

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado



RULES AND REGULATIONS PERTAINING TO

WATER AND SANITATION FUNCTIONS

OF THE

CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

GUNNISON COUNTY, COLORADO

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These Rules and Regulations are subject to change at any time without notice, by action of the Board of Directors of the Crested Butte South Metropolitan District.

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1. INTRODUCTION - EXPLANATORY MATERIAL

- 1.1. Scope. This regulation shall be treated and considered as a new and comprehensive regulation, governing the operations and functions of the Crested Butte South Metropolitan District and shall supersede previous regulations of the District, which are in conflict with the provisions hereof.
- 1.2. Policy and Purpose. It is hereby declared that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to insure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Crested Butte South Metropolitan District.
- 1.3. Definitions. Unless the context physically indicates otherwise, the meaning of terms used herein shall be as follows:
 - 1.3.1. "Actual Cost" shall mean all direct costs applicable to the construction of a given water or sewer line, including, but not limited to, construction, engineering, inspection, plan approval fees, etc., which have been paid by the line constructor.
 - 1.3.2. "Board" and "Board of Directors" shall mean the governing body of the Crested Butte South Metropolitan District.
 - 1.3.3. "Commercial" shall mean a use of real property which is primarily restricted business and professional endeavors including, but not limited to, retail shops, offices, short term rental of lodging accommodations, restaurants, bars, and recreational businesses, but excluding the conduct of municipal, quasi-municipal and other governmental entities.
 - 1.3.4. "Contractor" shall mean any person, firm or corporation approved by the District to perform work and to furnish materials therefore within the District, or licensed by the State of Colorado.
 - 1.3.5. "Constructor" shall mean any person, corporation, partnership, association, public entity or firm desiring to construct an extension of or to the District's water distribution or sewage system.
 - 1.3.6. "Customer" shall mean any person, company, corporation, or public entity, authority or agency authorized to use water, or connect to a water main or connect to a sewage facility under a permit issued by the Board of Directors.
 - 1.3.7. "Deleterious wastes" shall mean any wastes contained in special sewage that would be harmful to the District's sewer mains or to the sewage treatment works.

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- 1.3.8. "Developer" shall mean any person who owns land and/or is subdividing land for resale and seeks to have the land served by the District.
- 1.3.9. "District" shall mean the Crested Butte South Metropolitan District.
- 1.3.10. "Inspector" shall mean the person or persons duly authorized by the District to enforce these Rules and Regulations.
- 1.3.11. "Lateral Line" shall mean a Sewer Main which connects to the existing District trunk system; used to deliver sewage to trunk or outfall lines.
- 1.3.12. "Licensed Plumber" or "Pipe Layer" shall mean a person who has been approved to work in the District, or licensed by the State of Colorado.
- 1.3.13. "Domestic Sewage" shall mean any sewage which can be treated in the District's sanitary sewerage system without pretreatment and within normal operating procedures.
- 1.3.14. "Non-commercial" shall mean a use of real property which is primarily restricted to full-time residential purposes by ownership or upon a long term rental basis and which is not a "Commercial" use as defined herein
- 1.3.15. "Oversized Transmission Lines" are transmission lines which are greater than eight inches (8") in diameter, and are sized and installed with the contemplated purpose of serving more users than those contemplated by the constructor of the lines. An example would be the use of the line to serve future users beyond the development of the constructor of the line. Such lines will be installed at the request of the District.
- 1.3.16. "Permit" shall mean written permission of the Board of Directors to connect to a water or sewer installation of the District pursuant to the Rules and Regulations of the District.
- 1.3.17. "Person" shall mean any individual, firm, company, association, society, corporation or group.
- 1.3.18. "Pretreatment Facilities" shall mean structures, devices or equipment for the purpose of removing deleterious wastes from industrial sewage generated into the District sewer mains.
- 1.3.19. "Prohibited Sewage" shall mean any sewage which would be harmful or damaging to the District's sanitary sewerage system, the District's staff or other persons, and for any of these reasons, cannot be serviced, under any conditions, by the District.

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- 1.3.20. "Public Entity" shall be the state, county, city and county, incorporated city or town, school district, special improvement district, agency, instrumentality, or political subdivision of the state organized pursuant to law.
- 1.3.21. "Sampling" shall mean the periodic collection of water and sewage samples for analysis.
- 1.3.22. "Sanitary Sewerage System" shall mean all facilities owned by the District and used for collecting, pumping, treating and disposition of sewage.
- 1.3.23. "Service Line" when in reference to water service, shall mean the pipe, line or conduit and appurtenances such as a corporation valve or the like used to conduct water from the main to individual house or other structure; when in reference to sewer service, "Service Line" shall mean the pipe, system of piping and appurtenances used as a conduit for sewage from a structure used for residential, commercial or industrial purposes to a connection with the sewer main.
- 1.3.24. "Sewage" shall mean any organic or inorganic material in suspension or solution originating from within residential, commercial or industrial buildings.
- 1.3.25. "Sewage Treatment Works" shall mean those devices, facilities or locations to which the District sewage is conveyed by sewer mains for the purpose of reducing the pollution content and from which point it leaves the District's sewer facilities.
- 1.3.26. "Sewer Main" shall mean any pipe, system of piping appurtenances used as a conduit for sewage, owned by the District.
- 1.3.27. "Industrial Sewage" shall mean any sewage which does not conform to the definitions for Domestic Sewage, but which can be treated at the District's sewage treatment works after sufficient pre-treatment.
- 1.3.28. "Special Structures" shall mean installations and equipment such as pumping stations, diversion facilities and the like, which may require special engineering attention and extraordinary maintenance considerations.
- 1.3.29. "Stub-out" shall mean the connection of the service line to the water or sewer main.
- 1.3.30. "District Manager" shall mean the manager of the District, or in his absence, his duly authorized assistant.
- 1.3.31. "Tap" or "Connection" shall mean the connection of the service line to the structure which it is to serve.

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- 1.3.32. "Tap Fee" shall mean the payment to the District of a fee for the privilege of having water or sewer service available to customers.
- 1.3.33. "Testing" shall mean the analysis of samples of water and sewage.
- 1.3.34. "Unit" shall mean one parcel of real property used as a living unit in single or joint ownership including apartments/caretaker facilities.
- 1.3.35. "User" shall mean any person to whom water or sewer service is served, be it renter, record owner, corporation, company, individual, public entity, etc.
- 1.3.36. "Vendor" shall mean any seller of water other than the District.
- 1.3.37. "Vendee" shall mean a purchaser of water from a vendor.
- 1.3.38. "Water Main" shall mean any water pipe, line, or portion thereof, owned by the District.
- 1.3.39. "Water Tap" shall mean the act of connecting a service line to the water main.
- 1.3.40. ANY OTHER TERM not herein defined shall be defined as present in the "Glossary – Water and Sewage Control Engineering" A.P.H.A., A.W.W.A., A.S.C.E., and F.W.S.A., latest editions.

SECTION

2. OWNERSHIP AND OPERATION OF FACILITIES

- 2.1. Policy. This District is responsible for the operation and maintenance of the water and sewage collection systems and treatment works in a sound and economical manner, in accordance with these Rules and Regulations; it shall not be liable or responsible for inadequate treatment of said water or sewage or interruption of service brought about by circumstances beyond its control. The District is responsible for the distribution of water for domestic use to customers within the District, and the maintenance, repair and replacement of all mains, hydrants, valves, and service facilities owned by the District, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstance beyond its control.
- 2.2. Liability. It is expressly stipulated that no claim for damage shall be made against the District by reason of the following: Blockage in the system causing the backup of effluent; damage caused by "smoking" of lines to determine drainage connections to District lines; breakage of service mains by District personnel; or for interruption of sewer service and the conditions resulting there from where said interruption of service is brought about by request of claimant, or by circumstances beyond the District's control; provided further that no claim shall be made against the District by reason of the breaking of any service or supply line, pipe, cock, or meter by any employee of the District; failure

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of the water supply; shutting off or turning on water in the water mains; the making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service pipes or other facilities not owned by the District; damage to water heaters, boilers, or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures; or for doing anything to the water system of the District deemed necessary by the Board of Directors or its agents. The District hereby reserves the right to cut off the water supply at any time, for any reason deemed appropriate.

