on the form prescribed by the District and accompanied by a fee as established by the Board of Directors. In support of the application the User shall submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, and location (if different from the address);
- b) SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c) Time and duration of wastewater discharge;
- d) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- f) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;
- g) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 14.2 of this Regulation and any applicable State or National Pretreatment Standards as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

- h) A statement regarding whether or not the discharge standards contained in Section 14.2 of this Regulation, and applicable State or National Pretreatment Standards, are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet the applicable standards;
- i) If additional pretreatment and/or O&M will be required to meet the Pretreatment or discharge standards, the shortest schedule by which the User will provide such additional treatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment or discharge standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.). In no case shall an increment of progress exceed nine months.
 2. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District Engineer/Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return construction to the schedule established.
- j) Each product produced by type, amount, process or processes, and rate of production;
 - k) Type and amount of raw materials processed (average and maximum per day);
 - l) Number and type of employees, and hours or operation of the plant and proposed or actual hours of operation of the pretreatment system;
 - m) Any other information as may be deemed by the District to be necessary to evaluate the permit application.

The District Engineer/Manager shall evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the District Engineer/Manager may issue a Wastewater Contribution Permit subject to the terms and conditions provided herein.

14.3.1.3. Permit Issuance. The District Engineer/Manager shall issue a Wastewater Contribution Permit to the applicant if the District Engineer/Manager finds that all of the following conditions are met:

- a) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of Section 14.2 of this Regulation;
- b) The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system; and
- c) The proposed discharge of the applicant would not result in a violation by the Metro District of the terms and conditions of its NPDES and/or CDPS permit.

If the District Engineer/Manager finds that the condition set out in subparagraph (a) of this paragraph is not met, the District Engineer/Manager may issue a Wastewater Contribution Permit to the applicant if the conditions set out in subparagraphs (b) and (c) of this paragraph are met and if the applicant submits, and the District Engineer/Manager approves, a schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with the provisions of this Regulation.

14.3.1.4. Permit Denial; Hearing. In the event an application for a Wastewater Contribution Permit is denied, the District Engineer/Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a Permit.

Upon receipt of notification of denial of a Permit application, the applicant may request and shall be granted a hearing to be held by the District Engineer/ Manager. At such hearing the applicant shall have the burden of establishing that the conditions set out in Section 14.3.1.3 of this Regulation have been met and that a Permit should issue.

The District Engineer/Manager may conduct the hearing and take the evidence or may designate a representative to:

- a) Issue in the name of the District Engineer/Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b) Take the evidence;

- c) Transmit a report of the evidence and hearing, including transcripts and other evidence, to the District Engineer/Manager together with recommendations for action thereon.

Testimony taken at any public hearing shall be under oath and recorded stenographically. The transcript as recorded shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

Upon review of the evidence by the District Engineer/Manager, the District Engineer/Manager shall make written findings of fact. Thereupon the District Engineer/Manager may issue a Wastewater Contribution Permit, or direct that such Permit shall not be issued, or give such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the District Engineer/Manager may appeal such order to the District Court in and for the County of Jefferson pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

114.3.1.5. Permit Conditions. Wastewater Contribution Permits shall be expressly subject to all provisions of this Regulation and all other applicable regulations, User charges and fees established by the District. Permits will contain, at a minimum, the following:

- a) Statement of duration (in no case, more than five years);
- b) Statement of non-transferability;
- c) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
- d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
- e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not exceed the compliance date beyond federal deadlines.

Permits may also contain the following:

- f) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
- g) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

- h) Requirements for installation and maintenance of inspection and sampling facilities;
- i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- j) Requirements for notification of slug discharges as per Section 14.2.7 of this Regulation;
- k) Other conditions as deemed appropriate by the District to insure compliance with this Regulation.

14.3.1.6. Permit Modifications. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such Standard shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 14.3.1.2, the User shall apply for a Wastewater Contribution Permit with 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the District Engineer/Manager within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by paragraphs (h) and (i) of Section 14.3.1.2.

