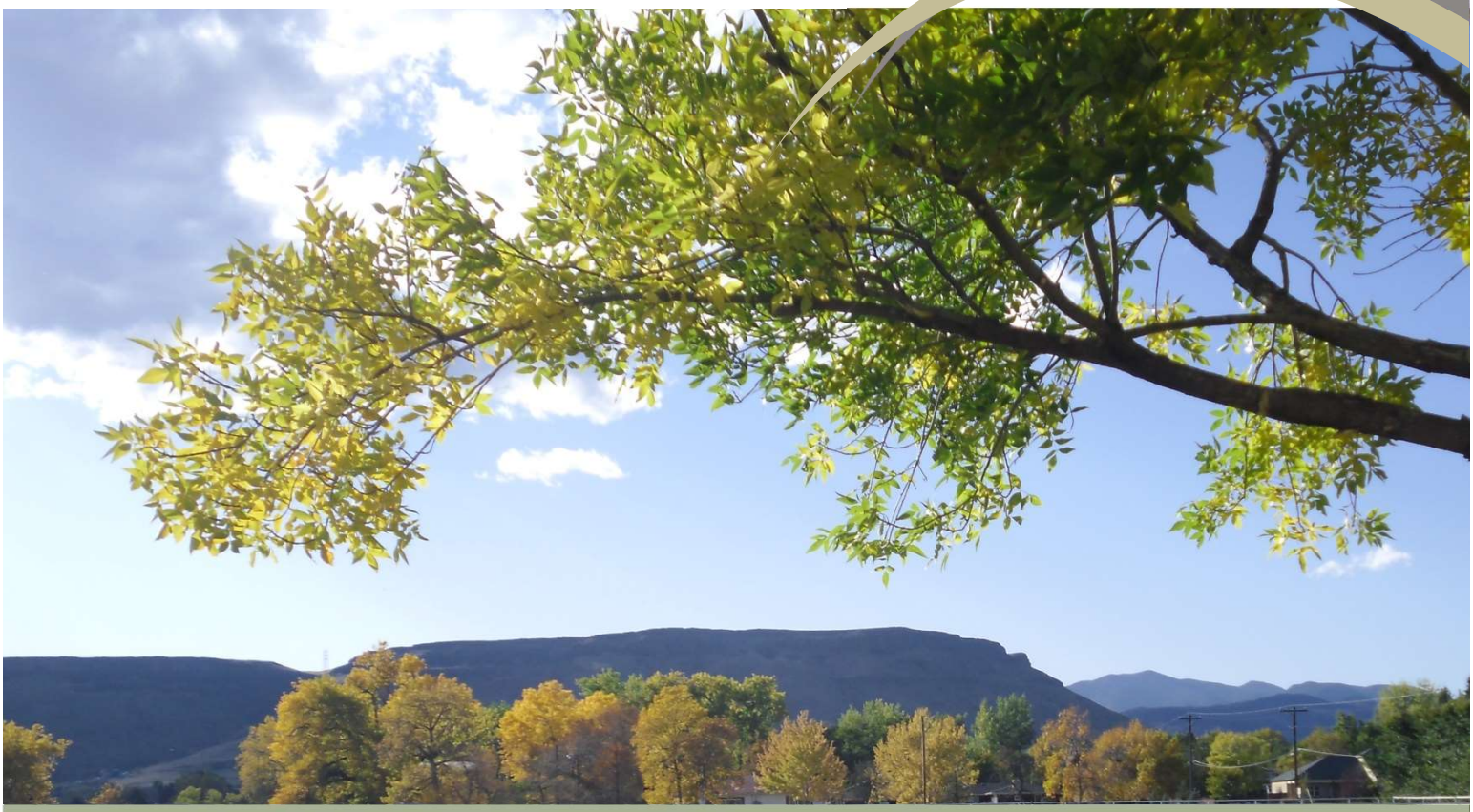
Rules and Regulations



North Table Mountain
Water & Sanitation District
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Table of Contents

Chapter 1 – General

Chapter 2 – Provisions of Water Service

Chapter 3 – Provisions of Sanitary Sewer Service

Chapter 4 – Billing Procedures

Chapter 5 – Conditions for Providing Services to Developments

Chapter 6 – Mains

Chapter 7 – Charges and Rates

Chapter 8 – Water Service Lines

Chapter 9 – Sanitary Sewer Service

Chapter 10 – Cross connection Control Standards

Chapter 11 – Fire Protection

Chapter 12 – Water Meters

Chapter 13 – Bonding of Contractors

Chapter 14 – Pretreatment / Industrial Waste Control

Chapter 15 – Hearing and Appeal Procedures

Chapter 16 – Inclusion of Property

Chapter 17 – Groundwater Wells

Appendices

Appendix A – Fees, Charges and Rates

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.