2.2.1. Notwithstanding the above liability provisions, all liability actions concerning the District shall be in conformance with C.R.S. 24-10-101, et. seq. commonly called the Colorado Governmental Immunity Act.

2.3. Ownership. All existing and future sewer and water mains and sewer and water treatment facilities connected with and forming an integral part of the District's public water and sanitary sewage system shall become and are the property of the District. Said ownership is and will remain valid whether said water and sewer facilities and installations are constructed, financed, paid for, or otherwise acquired by the District, or by other persons. The District shall not be liable for maintenance and repairs of such mains for a period of one year following acceptance by the District; said costs of maintenance and repair to be borne by the constructor or developer as the case may be.

That portion of all existing or future sewer and water service lines extending from the sewer or water main to each unit or building for each customer, connected with and forming an integral part of the District's public water and sanitary sewage system, shall become and are the property of the customer, and the cost of maintenance of such service lines shall be borne by the customer.

2.4. Powers and Authority of Agents. The District Manager, and other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these Rules and Regulations.

2.5. General Operations. District will adopt and update current personnel policies and procedures and a salary and benefit schedule for District personnel, laying out, in sufficient detail, the rights and obligations of District personnel and providing for an organized system of personnel administration.

The District Board shall require from its personnel periodic formal reports expressing in sufficient detail the operational status of the District.

2.6. Responsibilities of District Manager. The District Manager shall be responsible for the proper administration of the routine affairs of the District regarding the operation and maintenance of the District's water and sewer facilities, the supervision of District employees, and the administration and enforcement of these Rules and Regulations.

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In furtherance of and pursuant to the duties and responsibilities specified hereunder, the District Manager shall:

- 2.6.1. Render monthly reports to the Board concerning the operational status of District facilities.
 - 2.6.2. Make recommendations to the Board designed to increase the efficiency of District operations.
 - 2.6.3. Make recommendations as to necessary hiring, transfer, or termination of District employees.
 - 2.6.4. Attend all Board meetings and render such advice to the Board as is requested by the Board or reasonably necessary to facilitate the proper functioning of the Board.
- 2.7. Responsibilities of District Office Manager. The District Office Manager shall be responsible for keeping the District financial records, preparation of the monthly operations report, preparation of the annual budget, transmittal of the annual audit report, preparation and transmittal of District billings, presentation of invoices for approval for payment, and such other matters as required by law or the Board of the District. The District Office Manager shall also advise the District Manager and the Board of any delinquencies in payment of District obligations.

In furtherance of and pursuant to the duties and responsibilities specified hereunder, the District Office Manager shall:

- 2.7.1. Attend Board meetings at the Board's request and render such advice to the Board as is requested or reasonably necessary to facilitate the proper management of the District's financial affairs.
- 2.7.2. Make recommendations to the Board designed to improve or render more efficient the financial status of the District.

SECTION

3. GENERAL PROVISIONS

- 3.1. Inclusions. Service will be furnished only to persons whose property is included in the District, or who have negotiated a service agreement, and who agree to abide by these Rules and Regulations and the service rates and charges of the District.
- 3.2. Application for Service. Application for service must be filed with the District, on the District's standard form, and be accompanied by appropriate fees prior to action by the Board. The District Manager is authorized by the Board of Directors to approve applications for service.

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- 3.3. Denial of Application. The District reserves the right to deny an application for service on any of the following grounds:
- 3.3.1. That connection of the system to applicant's existing plumbing would constitute a cross-connection to an unsafe water supply; or
 - 3.3.2. That the service applied for would create an excessive seasonal, or other, demand on the facilities; or
 - 3.3.3. For misrepresentations in the application concerning the property, square footage, and/or fixtures contained therein, or as to the use of District service; or
 - 3.3.4. An unresolved obligation between the District and the applicant; or
 - 3.3.5. Inadequate easements for District facilities, or
 - 3.3.6. Such other valid reasons as determined in the sole discretion of the District.
- 3.4. Cancellation of Application and Refund of Fee. The District reserves the right to revoke any application previously granted, before service has been provided. Application for sewer service does not bind the applicant to "use the service". Such applications shall be retained by the District, and all fees deposited in its general fund. If after a period of twelve (12) months the applicant has not requested service, the Board, at its discretion, may cancel the application and refund fees paid, without interest.
- 3.5. No Service Outside of District. No water and sanitation services can be furnished to property outside of the District unless the Board negotiates a service agreement.
- 3.6. Change in Customer's Equipment or Service. No change in the customer's equipment or service shall be made without the prior approval of the District being first obtained. Any change in a customer's equipment or service which increases the service provided by the District, shall require a redetermination of the tap fee, monthly service charge and payment of any additional tap fee and service charge so determined. The predetermined tap fee shall allow a credit for previously paid tap fees. Changes in a customer's equipment or service which result in a decrease in the service provided by the District, shall not result in a reduction or refund of tap fees. When buildings are moved or destroyed, the tap authorization is terminated, unless immediate steps are taken to replace the structure; failure to begin construction within one (1) year shall be deemed an abandonment of the tap authorization previously granted.
- 3.7. Customer Responsibility for Service Lines. Each customer shall be responsible for maintaining the entire length of his service lines. Leaks or breaks in the service lines shall be repaired by the property owner within 72 hours of their discovery. If satisfactory progress toward repairing the leak or break has not been accomplished within the said 72 hour period, the Inspector shall either shut off the service until the leaks or breaks have

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been repaired or will cause such damage to be repaired and bill the said costs to the property owner. The cost of repair shall become a lien upon the property affected and may be foreclosed according to law.

- 3.8. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, equipment or appurtenance which is part of the District's water or sanitary sewer system, including fire hydrants. Any person violating this section is subject to criminal prosecution pursuant to state law and upon conviction shall be subject to fines and/or imprisonment as established by the court for each violation.
- 3.8.1. Any person violating any of the provisions of these Rules and Regulations shall become liable to the Board for any expense, loss or damage occasioned by reason of such violation.
- 3.9. Discontinuation of Service. The customer may have service discontinued by submitting a written request accompanied by a \$50.00 "turn-off" fee to the District. If service is discontinued due to delinquency, a \$50.00 "turn-off" fee will be assessed against the delinquent party. Once service is discontinued, either voluntarily or due to delinquency, a "turn-on" fee rate will be assessed pursuant to Section 3.10
- 3.10. Resumption of Service. A customer may have service restored by submitting request in writing to the District accompanied by a "turn-on" fee equal to one-fourth (1/4) the current tap fee rate for the service requested or Five Hundred Dollars (\$500.00), whichever shall be greater. If service was turned off due to delinquency, all arrearages, including interest and penalties, must be paid in addition to paying one-fourth (1/4) the current tap fee rate.
- 3.11. Unauthorized Turn-On. It shall be unlawful for any unauthorized person to turn on water service or restore sewer service without prior approval of the District. In addition to criminal penalties, the District shall assess a penalty of \$1,000.00 against the person responsible for violation of this section and/or the owner of the property benefited by such unauthorized activity.
- 3.12. Unauthorized Connection Fee. An unauthorized connection fee equal to 2 times the normal tap fee due shall be payable by persons tapping onto the District's facilities without prior payment of connection fees, approval of application, or adequate inspection of lines.
- 3.13. Revocation of Service. Water and sanitation services shall be revocable by the District for any violation of these Rules and Regulations or upon non-payment of valid fees and charges owing to the District. In the event of a violation of these Rules and Regulations, (including non-payment of fees), the customer shall be given 10 days' notice of a hearing to revoke service by registered or certified mail. Service of said notice shall be deemed complete upon mailing to the last known address of the customers. Said hearing shall be held by the District at a regular or special meeting of the Board of Directors, at which time the customer shall have the opportunity to present testimony in evidence to the Board.

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Following said hearing the Board's decision shall be final, and service to the property shall be revoked by blocking or disconnecting the appropriate lines, either public or private, serving the property.

- 3.14. Liability for Payment. The property, the property owner, and the occupant are hereby deemed equally liable for charges of the District. The District assumes no responsibility hereby for any agreements made between landlords and tenants, regardless of how made, or of the District having been notified of such agreements. The District will hold the user, occupant, and property owner jointly liable for all charges appurtenant to water or sewer service at the address where the bills are sent.