14.3.1.7. Permit Duration. Permits shall be issued for a specified time period as determined by the District Engineer/Manager and not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in Section 14.2 are modified or other just cause exists. The User shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a time schedule for compliance.

14.3.1.8. Permit Transfer Prohibited. Wastewater Contribution Permits are issued to a specific User for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation.

14.3.2. Reporting Requirements for Permittee - Pretreatment Standards

14.3.2.1. Initial (90-day) Compliance Report. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the District Engineer/Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by

Pretreatment Standards and Requirements and the average and maximum daily flow for those process units in the User's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

14.3.2.2. Periodic Compliance Reports

- a) Any User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the District Engineer/Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the District Engineer/Manager, a report covering the preceding six (6) months and indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes. At the discretion of the District Engineer/Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District Engineer/ Manager may agree to alter the months during which the above reports are to be submitted.
- b) Significant Noncategorical Industrial Users shall submit to the District at least once every six months (on dates specified by the District) a description of the nature, concentration, and flow of the pollutants required to be reported by the User.
- c) The District Engineer/Manager may impose mass limitations on Users which are suspected of using dilution to meet applicable Pretreatment Standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the reports required by subparagraphs (a) and (b) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District Engineer/Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards.
- d) All reports submitted pursuant to this section shall be based on analyses performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

14.3.3. Monitoring Facilities. The User may be required to install and operate, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

14.3.4. Inspection and Sampling. The District may inspect the facilities of any User to ascertain whether the purpose of this Regulation is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representatives, or representatives of the Metro District, ready access at all times to all parts of the premises for the purposes of inspection, sampling, records examination and copying in the performance of any of their duties. The District, the Metro District, the Colorado Department of Health, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the District, the Metro District, the Colorado Department of Health, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the District, the Metro District, the Colorado Department of Health, or the EPA upon request.

14.3.5. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Regulation and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense.

14.3.6. Confidential Information. Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Regulation, the National Pollutant Discharge Elimination System (NPDES) Permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency, excepting the Metro District, or to the general public by the District until and unless a ten (10) day notification is given to the User.

14.4. ENFORCEMENT

14.4.1. Administrative Enforcement Remedies

- 14.4.1.1. Notification of Violation. Whenever the District finds that any User has violated or is violating this Regulation, Wastewater Contribution Permit, or any prohibition, limitation, or requirement contained herein, the District Engineer/ Manager may serve upon such person a written notice stating the nature of the violation. Where directed to do so by the notice, a plan for the satisfactory correction of the violation shall be submitted by the User.
- 14.4.1.2. Consent Orders. The District Engineer/Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Sections 14.4.1.3 and 14.4.1.4 below and shall be judicially enforceable.
- 14.4.1.3. Compliance Orders or Schedules. When the District Engineer/Manager finds that a User has violated or continues to violate the Regulation, Wastewater Contribution Permits or orders issued hereunder, or any other Pretreatment Standards or Requirement, he/she may issue a compliance order to the User responsible for the discharge directing that the User come into compliance within a specified period of time. If the User does not come into compliance within this time period, sewer service may be discontinued. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or Requirement, nor does a compliance order release the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the User.

- 14.4.1.4. Suspension of Service. The District Engineer/Manager may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the District Engineer/Manager or the Metro District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Pass Through or Interference or causes the Metro District to violate any condition of its NPDES or CDPS Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the District Engineer/Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District Engineer/Manager shall reinstate the Wastewater Contribution Permit and/ or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the District Engineer/Manager within fifteen (15) days of the date of occurrence.

- 14.4.1.5. Revocation of Permit. Any permitted User who violates any conditions of this Regulation, or applicable state and federal regulations, is subject to having the permit revoked. Grounds for permit revocation include, but are not limited to:

- a) Failure of a User to factually report the wastewater constituents and characteristics of the discharge;
- b) Failure of the User to report significant changes in operations or wastewater constituents and characteristics;
- c) Refusal of access to the User's premises for the purpose of inspection or monitoring; or,
- d) Violation of conditions of the permit.