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. Abbreviations, Acronyms and 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:

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.

Board and Board of Directors. The Board of Directors of the North Table Mountain Water and Sanitation District.

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 20̊C.

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.

CDPS (Colorado Discharge Permit System). A State of Colorado program that regulates the discharge of pollutants into Colorado's waters.

CFR (Code of Federal Regulations). The official compilation of rules and regulations published by federal agencies of the United States. It is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

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.

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.

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.

District Engineer. A registered professional engineer in the state of Colorado charged with responsibility for all District engineering.

District Facilities. Any and all improvements owned and operated by the District for the provision of water and sanitation service.

District Manager. The chief administrative officer of the District charged with responsibility for all District operations.

EPA (Environmental Protection Agency). An agency of the United States federal government responsible for protecting human health and the environment.

Flow Charge. The charge for each billing period 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.

L (Liter). A unit of volume, which is equal to 1,000 milliliters (mL).

Metro. The Metro Water Recovery, a stand-alone special district formed by the Colorado legislature.

mg (milligram). A unit of mass in the metric system. It is one thousandth of a gram or 0.001 grams.

mg/L (milligrams/Liter). A unit of concentration used to express the amount of a substance (in milligrams) dissolved in one liter of liquid.

National Categorical Pretreatment Standards. Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 403.5 and the Categorical Standards established pursuant to Section 403.6.

NPDES (National Pollutant Discharge System). A program that regulates the discharge of pollutants into US waters. Permits are issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

O&M. Operations and maintenance.

Pass Through. A discharge which exits the facilities of Metro Water Recovery 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 Metro's NPDES/CDPS Permit(s) (including an increase in the magnitude or duration of a violation).

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. This definition includes any sewers that convey wastewater to the POTW Treatment.

Sanitation Service User (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.

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.

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.

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.

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 Metro 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 works.

Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Storm Water. Any flow occurring as a result of natural precipitation.

Strong Sewage (High Strength Wastewater). Sewage that contains elevated concentrations of pollutants, typically higher than is found in normal domestic wastewater. It is most often generated by commercial or industrial sources. It is typically characterized by elevated levels of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) and Total Kjeldahl Nitrogen (TKN).

Total Suspended Solids (TSS) or Suspended Solids (SS). 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.

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 System Development Charge, connection charge (which includes the cost of the District-owned water meter for a water tap), 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.

TKN (Total Kjeldahl Nitrogen). A measure of the total concentration of nitrogen in a sample, including both organic nitrogen and ammonia nitrogen.

User. Any Person or entity who contributes, causes, or permits the contribution of Wastewater into the POTW.

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.

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.

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. The District portion of a water service line runs from the water main through the meter and

includes the tap, corporation stop, curb stop (if any), meter pit, meter setting and meter. The customer portion runs from the outlet side of the meter setting to the plumbing of the water user.

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.

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.

Wastewater Contribution Permit. As set forth in the Metro Rules and Regulations.

Chapter 2 – Provisions of Water Service

2.1. No Guarantee of Water Service. The District will use reasonable efforts to provide continuous and reliable water service; however, the District does not guarantee uninterrupted service, nor does it guarantee any specific quantity, flow rate, or pressure of water.

For scheduled service interruptions, the District will provide 24 hours' advance notice to affected customers when reasonably practicable.

For emergency situations or unanticipated circumstances, including but not limited to system failures, main breaks, natural events, or safety related shutoffs, advance notice may not be possible, and the District provides no guarantee of prior notification in such cases.

2.2. 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.

2.3. 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.

2.4. 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.

2.5. Fees. Applications for water taps will not be approved until the Denver Water Board system development charge, District system development charge, District connection charge, 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.

2.5.1. 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

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.

2.6. Description of Property. Application for water taps must include a street address and adequate and complete legal description of the property to be served.

2.7. General Requirements:

a) Water meters will not be set 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.

2.8. Tap and Installation. After a water tap application or utility plan has been approved, tapping of the water main and installation of the water service line may proceed. Physical tapping of the water main will be made by a qualified contractor approved by the District Engineer. 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.