3.14.1. When a condominium association exists for a number of units receiving service from the District, said condominium association shall receive invoices for service to all units serviced by the association. In no instances shall the District bill individual owners within a condominium association; provided, however, that the failure or refusal of the condominium association to pay District charges shall not relieve the owner of the responsibility to pay the District notwithstanding the fact that he has paid the condominium association.

3.14.2. Duplexes that do not form an association will be billed as two separate accounts making the owner/tenant for each side responsible for fees owed to the District unless the District deems necessary to have one service account.

- 3.15. Vendor and Vendee's Responsibility. The District assumes no responsibility for agreements between grantors and grantees. It shall be the responsibility of the grantee to ascertain whether tap charges have been paid by the grantor. Regardless of ownership, or of failure of the District to collect tap charges at the time of the issuance of permits, or any other act or omission of the District, unpaid tap charges shall constitute a first and perpetual lien which may be foreclosed as is provided by law.

- 3.16. Metered Service. Water service shall be metered by the District as necessary. Meters and PRV valves shall be provided by the customer. All structures that are not currently on metered service shall have meters installed on or before September 1, 1992.

- 3.17. Rates and Charges. Water and sanitation service schedule of rates and charges is attached as Exhibit "A" to these Rules and Regulations.

District rates and charges for its services may be changed from time to time without notice, and the responsibility for remaining informed is with the customer.

- 3.18. Billing Procedures. Statements for the water and sanitation service charges shall be rendered on a monthly basis for non-commercial users. Charges for late payments, interest, turn-on, turn-off, penalties, etc., shall be added to the statement

3.18.1. Bills shall be payable within fifteen (15) days from the date appearing on the statement. All bills not paid within fifteen (15) days from the statement date are

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delinquent, and the District shall have the right to assess an interest charge of 1% per month on the unpaid balance from the statement date.

3.18.2. Water and sanitation service shall be revocable by the District upon non-payment of valid fees owing the District. In the event that a customer should disagree with a District billing statement, he may pay the District statement under protest and request a hearing at a regular or special meeting of the Board to dispute the amount billed. At the hearing the customer may present evidence to the Board. The Board shall issue a final decision within ten (10) days of the hearing. Failure to act within the ten (10) day period shall be treated as a finding in favor of the customer.

3.18.3. It shall be deemed adequate notice of delinquency that the customer was mailed his billing statement in a timely manner and that fifteen (15) days have elapsed next following the statement date without receipt of payment by the District.

3.18.4. Until paid, all rates, fees and charges shall constitute a first and perpetual lien against the property served, and any such lien may be foreclosed in a manner provided by law.

SECTION

4. USE OF WATER AND SANITATION SYSTEM

4.1. Authorization Required. No unauthorized person shall uncover, make any connection with, any opening into, use of, alteration to, or disturb any District water or sewer main or appurtenances without first obtaining written permission to do so from the District or its duly authorized representative. No permit shall issue to any person until the District has received payment of all tap-on fees and charges. Failure to obtain written authority from the District is unlawful and is punishable according to law.

4.2. Customer Responsibilities for Water Facilities. The customer is responsible for the maintenance of his water service lines and appurtenances thereto. It shall be the duty of all those connected with the District water to keep advised of varying pressures and conditions of service so as to properly protect their persons and property from injury by water furnished through the District's facilities. They shall also take note that there is no wasteway in the shut off at the curb box, nor at the main, and that any water standing in the pipes when water is turned off at the meter shut off or main will remain there unless drained out by means of a stop or waste valve. All persons having boilers or other appliances on their premises depending on pressure of water in pipes, or on a continual supply of water, for proper functioning, shall provide, at their own expense, suitable safety appliances to protect themselves and their property against a stoppage of water supply or loss of pressure.

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4.3. Classification of Wastes. This section of the Rules and Regulations shall provide the basic policies of the District for classification of wastes and for control of discharge of wastes into the sanitary sewerage system. It shall be the policy of the District to classify wastes into three main categories, termed "Normal Sewage", "Special Sewage" and "Prohibited Sewage", which are generally defined in Section 1.3 and which will be more fully defined in this section. The classification of wastes shall be the responsibility of the Manager and shall follow recommended procedures of the State Board of Health, and, subject to approval of the Board, shall be final and binding.

4.3.1. Domestic Sewage. Domestic sewage shall mean any sewage which can be treated at the District's sewer treatment plant without pretreatment and within normal operating procedures, and which, when analyzed, shows by weight a daily average of not more than 300 parts per million of suspended solids and not more than 275 parts per million B.O.D.

4.3.2. Industrial Sewage. Industrial sewage shall mean any sewage which does not conform to the definition for domestic sewage, but which can be treated by the District after pretreatment by the user or by utilization of special operating procedures by the District at its treatment facility.

4.3.3. Prohibited Sewage. Prohibited sewage shall mean any sewage which may reasonably be anticipated to have a deleterious effect upon the sanitary sewerage system, or any persons or property, and, therefore, in the opinion of the District, cannot be serviced by the District. Prohibited sewage shall include clear water injected into the sewage system by means of a drainage collection system. Said drainage water is detrimental to the sewage system since it interfered with the District's volume capacity and with the biological process necessary to proper treatment.

4.3.4. Analyses of Sewage. The Manager shall be responsible for all sampling, testing, analyses and classifying of sewage Testing; and analyses shall be determined in accordance with "Standard Methods for the Examination of Water and Waste Water" latest edition. Results of tests shall be made available to the user at the District's office.

4.4. Customer Responsibilities for Sanitation Facilities.

4.4.1. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. No public or private swimming pool shall be connected with the sanitary sewer system.

4.4.2. No person shall discharge, or cause to be discharged, to any sewer main, any industrial or prohibited sewage or any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or

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hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

4.4.3. The admission into the public sewers of any industrial sewage shall be subject to the review and approval of the Board, which may prescribe limits on the strength and character of such sewage. Where necessary, in the opinion of the Board, the owner shall provide, at his expense, such pretreatment facilities as may be necessary to treat such industrial sewage prior to discharge to the sewer main. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the District and of the State Board of Health, and no construction of such facilities shall be commenced until such approval is obtained in writing. Where pretreatment facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner, at his own expense.

4.4.4. When required by the District, the owner of any property served by a service line carrying industrial sewage shall install and maintain at this expense, a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastes.

The manhole shall be installed by the customer and maintained at his expense. All measurements, tests, and analyses of the characteristics of water and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole, or upon suitable samples taken at such control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the sewer main to the point at which the service line is connected. Grease, oil and sand interceptors of a design recommended by the Crested Butte South Metro District shall be required by the District for the proper handling of sewage or liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units unless floor drains are installed in a garage. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Refer to Appendix H.

4.5. Water Conserving Fixtures Required. Prior to the connection of any new service, the customer shall be required to install, at the customer's expense, water conserving toilets such as the Kohler Wellworth water guard, or the Crane Radcliffe water economy water closets, or such other water conserving water closets as are acceptable to the District Manager. The customer shall also provide showerheads and faucets which are designed to conserve water by regulation of water flow.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

SECTION

5. CONSTRUCTION OF FACILITIES

5.1. Contractors' and Plumbers' Requirements.

5.1.1. Construction of all service lines shall be done in accordance with the Technical Plumbing Code of the State of Colorado.

5.1.2. All main line construction or work performed on District facilities shall be done only by persons authorized by the District.

5.1.3. The contractor shall file with the Board a letter from the County Commissioners, authorizing him to work in the County streets and roads.

5.1.4. Workmen's Compensation insurance shall be carried in accordance with the provisions of the Workmen's Compensation Act, as amended, of the State of Colorado.

5.1.5. All contractors, plumbers and others doing work on any water main, service lines, or structures in the District, shall comply with the applicable regulations on excavation, backfill, compaction and restoration of surfacing.

5.1.6. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other private or public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County.

5.1.7. Insurance shall be carried in favor of the Board in the amount of \$100,000/\$300,000 personal liability, and \$50,000 property damage. Certificates of insurance shall be filed with the Board prior to issuance of authorization.

5.1.8. All permits, fees and licenses shall be paid for by the contractor, plumber, or others doing work in the District, prior to the start of construction.

5.2. Authority to Make Taps. The Manager of the District is authorized to make or supervise taps onto the District mains. The District Manager may authorize in writing to tapping of a District main. No person, other than the District Manager, may make a tap to a District main without prior written authorization by the District Manager.