- 14.4.1.6. Administrative Penalties. Notwithstanding any other section of this Regulation, any User that is found to have violated any provision of this Regulation, its Wastewater Contribution Permit, orders issued hereunder, or any other Pretreatment Standard or Requirement shall be assessed penalties in an amount not to exceed \$5,000.00. Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge violations, penalties shall be assessed for each day during the period of violation.

Assessments may be added to the User's next scheduled sewer service charge and the District Engineer/Manager shall have such collection remedies as may be available for other service charges and fees.

- 14.4.1.8. Hearings. Users desiring to dispute penalties or any other Administrative Enforcement Remedies must file a written request for the District Engineer/Manager or Board of Directors to reconsider the remedy within 10 days of being notified of the remedy. The District Engineer/Manager shall convene a

hearing on the matter within forty-five (45) days of receiving the request from the User.

- 14.4.1.8. Show-Cause Hearing. Upon a finding by the District Engineer/Manager that a person has caused or permitted an unauthorized discharge or that any such unauthorized discharge has not been corrected by timely compliance with a correction schedule, whether with or without a meeting with the District Engineer/ Manager may order any person who causes or allows such unauthorized discharge to show cause before the District Engineer/Manager why an enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the District Engineer/Manager regarding the violation, the proposed enforcement action, and directing the offending party to show cause before the District Engineer/Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The District Engineer/Manager may conduct the hearing and take the evidence, or may designate a representative to:

- a) Issue in the name of the District Engineer/Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;
- b) Take the evidence;
- c) Transmit a report of the evidence and hearing to the District Engineer/ Manager, including transcripts and other evidence, together with recommendations for action thereon.

At any public hearing, testimony taken before the hearing authority or any person designated by it, shall be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

Upon review of the evidence by the District Engineer/Manager, the District Engineer/Manager shall make written findings of fact. Thereupon the District Engineer/Manager may:

- a) Issue an order stating that no unauthorized discharge has occurred and directing that service shall not be terminated therefor;
- b) Issue an order stating that an unauthorized discharge has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:
 - 1. Adequate treatment facilities, devices, or other appurtenances shall have been installed, or

2. Existing treatment facilities, devices, or other appurtenances are properly operated or maintained; or
- c) Issue such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the District Engineer/Manager may appeal such order to the District Court in and for the County of Jefferson, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

14.4.2. Legal Enforcement Remedies. If any person discharges sewage, industrial wastes or other wastes into the District's wastewater disposal system contrary to the provisions of this Regulation, federal or state Pretreatment Requirements or any order of the District, the District's Attorney may commence an action for appropriate legal and/or equitable relief in the District Court of this county.

14.4.3. Publication of Significant Noncompliance. The District or the Metro District on behalf of the District shall annually publish in the newspaper with the largest daily circulation within the District, a list of the Users which were in significant noncompliance with applicable Pretreatment Standards or Requirements during the previous twelve (12) months.

14.5. FEES

14.5.1. Purpose. It is the purpose of this section to provide for the recovery of costs from Users of the District's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the District's Schedule of Charges and Fees.

14.5.2. Charges and Fees. The District may adopt charges and fees which may include:

- a) Fees for reimbursement of costs of setting up and operating the program described herein;
- b) Fees for monitoring, inspections, and surveillance procedures;
- c) Fees for reviewing accidental discharge procedures and construction;
- d) Fees for permit applications;
- e) Fees for filing appeals;
- f) Other fees as the District may deem necessary to carry out the requirements contained herein.

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

14.6. SEVERABILITY

If any provision, paragraph, word, section, or article of this Regulation is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

14.7. CONFLICT

All other Regulations and parts of other Regulations inconsistent or conflicting with any part of this Regulation are hereby repealed to the extent of such inconsistency or conflict.