2.9. 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. A fee for water service stub-ins will be charged as outlined in Appendix A. This fee will be in addition to normal tap fees.

2.10. 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.

2.11. 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.

2.12. 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.

2.13. Service Outside District Boundaries. Water tap applications will not be approved for properties outside the boundaries of the District.

2.14. 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.

2.15. Bulk Water Permits. Permits for obtaining bulk water 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 protect water quality, prevent injury, eliminate water 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.

2.16. 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.

2.17. 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.

2.18. Equipment Dependent on Continuous Water Pressure or Supply. Customers with equipment, appliances, or systems that rely on uninterrupted water pressure or continuous water supply shall, at their sole cost and responsibility, install and maintain appropriate backup systems, safeguards, and supplemental water supplies as necessary to protect themselves, their equipment, and their property from damage resulting from any interruption, reduction, or loss of water service or pressure.

2.19. Limit to Use of Private Fire 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 penalties will apply and authorization for fire protection service may be suspended or revoked.

2.20. 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.

2.21. 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.

2.22. Water Conservation - Water Waste Prohibited; water shall be used only for beneficial purposes and shall not be wasted. Prohibited water waste includes, but is not limited to:

a) Applying more water than is reasonably necessary to establish and maintain a healthy landscape. Routine watering of turf shall be limited to 3 days per week. Watering with spray irrigation between the hours of 10.00 a.m. and 6.00 p.m. during the period from May 1 to October 1, except for the following uses:
    i. Watering for up to 21 days to establish turf from seed or sod.
    ii. Watering new plant material on the day of planting (e.g., flowers, trees, and shrubs).
    iii. Watering that is essential to preserve turf subject to heavy public use.
    iv. Operating an irrigation system for installation, repair or reasonable maintenance, if the system is attended throughout the period of operation.
b) Watering landscaped areas during rain or high wind.
c) Applying water intended for irrigation to an impervious surface, (e.g., a street, parking lot, alley, sidewalk or driveway).
d) Using water instead of a broom or mop to clean outdoor impervious surfaces (e.g., sidewalks, driveways, and patios), except when cleaning with water is necessary for public health or safety reasons or when other cleaning methods are impractical.
e) Allowing water to pool or flow across the ground or into any drainage way(e.g., gutters, streets, alleys or storm drains).
f) Failing to repair, for a period of more than 10 business days after notice, leaking or damaged irrigation components, service lines or other plumbing fixtures.
g) Washing vehicles with a hose that lacks an automatic shut-off valve.

2.23 Drought and Water Shortage Response - During periods of water shortage (whether caused by drought, treatment-plant limitations, distribution system issues, or other supply constraints) customers shall participate in any water use reductions or curtailments required by the District.

a. *Raw Water Shortages and Denver Water Requirements* - If a shortage results from limitations in the raw water supply, the District will implement water use restrictions consistent with, and at minimum equal to, those required by Denver Water. Pursuant to Chapter 15 of Denver Water's Rules, the District may impose equal or more restrictive conservation measures, rationing, or prohibitions. Any associated costs, penalties, or enforcement fees required by Denver Water or the District shall be passed on to District customers.

b. *Suspension of Water Tap Issuance* - When warranted by water-supply conditions, the Board of Directors may suspend the issuance of new water taps until such conditions improve. At the Board's discretion, the issuance of additional water taps may be suspended permanently.

c. *Emergency Water Use Restrictions* - If water supply or water-quality conditions are such that unrestricted use may jeopardize the adequacy or reliability of the system, the District may adopt emergency water-use regulations and restrictions. These measures shall remain in effect until the District determines the conditions requiring them no longer exist. The District may also adopt any additional regulations necessary to conserve water, protect supply, and maintain adequate flow through the system.

d. *Customer Responsibility and Penalties* - The owner or occupant of any Licensed Premises is responsible for complying with all District adopted water use regulations and restrictions. Violations are subject to penalties in effect at the time of the violation, which may include:

1. *First Violation*: Written notice to the owner or occupant advising of the violation and advising that monetary charges may be imposed for subsequent violations.
2. *Subsequent Violations*: Written notice and monetary charges as set forth in Appendix A, added to the water bill.
3. *Continuing Waste or Willful Violation*: Persistent waste of water or willful violation of District or Denver Water regulations may result in temporary suspension of water service.