5.2.1. Constructors of service lines shall call the District Manager for an open ditch inspection of all service lines. If said inspection is not made within twenty-four (24) hours of the call, construction may proceed without further notice. Failure to request an inspection subjects the constructor to any applicable sanctions prescribed in these Rules and Regulations; provided, however, that the

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

call for inspection is during regular business hours and such required inspection may be made during business hours (8:00 o'clock a.m. to 5:00 o'clock p.m., Monday through Friday, excluding holidays) within said 24 hour period.

- 5.3. Number of Lines Required. A separate and independent service line for both water and sewer service shall be provided for every building.
 - 5.3.1. Each commercial structure having more than one commercial unit shall supply a separate meter and shut-off valve for each commercial unit receiving water service.
- 5.4. Inspection Fees and Charges. There shall be no inspection charges for inspections made by the District Manager or authorized District personnel. All inspection charges required by the County or State shall be paid by the contractor, plumber, or others doing work on or to be connected to District water or sanitation facilities.
- 5.5. District Authorization Not Transferable. No person authorized by the District to perform work within the District may permit his authorization to be used by persons not so authorized. However, plumbing work contracted for by an approved licensed plumber may be performed by him through journeymen plumbers or apprentices, under his direct supervision. Work performed through journeymen plumbers or apprentices shall not relieve the licensed plumber from any responsibility.
- 5.6. Revocation of Authorization. The violation of any of these Rules and Regulations, or the District's installation specifications, shall constitute sufficient ground for revocation of the authorization of the person found guilty of any such violation.
- 5.7. Existing Lines. Existing service lines may be used in connection with new buildings only when found, on examination by the Manager, to meet all the requirements of these Rules and Regulations.
- 5.8. Excavations. All excavations required for the installation of lines shall be open-trench work, unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the Board's standard specifications. No excavations shall remain open for more than forty-eight (48) hours.
- 5.9. Water Service Line. The water service shall be brought to the building at an elevation of seven (7) feet of cover. No service shall be laid parallel to, or within three (3) feet of any bearing wall which might be thereby weakened. The water service shall be laid at uniform grade, and in straight alignment.
- 5.10. Sewer Service Line. Sewer pipe materials shall be of a type specified or approved by the District Manager. The line shall be water-tight, and on a constant grade, in a straight line; and not closer than three (3) feet from any bearing wall.
 - 5.10.1. Excavation and construction of service lines shall conform to the standard specifications of the District.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

5.10.2. The connection of the service line to the sewer main shall be made as follows:
If the sewer main is twelve inches (12") in diameter, or less, the District shall, at owner's expense, install a saddle on up to twelve inch (12") branches in the sewer main. Where the sewer main is greater than twelve inches (12") in diameter, a neat hole may be cut into the sewer main, with entry in the downstream direction at an angle of forty-five (45) degrees. For every connection, saddle and all, shall be completely encased in 3000 psi concrete. All connections shall be above the spring line.

5.11. Authority for Extensions. It shall be unlawful for any person to construct a water or sewer main within the jurisdiction of the Board without first making formal application to the Board for approval, having complied with these Rules and Regulations, and having obtained the Board's authorization to proceed.

5.12. Notification for Inspections. It shall be the responsibility of the contractor or plumber to notify the Manager when his project is ready for any required inspection. Failure in making such notification shall be a violation of these Rules and Regulations and will subject the violator to uncovering the facilities for inspection and revocation of District authorization.

5.12.1. Upon timely notification, the Manager or other District employee authorized to make inspections shall promptly make the necessary inspection. If the Manager has not made such inspection within twenty-four (24) hours next following proper notification, the contractor may proceed as if the Manager had approved the facility.

5.13. Special Structures. Special structures such as pumping stations, etc., required to insure proper operation of the District facilities, shall be constructed from designs of the Board's engineers or such other engineers as may be approved by the Board.

5.14. Size of Mains. The District shall determine the size of main required to serve any area within the boundaries of the District.

SECTION

6. ANNEXATIONS

6.1. Annexation Policy. It shall be the policy of the District to permit annexation of lands into the District boundaries, provided that the cost of extending water or sewer lines into the annexed or included territory shall be paid by the fee owner or owners of property in such territory; and, provided further that an application fee be paid to cover the cost of the proceedings for inclusion or annexation and that an annexation fee be paid to help defray the cost of capital construction to serve the territory annexed or included, as hereinafter provided.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 6.2. Procedure for Annexation. All annexations of territory and inclusions of lands within the District shall be undertaken in the manner prescribed in Article 4 of Title 32, C.R.S. 1973, as amended.
- 6.3. Application Required. Prior to consideration of any petition for annexation or inclusion of territory into the District, the developer of the territory proposed for annexation or inclusion into the District shall submit his petition for annexation or inclusion and an application therefore which includes a detailed service plan for the territory to be annexed or included. The service plan shall include, but is not limited to, the following information and exhibits:
- a) A proposed subdivision plat showing elevations of not less than five (5') foot intervals and a scale of not less than one foot equals forty feet (1'=40"),
 - b) The proposed population density of the territory to be annexed or included,
 - c) The total number of projected taps required for the territory proposed for annexation or inclusion,
 - d) A description of the nature, extent and priority of the water rights to be conveyed to the District describing with particularity the point of diversion of such water rights and a reputable water consultant's opinion as to the feasibility and utility of such water rights for the District's purposes.
 - e) Detailed plans and specifications of the proposed water and sewer system to serve the territory to be annexed or included, which shows the location of fire hydrants and special structures in addition to the mains, a detailed description of materials to be specified for pipe and bedding materials, and such other information as may be required by the District's engineer,
 - f) Such other information and exhibits as may be required by the District upon request.
- 6.4. Developer to Provide Adequate Water Rights. The developer shall be required to provide water rights that are adequate to supply the foreseeable needs of the territory proposed for annexation or inclusion as disclosed by the service plan; provided that such water rights are delivered to a point of diversion of the District, approved by the Board of Directors and readily usable at the time of annexation or inclusion.
- 6.4.1. Adequacy of Water Rights. The developer shall be required to pay for the cost of assessing the adequacy of the water rights proposed for conveyance to the District; such costs including, but not limited to, attorney's and expert consulting fees required to determine the validity and usability of such rights for District purposes.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

- 6.4.2. Conveyance of Water Rights. The developer shall convey fee interest in water rights to serve the territory to be annexed or included in the District, and shall pay all costs and fees in connection with the transfer of such rights.
- 6.5. Subdivision Approval Necessary. Prior to annexation or inclusion approval, the developer shall obtain final approval of subdivision plans from the appropriate governmental body and comply with all laws governing such subdivision development.
- 6.6. Conveyance of Easements and Rights-of-Way. The developer shall convey to the District all necessary easements and rights-of-way for the purpose of the construction, maintenance and repair of District water and sewer facilities and provide for adequate easements upon and across subdivision properties for the future use of the District.
- 6.7. Special Structures. The developer shall obtain prior approval from the District's engineer of all special structures, as defined in these Rules and Regulations, and shall provide the District with detailed plans and specifications of such structures and such other information and exhibits as may be required by the District's engineer.
- 6.8. Application Fee. A deposit of \$10,000.00 shall be made with the submission of an application for annexation to cover the District's cost of proceedings in aid of such annexation or inclusion of lands. Any portion of the annexation fee unused upon the finalization of proceedings shall be refundable to the developer. Where the deposit of the application fee is unduly harsh or necessary under the circumstances, the Board of Directors may waive the collection of all or any part thereof.
- 6.9. Annexation Fee. The developer shall deposit with the petition and application for annexation, and exhibits attached thereto, a certified check in an amount equal to one-third (1/3) of the total projected tap fee revenues of the area proposed for annexation or inclusion. The amount of the deposit shall be based upon the projections specified in the service plan, computed at current tap fee rates. Upon the successful completion of annexation procedures, such funds deposited to the District shall be immediately available to the District to defray the cost of capital construction of water and sanitation facilities.
- 6.9.1. Tap Fees Credited to Annexation Fees. All tap fees and charges collected upon the sale of lots or tracts of land in the area annexed shall be reimbursed to the Developer until his deposit is fully credited, without interest until the total amount of tap fees and charges equals the amount deposited as the annexation fee to the District.