14.8. DELEGATION OF AUTHORITY

The Metro District shall have full authority to act and perform such functions as are provided for in Article IV of the Service Contract between the District and the Metro District.

14.9. EFFECTIVE DATE

This Regulation shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

Chapter 15 – Hearing and Appeal Procedures

- 15.1. Application of Procedures. The hearing and appeal procedures prescribed by this chapter shall apply to all complaints concerning the interpretation, application, enforcement or administration of North Table Mountain Water & Sanitation District Rules and Regulations or Engineering Standards. The provisions of the Chapter do not apply to the following complaints:
- a) Complaints arising out of the interpretation of these Rules and Regulations when the meaning is specifically outlined.
 - b) Any matter arising from or related to the employee employer relationship between the District and any District employee.
- 15.2. Initial Complaint - Informal Resolution/Notices of Violation Pursuant to 14.4.1.1.
- a) Except as provided in subparagraph (b) below, complaints concerning the interpretation, application, enforcement or administration of District Rules and Regulations or Engineering Standards must be presented to the District Engineer/Manager. Upon receipt of a complaint, the District Engineer/ Manager, after a full and complete review of the allegations contained in the complaint, shall take such action as may be warranted and shall notify the complainant of the action taken by mail within fifteen (15) days after receipt of the complaint.
 - b) Notices of Violation (14.4.1.1). Notices of violation issued by the District Engineer/Manager pursuant to Rule 14.4.1.1 may be appealed by the User, pursuant to Section 15.3.
- 15.3. Appeals to the Board. Appeals may be taken from a decision of the District Engineer/Manager, including issuance of a notice of violation pursuant to 14.4.1.1, by filing with the Secretary of the Board of Directors, a written request specifying with particularity the grounds for the appeal, said request to be submitted within fifteen (15) days after the contested decision or Notice of Violation has been mailed to the complainant. The Board shall consider such appeal at a regularly scheduled or special Board meeting within a reasonable time of filing the appeal, but in no event shall the hearing be held later than forty-five (45) days after the request is received by the District Secretary. The hearing before the Board shall be conducted on a *de novo* basis. All proceedings at the hearing shall be recorded and any complainant desiring a transcript of such record of hearing shall be furnished the same upon request upon payment of all costs involved in transcribing the same. All parties to the hearing shall be entitled to cross examine witnesses, shall be entitled to examine all evidence submitted prior to such evidence being incorporated into the record, and all parties shall be entitled to representation by legal counsel admitted to practice before the Colorado Supreme Court. Hearings need not be conducted in a strict accord with the Colorado Rules of Evidence, unless otherwise stipulated to by the District and the complainant. If the Board finds that a violation occurred, it may affirm, increase, decrease, or waive the penalty assessed by the District Engineer/Manager.
- 15.4. Board Action. The Board shall make written findings and an order concerning the disposition of the appeal presented to it and shall cause notice of the decision to be sent by mail to the complainant thirty (30) days after the hearing.
- 15.5. Notice. A complainant shall be given notice of any hearing before the Board by mail at least thirty (30) days prior to the date of hearing unless the complainant requests or agrees to a hearing in less time.

When a complainant is represented by an attorney, notice of any action, finding, determination, decision or order affecting the complainant shall also be served upon the attorney by mail.

- 15.6. Judicial Appeal. The final decision of the District shall be the decision rendered by the Board of Directors. Any party to the hearing before the Board adversely affected or aggrieved by the decision of the Board may appeal such decision to the District Court for the County of Jefferson pursuant to C.R.C.P. 106(a)(4).