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 system development charge, connection 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) Service connections will not be permitted until the main on which the service 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 or utility plan 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. A fee for sewer service stub-ins will be charged as outlined in Appendix A. 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.

The District is not responsible for statements, bills, notices, or customer payments that are delayed, lost, misdelivered, or otherwise not received due to issues with the United States Postal Service or any other mail carrier. Customers remain responsible for ensuring timely payment regardless of any mail delivery issues.

For customers who elect to receive bills or make payments electronically, the District is likewise not responsible for emails or electronic notices that are filtered, blocked, misplaced, or otherwise not received. Customers remain responsible for monitoring their accounts and ensuring that payments are made on time regardless of electronic communication issues.

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). The water rates are listed in Appendix A of this document.

4.3. Minimum Charges. Regardless of the amount of water used, a minimum charge for water and sewer 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. The minimum charges are listed in Appendix A of this document.

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. Sewer rates are approved and posted in accordance with State statute CRS 32-1-1-1001 (2) (a). The water rates are listed in Appendix A of this document.

4.5. Billing Frequency. Bills for water and sanitation service will normally be issued on a bi-monthly basis (once every two months) unless, at the discretion of the Board of Directors, a monthly or other designated period is allowed or required. Beginning January 1, 2027, all accounts will be billed on a single bi-monthly billing cycle. To transition accounts from the prior quarterly billing cycles, the District may issue one or more bills covering a shortened or extended billing period. Minimum charges and water-use tier volumes on any such transitional bill will be prorated based on the number of days in

the billing period. The billing date is the date printed on the bill. All time periods in this chapter are measured in calendar days, and any payment deadline that falls on a weekend or District holiday moves to the following regular business day.

4.6. Monthly Billing for Large-Use Customers. A commercial or industrial customer whose metered water use exceeds 100,000 gallons in every month of the year qualifies for monthly billing. Monthly accounts are billed at the large-use customer water rates and monthly minimum charges published in Appendix A, and their sewer charges are calculated as provided in Appendix A. The District will determine eligibility based on the account's metered water use during the most recent twelve (12) consecutive months; a new account may be placed on monthly billing at the District's discretion based on its projected use. In any month that a monthly account uses 100,000 gallons or less, the monthly minimum charge in Appendix A applies. The District will review monthly accounts annually, and if an account did not use more than 100,000 gallons in every month of the review period, the District may return the account to the standard bi-monthly billing cycle and rates. The payment, early payment discount, late charge, and shut-off provisions of this chapter apply to each monthly bill.

4.7. 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 Metro 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 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 the shut-off notice, sewer service will be discontinued.

4.8. Late Payment. Full payment for water and/or sanitation services is due by the due date shown on the bill, which will be twenty-five (25) calendar days after the billing date. All accounts not paid in full by the due date will be considered delinquent and will be assessed a late charge as established by the Board of Directors. A late notice will be mailed to the user of record on the next business day after the due date. Payment of the past-due amount is due thirty-seven (37) calendar days after the billing date (the late-notice deadline).

4.9. Turn-off for Non-payment. If full payment for service at a property is not received by the late-notice deadline, a shut-off notice in a form as approved by the Board of Directors will be mailed to the user of record. The shut-off notice will be mailed on the next business day after the late-notice deadline and will state the date by which payment must be received to avoid shut-off, which will be forty-nine (49) calendar days after the billing date. If the bill is not paid by that date, the service will be shut off on the next business day. If service to a property is discontinued, all delinquent charges due must be paid in full along with normal charges before water service will be restored by District staff. If the service is reinstated in any way by anyone other than District staff it will be considered unauthorized use and will be subject to tampering fees as presented in Appendix A of these Rules.

4.10. 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.

4.11. Non-payment of Sewer Sanitation Service Charges. If full payment of all sanitary sewer charges, fees, and penalties is not received by the due date shown on the bill, a late charge as established by the Board of Directors will be assessed. If full payment for service at a property is not received by the late-notice deadline, 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 by the date stated in the shut-off notice, 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 all delinquent charges due are paid in full as well as all costs associated with severing and reconnecting the property service line. In lieu of severing the service the District may choose, at its discretion, to submit all applicable charges to Jefferson County to be liened.

4.12. 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.