APPENDIX A (2018)

CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

RATE SCHEDULE

- I. Issuance of Permit. If the application discloses that all work to be performed under the permit will be in full compliance with all statues, laws, resolutions and upon proof that the work to be performed has been approved by the Crested Butte South Property Owner’s Association. The District shall issue the permit upon payment of all fees and charges required by this schedule.
- II. Tap Privilege Fee.
- A. A tap privilege fee must be paid prior to the issuance of the permit required above, prior to the commencement of the construction, prior to installation or expansion of use of a service line, and prior to connecting any service line to the District system.
 - B. The tap privilege fee for each EQR shall be \$18,000.00 for each District system connection.
 - C. Any Expansion or change in use of, or addition to, a building, structure, or piece of property already connected to a District system, which raises the EQR of that user, shall result in the obligation to pay an incremental system development fee, to be computed as follows:

$$\text{Incremental system development fee} = \{(\text{EQR}) \text{ new} - (\text{EQR}) \text{ old}\} \text{ times } \$18,000.00 \text{ for each District system connection.}$$
- III. System Connection Fee. A system connection fee must be paid prior to the issuance of the permit required above, prior to the commencement of construction or installation of a service line, and prior to connecting any service line to a District system. The system connection fee shall be \$100.00 for water and \$100.00 for sewer. The system connection fee shall only be charged when a service line is connected to a District system.
- IV. Road Maintenance Fee. A road maintenance fee will be charged at a rate of \$10.00 per month for every “UNIT” that uses a Metro District road. A UNIT is defined as any structure that can be rented. For example: a single family home with a garage apartment would be 2 units, a duplex would be 2 units and so on. The fee will be charged regardless. Even if the unit is not being rented. A fee of \$5.00 per month, billed quarterly, will be charged to vacant lot owners within the District that use District roads.
- V. Service Rates. There is hereby levied and charged against all “owners”, as that term has been previously defined, a monthly service charge for the use of the District system. The monthly service charge for use of the District system – Water shall be \$34.50 times the respective EQR for each use. The monthly service charge for use of the District system –

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Sewer shall be \$39.60 times the respective EQR for each use. Monthly service charges shall commence six (6) months after the issuance of a tap privilege permit, or upon occupancy, whichever is first.

User Fees

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
Per EQR	\$34.50	\$39.60	\$74.10
Road (Flat Fee)			<u>\$10.00</u>

User fee is a flat rate, per month billed monthly, User fees commence 6 months from the date of the tap application, or upon occupancy whichever comes first. Road Fee is \$10.00 per month per unit. Apartments/Caretaker Units will be considered 1 Unit for billing the Road Fee.

Availability Fees (50% of the base user fee)

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
Per Lot	\$17.25	\$19.80	\$37.05
Road (Flat Fee)			<u>\$5.00</u>
Total Per Quarter			<u>\$126.15</u>

Availability fee is per month, per lot billed quarterly including the Road Fee of \$5.00 per month, per lot billed quarterly.

VI. Equivalent Residential Use Schedule. The following Equivalent Residential Use Units, or EQR'S, are hereby established for the various customer classifications within the District. EQR or Equivalent ratio means a use which is estimated to have an impact upon the water or sewer system equal to that of the average dwelling unit. Dwelling unit is one or more habitable rooms arranged, occupied, or intended or designed to be occupied with facilities for living, cooking, sleeping, eating, bathing, and storage. Residential units, including multifamily units, with a floor area greater than 2,000 square feet shall have an EQR calculated by the following formula:

$$\frac{\text{Square footage of unit}}{2,000} = \text{EQR}$$

Service rates for each unit will be calculated the same for determining monthly rates.

Customer Classification

A. Permanent Single Family Residential Units:

1. Residential units with a floor area of 2,000 square feet or less is 1.00 EQR

B. Caretaker/Rental Units in Single Family Residential Units including Detached Garage Units: (See C-2-a for Detached Garage Units)

1. Residential units in single family residential unit which cannot be sold separately from the main single family residential unit, with floor area of 1,000 sq. ft. or less is 0.50 E.Q.R. (See Appendix G Restrictive Covenant Prohibiting Separate Sale

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Of Second Residential Unit. This Covenant must be signed before or when tap fee is paid.)

C. Multi-Phase Residential and Commercial Projects:

1. Stamped/Approved plans for phases the owner has available, must be submitted with phase one of the project to document future tap fee requirements for the additional phases.
2. Detached garages which are planning for a Caretaker/Rental Unit in a future phase will be required to pay the tap fee during phase one of the project if the owner stubs water and sewer services out during phase one in preparation for the next phase.
 - a) Detached garages with water and sewer services will be charged 0.5 EQR, in advance, and will then be eligible for a Caretaker/Rental Unit if wanted in the future.
3. Phases with no stub-outs for future phases do not require a tap fee during phase one of the project and will be required to pay appropriate tap fees prior to commencement of the next phase.

D. Permanent multi-family residential units, including duplexes, condominiums, apartments:

1. First unit with a floor area of 2,000 square feet or less
.....1.00 EQR
2. Additional units with a floor area of 2,000 square feet or less
.....1.00 EQR
3. All square footage is calculated from the outside of exterior walls with no deletion for interior partitions or stairways.
4. An additional kitchen is an additional EQR as determined by this rate schedule and is defined as including, but not limited to, hot and cold water, stove and or microwave and or hot plate, sink and refrigerator. Plumbing, electrical and gas stub-outs arranged in an area which would accommodate the installation of a kitchen will be considered a kitchen.
5. All square footage with a ceiling height of 4' or more will be counted. Floor area less than 4' in height must be located under a pitched roof. Garages will not count in the square footage calculation.
6. All livable square footage will be counted in the floor area calculation, finished or unfinished, including storage.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

E. Swimming pools, hot tubs and other bathing fixtures larger than a bathtub in conjunction with other use classification:

1. Bathing fixtures with a water capacity of 151 to 750 gallons.
(Single Family).....\$550.00
(Multi Family).....\$1,100.00
2. Bathing fixtures with a water capacity of 751 to 5,000 gallons.
.....\$2,200.00
3. Fixtures with a water capacity of 5,001 gallons or more shall have
A Tap Fee of \$2,200.00 for every 5,000 gallons or part thereof.

F. Temporary and /or transient residential units for rent in hotels, motels, lodges and bed & breakfasts:

1. Basic rate, including manager's quarters. 1.00 EQR
2. Each additional sleeping unit without plumbing 0.18 EQR
3. Each additional sleeping unit with plumbing but no cooking facilities.....0.30 EQR
4. Each additional sleeping unit with plumbing and cooking facilities.....0.50 EQR
5. Accessory area per 1,000 sq. ft.....0.25 EQR

G. Bars, restaurants, and establishments serving food and or beverages:

1. Establishments with 25 or less seating capacity1.36 EQR
2. Each additional 25 seats or part thereof0.55 EQR
3. Outside seating will be calculated at 50% of inside seating

H. Automobile service stations or similar business:

1. Without a wash rack.....1.36 EQR
2. Additional for each wash rack.....0.80 EQR
3. Additional for each gas pump nozzle.....0.20 EQR

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

I. Commercial or public buildings used as stores, offices, warehouses, storage, or other similar uses, including small business:

- 1. Each building or customer with 1,000 square feet or less.....0.60 EQR
- 3. Each additional 1,000 square feet or part thereof0.60 EQR
- 3. Public restrooms per toilet or urinal.....0.20 EQR

J. Churches and non-profit organization halls with no residence or regular eating facilities 1.00 EQR

K. Public or private schools:

- 1. Base rate for first 30 students or part thereof, square footage not to exceed 2,000 sq. ft.....1.00 EQR
- 2. Each additional 30 students or part thereof, Including 2,000 sq. ft. of space.....1.00 EQR

Schools exceeding square footage will pay the same per sq. ft. as residential units.