Chapter 16 – Annexation for Inclusion of Property

- 16.1. Proposed Annexation of Property. Any developer desiring to pursue annexation of property to the District will be subject to the following conditions:
- a) Must be fee owner or owners of property to be annexed.
 - b) Petition the Board of Directors for inclusion of land into the District.
 - c) Payment of an escrow deposit in an amount as determined by the District Manager. If the District incurs expenses in excess of the amount of the escrow deposit the developer will be required pay the difference between the escrow amount and actual District expenses. If District expenses are less than the escrow amount the developer will be refunded the difference between the escrow amount and actual District expenses.
 - d) Submit complete legal description of the lands proposed for annexation.
 - e) Provide sufficient raw water to the District to serve the proposed development unless other means to provide water to the proposed development are approved by the Board.
 - f) Agree to deed rights to the District to tributary and not non-tributary water for the underlying land proposed for annexation.
 - g) Comply with all state, and county regulations.
- 16.2. Annexation of Property Public Hearing. After receiving a petition for annexation the Board shall hold a public meeting after legal publication of notice of such meeting. All persons interested will be allowed to show cause in writing why the petition should not be granted. In the sole discretion of the Board of Directors of the District, property may be annexed to the District. The Board may set any special conditions, obligations, or requirements as a condition of annexation, taking into consideration requirements of any appropriate public agency that may from time to time exist.
- 16.3. Agreement for Inclusion of Property - At the sole cost of the developer an Agreement for Inclusion of Property will be written by District legal counsel setting any special requirements necessary for the District to serve the proposed annexation.
- 16.4. Order Confirming Inclusion of Property – After the Agreement for Inclusion of Property has been signed by the District and the fee owner or owners of the property, and the District has ordered the Inclusion of Property, the District will obtain an order of the District Court including the property.
- 16.5. Inclusion Fee - Owner shall pay an inclusion fee as outlined in Appendix A- Fees, Charge and Rates, upon execution of the Agreement.

Chapter 17 – Groundwater Wells

- 17.1 Limitations - The drilling of new wells within the District shall be allowed only to a maximum depth of fifty-five (55) feet and no well shall be allowed which would penetrate any Denver Basin Aquifer (Upper and Lower Denver formation, Upper and Lower Dawson formation, Arapahoe, or Laramie Fox Hills Formation). No wells will be approved for potable/ in-house water use.

The rehabilitation of an existing well with a Division of Water Resources permit, shall not be considered the drilling of a new well under this chapter.

- 17.2 District Approval – Any person who desires to drill a well within the District limits shall submit an application for a approval to construct a well to the District Manager providing the following information: proposed location and depth of well, proof of written notice to the Jefferson County Board of Health, and proof that an application for well permit has been submitted to the State Engineer.

The application may be approved only if the District Manager determines that the depth of the well is less than fifty five (55) feet, does not penetrate any Denver Basin aquifer and all other requirements set forth in this section have been met.

- 17.3 Cross Connection Protection Inspection - Prior to backfill of any plumbing, the owner shall request an inspection from the District to ensure that all cross-connection concerns are addressed. If the plumbing has been backfilled prior to inspection the owner will be required to excavate the plumbing for District staff to inspect.

If it is determined that a backflow prevention device is required, the device shall be plumbed so as to provide isolation from the District's water system and must meet the requirements of Chapter 10 - Cross Connection Control Standards of these Rules. The cross-connection device shall be annually tested with the results provided to the Districts cross-connection program administrator.

- 17.4 Well Approval Application Fee - Any person submitting such application for District approval shall pay a non-refundable fee as presented in Appendix A Fees, Charges and Rates of these Rules.

- 17.5 Existing Unpermitted Wells – The owner of an existing unpermitted well, drilled before May 8, 1972, which is not used for in-house/potable water service, may file a District application for well approval with the required information stated in section 17.2 above, pay the non-refundable fee for an unpermitted existing well and submit to an inspection by District staff to ensure that no cross connections exist. If it is determined that the well plumbing connects to the District's system an approved testable backflow prevention device shall be required to be installed per the requirements outlined in Chapter 10 of these rules. Annual test results shall be required to be submitted to the District's cross-connection control program administrator.

- 17.6 Action for Violation. Failure to comply with any of these terms will cause the District to contact the State Division of resources and recommend that the permit not be issued or in the case that a well has already been drilled, the District will file a request with the State Engineer that the well be abandoned.