4.13. 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 leak on the customer portion of the service line, in the customer's indoor plumbing, or in an irrigation system, the customer remains responsible for paying for all water that passes through the meter. If the District can quantify the leaked volume from meter data, the District may bill the leaked volume at the Tier 2 water rate in Appendix A instead of the higher tier rates that would otherwise apply. The adjustment will be applied only after the customer provides confirmation, satisfactory to the District, that the leak has been repaired, and is limited to one adjustment per account in any twelve (12) month period. If the leak occurred during the winter period used to calculate sewer charges, the leaked volume will be excluded when calculating those sewer charges. 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.

4.14. Payment at Business Office. Payment for services rendered by the District can be made at the District business office or through payment services listed on the District's website. 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.

4.15. 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.

4.16. Charges to Begin With Connection to District's System. Minimum charges for water and sanitary sewer 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. These charges are listed in Appendix A of these Rules.

4.17. 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. These charges are listed in Appendix A of these Rules. 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.

4.18. 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. This charge is listed in Appendix A of this document. No charge will be made for changing the name on an account when a special meter reading or billing is not required.

4.19. Early Payment Discount on Bills. An early payment 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 by the discount date shown on the bill, which will be ten (10) calendar days after the billing date. If the discount date falls on a weekend or holiday, the following regular business day will be the last day for receiving a discount. The discount is documented in Appendix A of these Rules.

4.20. Collection and Enforcement of Delinquent Fees and Charges. Until paid in full, all fees, rates, tolls, penalties or charges imposed by the 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 the District in collection efforts or preparation

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 its 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 its 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 Preliminary Review of Proposed Developments. The District will not review, advise, approve, or disapprove any proposed development until a development review fee, as outlined in Appendix A, is furnished to the District to secure payment of the District's expenses in connection with said development. If a development is reconfigured such that it requires re-evaluation of engineering or hydraulic analysis or it has been one year since the last submittal the developer will be required to submit a new preliminary development review fee per Appendix A. District expenses to be reimbursed include, but are not 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 development review fee, the District shall provide an itemized bill to the developer based on the fees and rates, as outlined in Appendix A, the developer shall promptly pay such deficit to the District. In no event will District funds be expended for any development. No further review will be conducted 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) Prior to approval of construction drawings the District shall provide an itemized bill to the developer based on the fees and rates, as outlined in Appendix A, 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. All billed amounts must be paid prior to District’s approval of drawings.

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 utility construction, developer shall provide the District as-built drawings in AutoCAD, pdf format and archival quality hard copy. In the event that the District's total expenses exceed the amount of the billed development fees, the District shall provide an itemized bill to the developer for said expenses based on the fees and rates, as outlined in Appendix A. The developer shall pay the bill prior to District's final acceptance of the project.

Chapter 6 – Mains

6.1. Ownership. Unless an agreement provides otherwise or the main is part of a private fire system, 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, system development charges, connection cgarges, 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)(I) 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. Upon acceptance by the District, the District portion of the service line becomes the property of the District.

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 District owns the District portion of the water service line, from the water main through the meter, including the meter pit, meter setting and meter. The property owner owns the customer portion, from the outlet side of the meter setting to the plumbing facilities of the property served. The District portion of any service line in place before the effective date of this rule is the property of the District as of that date.

8.5. Maintenance. Maintenance, repair and replacement of the District portion of the service line shall be the responsibility of the District. Maintenance, repair and replacement of the customer portion of the service line 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 the meter, meter pit or other District facilities caused by vandalism, malicious mischief, theft, hot water, freezing, tampering, water hammer or other casualty other than ordinary wear and tear. If the property owner changes the grading, landscaping, hardscaping or other improvements around the meter pit or curb stop, the property owner is responsible, at the property owner's expense, for keeping the meter pit and curb stop accessible and for adjusting them to meet the District Engineering Standards, including the height and placement of the meter pit lid and curb stop valve box. The District may supply the parts needed to adjust the meter pit or curb stop valve box, and the property owner will be charged for those parts at the materials rates in Appendix A. All adjustments must be inspected and approved by the District before the work is considered complete.

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. The cost of abandoning or replacing a service line, including the District portion, shall be paid by the property owner.

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 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 controlling, 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.

A controlled connection shall be installed 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

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 their 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. All water meters read for billing purposes are owned by the District and will be installed by the District. The cost of the meter for a new water service is included in the water tap fee. Payment of tap fees, or installation of a meter on private property, does not transfer ownership of the meter to the property owner. Meters installed before the effective date of this rule are the property of the District as of that date.