L. Coin operated laundromats, per machine in service by load capacity:

- 1. Basic fee including first standard size machine size Machine.....1.00 EQR
- 2. Each additional machine less than 12 lbs. (standard) .. 0.50 EQR
- 3. Each additional machine of 12.1 to 21.0 lbs. capacity 0.70 EQR
- 4. Each additional machine of 21.1 to 31.0 lb. capacity.. 1.00 EQR
- 5. Each additional machine of 31.0 to 41.0 lb. capacity.. 1.30 EQR
- 6. Each additional machine of 41.1 to 51.0 lb. capacity...1.60 EQR
- 7. Each additional machine of 51.1 to 61.0 lb. capacity...2.00EQR

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

M. Metered service, where metered billing is required for any user as determined by the District, the EQR basis for charges shall be as follows:

1. Minimum rate for first 8,000 gallons monthly, or 24,000
Quarterly1.00 EQR \$34.50
Per. Month
2. Each additional 1,000 gallons, or fraction of per
month.....0.20 EQR \$6.36
Per. Month

N. Rates for uses not specifically described in the above schedule shall be individually negotiated.

O. Any building or structure containing multiple uses shall have cumulative EQR based on the sum of the separate uses.

P. More than one set of service lines tied onto district mains serving one lot shall be considered a separate tap fee for the building served for calculations of the E.Q. R.

Q. The Board of Directors of the Crested Butte South Metropolitan District reserves the right to interpret this rate schedule when necessary. The Board interpretation is final.

Other Fees

1. **Tax Roll:** \$200 plus an additional 10% will be added to the overall account balance to cover a 10% processing fee that the Gunnison County Assessor’s Office charges the Crested Butte South Metropolitan District for tax roll.
2. **Back Flow Test:** A \$100 charged will be billed to customers who choose to have the Crested Butte South Metropolitan District test their residential or commercial back-flow preventer.
3. **Certificate of Assessment:** \$50 billed to the seller during the sale of a property.

APPENDIX B (2018)

Builders Requirements

It is the owner's responsibility that these requirements are implemented by his/her contractor or employees. Make sure that anyone bidding water and sewer service lines and plumbing in Crested Butte South receives a copy of these requirements. **The District Manager, or an authorized employee, must inspect all service line parts to assure that the correct parts are on hand PRIOR to excavation.**

Increase in Service

Any addition, remodel, change in original plans, addition of sprinkler systems or anything else which increases the District service shall require a re-determination of Tap Fee, User Fee and payment of additional Tap Fee and User Fee so determined.

Water Meters

Water Meters are required on all new construction. Water Meters and remote read outs are provided by the District at the owner's expense. Owner/Developer is responsible for installation cost of the meter. It shall be the responsibility of the property owner to run the wire from the meter to the location where they would like the remote readout device. District is responsible for installing the remote readout and connecting the wire. Owners are responsible for maintenance. District will repair at the owner's cost. Cost of meter and dual check valve is collected with Tap Fee.

Backflow Prevention and Pressure Reduction Values

Owner/Developer is responsible for complying with the Crested Butte South Metropolitan District Backflow Prevention Policy. A dual check valve will be supplied with the meter and must be placed on the incoming water service after the meter.

Owner/Developer is responsible for purchase and installation of all backflow prevention and pressure reduction valves. Backflow prevention devices required on all possible Cross-Connections, sprinkler system, boilers, hot tubs, hose bibs, etc.

Service Lines

1. All service lines will be in separate ditches a minimum of 10 feet apart in straight alignment.
2. The water service line shall be sized by the District and have a minimum of 7 feet of cover.
3. The curb stop will be located 5 feet from the property line if on the street and 10 feet from the property line if in the easement. Prior approval is necessary for alternative placement if this is not possible.
4. All water service lines will be type K copper or Pure Core. If Pure Core is used, locate wire must be taped to the line.
5. All valves and fittings will be compression, preferably Ford "griptite" with pipe stiffeners if Pure Core is used. These may be purchased from Dana Kepner and their number is 303-623-6161. Ask for Ken. Mueller compression fittings may also be used and they can be purchased from Grand Junction Pipe. Their number is 240-2199.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

6. Curb stop and waste valves do not meet code and will not be allowed.
7. No couplers will be allowed between the curb stop and water main unless otherwise approved by the District.
8. All District water mains are pvc class 200 i.p.s. sizes 6", 8" and 10". Find out what size before ordering saddles. G.J. Pipe product numbers for pvc class 200 i.p.s. with cc thread power seal saddles are:
6x3/4 -13188 8x3/4 -13190 10x3/4 -6692
6x1-13189 8x1-13191 10x1-5967
9. All saddles will be heavy-duty brass construction. Specify class 200 IPS pipe.
10. The Sewer Service will be 4" Gasketed SDR 35 or Scheduled 40 laid on grade ¼" in 1 foot from under the footer to the main with a cleanout 2 feet outside the drip line on the roof. Make sure grade is available. Cleanout is required every 100'. Locate wire must be taped to top of sewer line.
11. All sewer saddles will be Fernco brand. Order model DFW-4T
12. All District sewer mains are 8" SDR 35. Except the section from the sewer plant to the corner of Teocalli Road and Elcho which is 10" SDR 35.
13. No ditch can remain open for more than 48 hours. The District is not responsible for open excavations. Excavation in District road easements cannot remain open overnight.
14. All service line taps **MUST** be bedded with a minimum of 6" of ¾" washed rock at the main. The District will try to have the material for purchase at market price plus 20%. Road base can no longer be used to bed at the main. It is recommended to bed the entire service line with the ¾" washed rock but is only required at the tap.
15. All District Road Easements will be compacted in 1' lifts with the top lift being ¾" road base at least 6" deep. The owner is responsible for repairing any settled ditches. Please call for inspection of top 6" of gravel in road cuts, 349-5480. ¾" road base must be on-site for bedding and road repair.
16. All service lines that cut into asphalt roads must be backfilled with either Flow Fill or 1 ½" washed rock. 1 ½" rock must be compacted in 2-3 foot lifts. All asphalt road cuts should be discussed with the District Manager, or qualified representative, to decide which method to use on a case by case basis.
17. Both water and sewer taps will be made by the District for the \$150.00 system connection fees paid with your tap. Please make appointment for taps at least 24 hours in advance and have parts inspected at the time you make the appointment. Call 349-5480 to make appointment or stop by 280 Cement Creed Road.
18. No service lines shall be laid parallel to or within three feet of any bearing wall.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

19. The District Manager or their representative will inspect all service lines within 24 hours of an inspection request. Service lines must be inspected before being bedded and backfilled.
20. Top soil is not considered bedding.
21. The District will provide locations of water and sewer mains within 48 hours of locate request. Depth of mains will be provided if available. Locate request taken at **811**. If water and sewer mains are not marked please call 349-5480.
22. Any damage to the District's water and sewer system or road right of way will be the responsibility of the owner for whom the work is being done. Damage to District's water and sewer mains or owner's service lines must be reported immediately to 970-349-5480.
23. The owner is responsible for himself and his employees complying with all the rules and regulations of the District and O.S.H.A.
24. Digging in the District's easements and tapping the District's mains is not allowed between November 1 and May 1.
25. Final grade on the property must not interfere with any drainage or any other aspects of the road in the District's road easement. No landscaping is permitted in the road easement so that the District has the ability to maintain roads properly without damaging private property. This includes fences, berms, trees, rocks, etc. The District is not liable for damage to anything that is located in the road easement.
26. No materials stockpiled on public easements unless approved by the District Manager.

APENDIX C

**CRESTED BUTTE SOUTH METROPOLITAN DISTRICT
APPLICATION FOR WATER AND SEWER TAP PERMIT**

I hereby make application to the Crested Butte South Metropolitan District for a water and sewer tap permit for;

Filing _____ Block _____ Lot _____
Street Address _____ Number of units _____.

As a condition of issuing a tap permit, myself and my heirs and assigns herein agree to comply with the Rules and Regulations of the District now in effect or which may be imposed hereinafter. I agree that this application is not the right to tap but an application for tap privilege, good for one year or until revoked by the Board of Directors. After a period of one year the District will refund moneys paid at its discretion if the taps are not made. The following tap privilege fee, as specified in Appendix A of the Rules and Regulations, is hereby remitted;

	Square Footage	Water	Sewer	Total
Single Family Residential	_____	_____	_____	_____
Multi-Family Residential	_____	_____	_____	_____
Multi-Family Residential Additional Unit	_____	_____	_____	_____
Garage Apartment	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
Water Meter Fee	_____	_____	_____	_____
System Connection Fee	_____	_____	_____	_____
			Total	_____

I have received and read copy of the Builders Requirements _____
I have read CB South Metro Rules and Regulations online, or
from a paper copy, and will abide by those rules and regulations. _____

Applicant Information

Applicant _____ Signature: _____

Current _____ Date: _____
Address _____

Telephone _____ Permit Application # _____

Tap Fee Receipt

District Use Only

Received the Sum of \$_____ for the above permit application fees. This tap permit application is hereby approved.