12.2. Purchase. Corporation stops and meter yokes shall be purchased from the District. Water meters are furnished by 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. Access. The District and its authorized representatives shall have the right to access any District owned water meter, meter pit or related appurtenances for the purpose of inspection, maintenance, testing, repair, replacement, reading, or any other activity necessary for the proper operation of the water system. Customers shall ensure that meters and associated District equipment remain unobstructed and accessible at all times. Failure to provide adequate access may result in penalties, estimated billing, service interruption, or other enforcement actions permitted under these Rules and Regulations.

12.7. Maintenance and Responsibility of Meter Bypass Lines. The Customer is responsible for the installation, repair, maintenance, and proper operation of water meter bypass lines, valves, associated fittings and piping.

The bypass shall not be operated, opened, or manipulated except by the District or with the District's prior written authorization. Unauthorized use of a bypass line constitutes meter tampering and is subject to penalties, charges, and enforcement actions as provided in these Rules and Regulations.

12.8. 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. The District shall determine when meter maintenance or replacement is required and will use reasonable efforts to coordinate scheduling with affected customers to minimize disruptions. Notwithstanding such efforts, a service outage will be necessary during meter replacement, and the District retains sole authority to establish the final replacement schedule.

12.9. 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.

12.10. Extraordinary Damage. The water user/property owner, including commercial or industrial users, shall be financially responsible for any damage to or loss of their 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.

12.11. 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.

12.12. 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 twenty five thousand dollars ($25,000.00) 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 contributors into the wastewater collection system for the District and enables the District to comply with all requirements of Metro, applicable state laws and the General Pretreatment Regulations issued pursuant to the Clean Water Act of 1977 (Act).

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;

14.2. DELEGATION OF AUTHORITY

This section provides for the regulation of 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.

Metro shall have full authority to act and perform such functions, including the monitoring and permitting of wastes as are provided for in Metro Sewage Treatment and Disposal Agreement.

In addition, the current edition of Metro's Rules and Regulations, with any addendums are adopted and incorporated herein by this reference, and where any inconsistencies exist between the District's and Metro's regulations, the inconsistency shall be resolved in favor of the more restrictive.

This Regulation shall apply to all persons or entities inside and 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.

14.3. REGULATIONS

14.3.1. General Discharge Prohibitions. No User shall contribute or cause to be contributed, 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.

14.3.2. Metro Limits. A User may not contribute substances to the POTW as outlined in Section 6.14 of the Metro Rules and Regulations.

Metro Rules and Regulations, Chapter 6 establishes regulated concentration limits. All Users are required to adhere to these specified limits and are prohibited from exceeding them. In the event a User exceeds any discharge limits, they shall be obligated to rectify the exceedance and reimburse the District for all costs incurred, including District staff time and equipment.

14.3.3. District Limits. The District has identified the following concentration thresholds that, if exceeded, will be deemed excessive:

NTM Discharge Limits
BOD - 350 mg/L
TSS – 300 mg/L
TKN – 70 mg/L

Users that are determined to be discharging wastewater with loading concentrations above those listed above are classified as Strong Sewage dischargers. They are subject to additional monitoring requirements as determined by the District Engineer/Manager and a Strong Sewage loading surcharge fee as listed in Appendix A.

Strong Sewage Discharge Classification Review. Users classified as Strong Sewage dischargers may contest their classification by providing a sampling plan to be approved by the District Engineer and subsequent verifiable sampling data. If a user does not have an existing sampling manhole, they must install one at their expense before testing can proceed.

The District reserves the right to conduct testing or require the user to arrange independent testing by a qualified consultant. If test results demonstrate that the user's discharge levels, for a time period determined by the District Engineer, fall below the defined Strong Sewage thresholds, the user will be removed from the Strong sewage category. If the results confirm exceedance of the thresholds, the user will remain in the category and bear the cost of testing.

The District may conduct periodic re-evaluations to ensure continued compliance. If a previously exempt user is later found to exceed the Strong Sewage limits, they will be reclassified and subject to applicable surcharges and testing requirements.

14.3.4. 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 of this Regulation.

14.3.5. 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.

14.3.6. 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.

14.3.7. Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the District Engineer/Manager and Metro 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.

14.3.8. 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 ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

14.3.9. Slug Discharge Determination. The District or Metro may evaluate whether a 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 District and Metro of slug discharges, including any discharge that would violate a prohibition under Section 14.3 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 User 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.