Approved by _____ Date _____

Tap permit # _____

Cluster Agreement _____

Restrictive Covenant received _____

Please retain this receipt as proof of payment.

APPENDIX D

WATER METER REGULATIONS

I. Policy

- A) Water Meters Required. It is the policy of the District to require the installation of water meters at all new service locations and at existing locations upon the transfer of such property or the occurrence of major remodeling or renovation of the affected structure. Such policy shall be furtherance of the District's intention to regulate the use of water within the District by water meters when such regulation becomes feasible and in the best interest of the District. All Services shall have a working meter system on or before July 1, 2003. Services not in compliance with these regulations will be billed at double the current rate for water until the service is in compliance with these regulations
- 1) The installation of water meters in structures due to major remodeling or renovation thereof shall only be required if the remodeling or renovation is of a magnitude to require the issuance of a plumbing permit pursuant to the provisions of the Uniform Building Code, or approval by the Crested Butte South Property Owners Association.
 - 2) When a property changes hands the District will inspect the meter and remote readout to insure that it has been installed properly and is in good working condition. If a meter and/or remote are not working the District will upgrade the E.C.R. and remote to the Touch Read System at the owner's expense. The meter will be read to obtain the starting gallons for the new customers.

II. General Provisions

- A) Water Works Manager. The District Manager or such person as he shall appoint, shall serve as the Water Works Manager with the general responsibility for the administration of these regulations.
- B) Water Meter Specifications. The District Manager shall specify the size and type of water meter and remote readout device, for each meter installation.
- C) Location of Water Meter. The District Manager shall be responsible for designating the location of the water meter and the remote readout device for each structure requiring such equipment. The location will be where the water service line enters the building. No Service is allowed before the meter.
- D) Cost of Metering Equipment. Water meters, remote readout devices and such necessary appurtenance specified by the Water Work Manager shall be provided by the District at a price of cost plus twenty percent.

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- E) Meters shall be supplied with meter setter, two ball valves, one to be located on either side of the setter and a dual check valve to be located on the downstream side of the setter between the downstream ball valve and the meter setter. Touch Read Remote read-out device and wire will be supplied by District at the time of remote installation. Cost of remote is included on meter purchase when paying tap fee.
- F) Anyone building prior to 1997 did not pay for meter with tap purchase and will be billed when meter and fittings are provided.
- G) Meter Installation must be inspected by District personal and remote installed before requesting certificate of occupancy on new construction. The meter will also be inspected when a property is sold and/or a Certificate of Assessment is requested.

III. Installation of Meters

- A) Minimum Work Space Required. At each water meter location a space of not less than twelve inches shall be provided behind and on each side of the water meter. A space of not less than three feet shall provided in front of the meter.
- B) Clear Access to Meter. An access door of not less than twenty-four inches per side shall be provided to permit physical access to the meter location. Said access door shall be kept clear of obstructions to allow unhampered ingress and egress by District Personnel.
- C) Installation by Licensed Plumber. Installation of water meters shall be done by a plumber licensed by the State of Colorado. Meter setter shall be used in all installations. The user shall purchase the meter setter, valves and dual check valves from the District at a price of the District's cost plus twenty percent.
- D) Remote Read Device Required. All water meters shall require the addition of a remote readout device of a type specified by District Manager. It shall be the responsibility of the property owner, to notify the District not less than twenty-four hours in advance when the water meter is ready for the wiring of a remote readout device. District personal will wire remote readout devices. Remote readout devices shall be located as to be readily accessible to the District personnel at all times of the year.
- E) Use of Pit Meters. Pit meters shall be allowed only when it has been determined by the District that an inside installation is or would be impractical. Frost free pit and related equipment and installation will be the responsibility of the owner.
- F) Safe Access Required. It shall be the responsibility of the owner and/or inhabitant, or their respective assigns, to provide safe access to water meter locations by

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District personnel for the purposes of the District to include, but is not limited to, reading, repair, maintenance, removal and/or replacement of water meters. Such safe access shall include safe, lighted stairwells, restraint of domestic animals, accumulations of debris or such other conditions as would cause an unreasonable or unusual hazard to District personnel in the performance of their duties as hereinabove described.

IV. Maintenance of Meters

- A) District to Maintain Water Meters. The District shall be responsible for the maintenance and servicing of water meters.
- B) Cost of Repairs and Maintenance of Meters. The cost of the repair, removal, or maintenance or water meters shall be the responsibility of the property owner.
- C) Liability for Damage to Equipment. The District shall not be liable for any damage to water meters, remote readout devices or related equipment due to freezing or other causes outside the District's control.
- D) Collection of Costs. The District shall be entitled to use any means of collection legally available including water shut-off according to Sec. 3-19-2 of the rules and regulations and sec. 32-1-1101 of the Colorado revised Statues if, for any reason, the owner or other responsible party fails or refuses to pay to the District for its cost of maintenance, repair and/or replacement of damaged or defective equipment.

X. Penalties

- A) It shall be deemed a violation of these regulations for any owner, inhabitant, guest or family member thereof, to tamper with water meters and/or remote readout devices with the purpose of affecting the function of said device or equipment or which hampers or alters the readout that is produced by such equipment or device. It is a violation for anyone to draw water from the service line before the meter.
- B) Penalty. The District may, after proper notice and opportunity for hearing, subject to violator(s) of these regulations with a fine of up to Five Hundred Dollars, assessed in addition to any direct cost, fees or expenses of the District for the repair of damaged equipment, and in addition to any other criminal penalties provided by the laws of the State of Colorado.

APPENDIX E

RESOLUTION

Restrict Irrigation Water Usage

BE IT RESOLVED by the Board of Directors of the Crested Butte South Metropolitan District, a Colorado special district, hereby establishes restrictions on irrigation by any means, of lawns, gardens and other exterior landscaping features and use as follows:

STANDARD RESTRICTIONS. Due to high flow demands through the District's water distribution system during summer irrigation months and the high costs of treating water, and the low volume of water available for irrigation, the following irrigation restriction shall apply each year:

1. LENGTH OF RESTRICTION. The irrigation restriction shall be in effect yearly commencing at 12:00 a.m. on May 1st and continuing until 12:00 p.m. on September 30th. No landscape watering is allowed after this date.
2. HOURS OF RESTRICTION. Irrigation shall only be permitted between 5:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 10:00 p.m. daily.

FREEZE EXEMPTION. The District Manager may, in his sole discretion, issue not more than one exemption permit to a customer from the standard restrictions set forth immediately above if necessary to accommodate the irrigation of landscaping, lawns and trees during freezing weather. The customer shall prominently display a copy of the exemption permit in the area to be irrigated. The exemption permit shall authorize the customer to irrigate during designated times of the day not otherwise authorized. The exemption permit shall be in effect for the restriction period of the year of issuance only, unless earlier terminated by the District Manager due to the establishment of further restrictions on irrigation and use.

EXTRAORDINARY RESTRICTIONS. The District Manager may, if required due to existing or threatened water shortages, further restrict irrigation to alternate days in geographic areas within the District as follows: On even numbered days - First Filing, River Rim and Third Filing. On odd # days - Second Filing.

Such extraordinary restrictions shall automatically be in full force and effect upon two publications of notice in a newspaper of general circulation within the District. Such restrictions shall remain in full force and effect until the earlier of (1) the date the same is rescinded by the District's Manager, or (2) the next regular board meeting, or special board meeting called for the purpose of evaluation of such restriction, unless continued by action of the board

WET WEATHER RESTRICTION. Irrigation shall not be permitted during periods of wet weather. Automatic sprinkler systems must be equipped with moisture sensing devices or rain gauges to shut off water during wet weather.

LANDSCAPE EXEMPTION. The District Manager may, in his sole discretion, issue no more than one exemption permit to a customer from the extraordinary water restrictions set forth immediately above for the purpose of irrigation of newly installed landscaping, lawns and trees. The customer shall prominently display a copy of the exemption permit in the area to be

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irrigated. The exemption permit shall authorize the customer to irrigate on an even or odd numbered day not otherwise authorized. The exemption permit shall be in effect for the restriction period of the year of issuance only, unless earlier terminated by the District Manager due to the establishment of further restrictions on irrigation and use.