14.3.10. Hazardous Waste Discharge Reporting. Industrial Users shall notify the District, Metro, 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. Specific information to be reported and the time frames in which it is to be reported are found at 40 CFR 403.12(p).

14.4. ADMINISTRATION

14.4.1 Wastewater Contribution Permits

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

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 Metro, 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, Metro, 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 its security guards so that upon presentation of suitable identification, personnel from the District, Metro, 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, Metro, the Colorado Department of Health, or the EPA upon request.

14.5. ENFORCEMENT

14.5.1. Administrative Enforcement Remedies

14.5.1.1. Notification of Violation. Whenever the District or Metro 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 or Metro may serve upon such User 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 within 30 calendar days and applicable fees will be paid as determined by the District or Metro.

14.5.1.2. District Corrective Action. The User shall reduce regulated constituents to below discharge limits. Corrective actions may include process changes, alternate methods of disposal, pretreatment of regulated constituent, etc.

Self-monitoring by the User and District sampling of discharges will be required to ensure that the regulated constituents are being maintained below allowable discharge levels. The User will be responsible for all associated costs and fees.

If the User fails to provide accurate results, as confirmed by District testing, additional fees shall be levied in accordance with the provisions set forth in Appendix A.

14.5.1.3. Consent Orders. The District Engineer/Manager or Metro 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 14.5.6 and 14.5.6 below and shall be judicially enforceable.

14.5.1.4. 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.

14.5.1.5. Suspension of Service. The District Engineer/Manager may suspend the wastewater discharge and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the District Engineer/Manager or Metro, 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 Metro to violate any condition of its NPDES or CDPS Permit.

Any User notified of a suspension of their wastewater discharge and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the User 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 or suspension of revocation of water service, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District Engineer/Manager or Metro may reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, submission of any required documentation or plan and payment of applicable fees. 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.

14.5.1.6. 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 as levied by Metro and as outlined in Appendix A of these Rules. Such penalties shall be calculated on a per violation basis.

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.

14.5.1.7. Legal Enforcement Remedies. If any User discharges sewage, industrial wastes or other wastes into the POTW 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 legal and/or equitable relief in the appropriate court jurisdiction

14.6. FEES

14.6.1. 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 these Rules including, but not limited to, sampling, repairs, Metro contribution charges, response, severing of service and applicable charges or fees set forth in Appendix A - Schedule of Charges and Fees.

The costs for loading contributions to the POTW above those set by these rules must be paid for by the User based on the rates in Appendix A of these Rules.

The fees in Appendix A relate solely to the matters covered by this Regulation and are separate from all other fees chargeable by Metro.

14.7. 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.

14.8. CONFLICT

Any jurisdictional regulation that is inconsistent or in conflict with the District's Rules and Regulations shall be resolved in favor of the more restrictive provision.

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 – Inclusion of Property

16.1. Proposed Inclusion of Property. Any developer desiring to pursue inclusion of property to the District will be subject to the following conditions:

a) Must be fee owner or owners of property to be included.

b) Petition the Board of Directors for inclusion of land into the District.

c) Deposit for Expenses - Owner shall pay a deposit in order to cover all costs associated with the inclusion including attorneys fees, court costs and document recordation fees in an amount as determined by the District Manager. If the District incurs expenses in excess of the amount of the deposit the developer will be required to pay the difference between the amount and actual District expenses. If District expenses are less than the deposit amount the developer will be refunded the difference between the amount and actual District expenses.

d) Inclusion Fee - Owner shall pay an inclusion fee as outlined in Appendix A- Fees, Charges and Rates, upon execution of the Agreement.

e) District Administration Fee – Owner shall pay a staff administration fee as outlined in Appendix A – Fees, Charges and Rates. If the District incurs expenses and staff time in excess of the amount of the fee the developer will be required to pay the difference prior to recording the court order of inclusion.

f) Submit complete legal description of the lands proposed for inclusion.

g) 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.

h) Agree to deed rights to the District to non-tributary and not non-tributary water for the underlying land proposed for inclusion.

i) Comply with all state, and county regulations.

16.2. Inclusion of Property Public Hearing. After receiving a petition for inclusion 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 included to the District. The Board may set any special conditions, obligations, or requirements as a condition of inclusion, taking into consideration requirements applicable at the time of inclusion of any public agency with jurisdiction of the property.

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 inclusion.

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. The court order shall be recorded in the records of the Jefferson County Clerk and Recorder.

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.