VIOLATION OF WATER CONSERVATION RESTRICTIONS. Upon violation of any of the standard or extraordinary restrictions set forth above, the District Manager shall cause a written Notice of Violation to be mailed or delivered to the customer who has been found to be violating the provisions of these Rules and Regulations. The Notice of Violation shall specifically state the manner of the violation, with reference to the applicable paragraphs of these Rules and Regulations, and the penalty for such violation as set forth below.

PENALTIES FOR VIOLATIONS. Any person violating any of the standard or extraordinary restrictions set forth above shall subject to the following fines:

Violation of Standard Restrictions:

First Violation:	Written Warning
Second Violation:	\$10
Third Violation:	\$25
Fourth Violation:	\$50
Subsequent Violations:	\$100

Violation of Extraordinary Restrictions:

First Violation:	\$25
Second Violation:	\$50
Third Violation:	\$100
Subsequent Violations:	\$200

OBJECTION TO NOTICE OF VIOLATION. Any customer objecting to any Notice of Violation, or the penalty imposed thereby, may, within 10 days after such notice is mailed to the customer, file a written objection with the District Manager. Failure to timely object to any Notice of Violation shall be deemed a waiver of any objection to such notice or the penalty imposed thereby.

HEARING ON OBJECTION. Upon filing such written objection, the Board shall at its next regular meeting, hear such evidence as the District Manager and customer may present evidence concerning such violation in accordance with such rules as the Board may establish. If the Board finds that a preponderance of the evidence supports a finding that the alleged violation occurred and the penalty imposed was appropriate, then the Notice of Violation shall stand and the penalty imposed thereby shall be imposed. Otherwise, the Board may strike or modify the Notice of Violation and/or penalty imposed in accordance with the evidence presented.

REPEATED OFFENSES. Upon issuance to any customer of a third Notice of Violation, the Board shall, at the next possible regular meeting, determine whether, and upon what conditions, the District should initiate discontinuation of water services. Notice of such hearing shall be mailed to the customer by certified mail to the customer's last known address at least 24 hours

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before such hearing. In making such determination, the District shall consider any special needs of the customer, and the detriment to the District of the continual violations of the District's lawn watering regulations. At such hearing, the District Manager and customer may present evidence concerning such determination in accordance such rules as the Board may establish. Notice of any determination shall be mailed to the customer by certified mail to the customer's last known address, and a copy shall be posted on the premises. Any disconnection shall be initiated and exercised in the manner provided by the Districts' Rules and Regulations.

RESOLVED this 21st day of May, 2003

Crested Butte South Metropolitan District

Roger Grogg, President

ATTEST:

Jeff Hanggi, Secretary

APPENDIX F

BACKFLOW PREVENTION POLICY

PURPOSE:

The purpose of this policy is to set forth the District's position regarding prevention of potentially harmful backflow to the District's public potable water delivery system.

The District strictly prohibits cross connection of the public potable water system with any private or public water supply which does not meet minimum general sanitary standards by which the District abides or as set forth by the Colorado Department of Public Health and Environment (CDPHE).

This policy is written pursuant to the Safe Drinking Water Act and Article 12 of the Colorado Primary Drinking Water Regulations.

AUTHORITY:

Sections 25-1-107, 25-1-108, 25-1-109, and 25-1-14 Colorado Revised Statutes, 1973, as amended.

Colorado Primary Drinking Water Regulations (CPDWR), Article 12, Hazardous Cross Connections.

GLOSSARY

NOTE: **No** ATTEMPT IS MADE TO DEFINE ORDINARY WORDS, WHICH ARE USED IN ACCORDANCE WITH THEIR ESTABLISHED DICTIONARY MEANINGS. UNLESS THE CONTEXT SPECIFICALLY INDICATES OTHERWISE, THE MEANINGS OF TERMS USED IN THIS MANUAL ARE AS FOLLOWS:

-A-

Accessible - Accessibility - When applied to a backflow preventer, fixture, connection, appliance, or equipment, "accessible" means having access thereto, but which first may require the removal of an access panel, door, or similar obstruction. Readily accessible means direct access without the necessity of removing any panel, door, or similar obstruction. Also see Adequate Clearance. **Administrative Authority** - The individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the regulations and codes as adopted or amended. This definition shall include the Administrative Authority's duly authorized representative.

Adequate Clearance - The unobstructed access to the backflow assembly for visual and physical inspection of all internal and external components. This shall also include adequate space allowing for removal of all components from the top and the sides of the assembly. Local Authorities may have specific clearance requirements. The installer of backflow prevention assemblies is responsible for knowing the proper installation requirements.

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Air Gap - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, other assembly or vessel and the flood level rim of said vessel.

Approved - Accepted or acceptable under an applicable specification or standard stated or cited as suitable for the proposed use under procedures and authority of the water supplier, administrative authority.

Approved Backflow Prevention Assembly - An assembly listed in the latest University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research (USC FCCC&HR), List of Approved Backflow Prevention Assemblies. Or any assembly listed and approved by The American Society of Sanitary Engineering (ASSE).

Aspirator - A fitting or device supplied with water or other fluid under positive pressure, which passes through an integral orifice or constriction, causing a vacuum

Auxiliary Water Supply - Any water supply on or available to the premises other than the water Supplier's approved potable water supply. These auxiliary water supplies may include, but are not limited to, water from another Supplier's potable water supply or any natural source(s) such as a well, spring, river, stream, pond, lake, etc. or used waters or industrial fluids. These waters may be polluted or contaminated, or may be objectionable and constitute an unacceptable water source over which the water Supplier does not have sanitary control.

-B-

Backflow - The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source other than its intended source. See Back-Siphonage, Back-Pressure Backflow.

Backflow Connection - Any arrangement whereby backflow can occur. **Backflow Preventer** - A device or means to prevent backflow into the potable water system.

Backflow Prevention Assembly - Referred to as a 'backflow preventer'. An assembly or means designed to prevent backflow created by backpressure, backsiphonage or backpressure and backsiphonage acting together. **Backpressure** - Backflow due to an increased pressure above the supply pressure, which may be due to pumps, boilers, gravity, or other sources of pressure.

Backsiphonage - The reverse flow of water or other liquids, mixtures, gases or substances into the distribution pipes caused by negative or sub atmospheric pressure.

-C-

Cavitation - The pressure within the piping system is reduced to the fluid's vapor pressure, and the liquid transforms into a gas. The gas forms pockets or bubbles within the system, which coupled with the flow of fluid causes an impact leading to erosion of the internal flow surface.

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Certified Cross-Connection Control Technician - A person who has shown his/her competency and has passed the Cross-Connection Control Technician Certification Examination given by the Water Distribution and Wastewater Collection Systems Council. This person shall be familiar with appropriate laws, rules, and regulations, which address cross-connection control. He/she shall be able to make competent tests and repairs on all approved backflow prevention assemblies, and stay abreast of all new products and information on the subject. A list of contractor certified Cross-Connection Control technicians willing to test assemblies is available from the Colorado Department of Public Health and Environment.

Check Valve - A self-closing assembly, which is designed to permit the flow of fluids in one direction. A single check valve is not an approved backflow prevention assembly.

Colorado Department of Public Health and Environment, Colorado Cross Connection Control Manual - A manual that has been published by the State addressing cross-connection control practices, which shall be used as a guidance document for the water Supplier in implementing a Cross-Connection Control Program.

Confined Space - The OSHA definition of confined spaces - are those areas where an employee would be forced to enter or exit in a posture that might slow self-rescue, or make rescue more difficult. These spaces warrant additional consideration as to whether they pose a hazard to entrants and would, therefore, be regulated as permit-required confined spaces (permit spaces)

Containment - Protection by containment shall mean the installation of an approved backflow prevention assembly, or method, on the water service line(s) serving any premises, location, facility or area. Protection by containment shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.

Contamination - An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease. Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on water. Also defined as high hazard.

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

Cross-Connection - Any physical arrangement whereby a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, plumbing fixture, or other assembly which contains, or may contain, contaminated water, sewage, or other waste, liquid or gas of unknown or unsafe quality, which may be capable of imparting contamination or pollution to the potable water supply as a result of backflow. Bypass

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arrangements, jumper connections, removable spools, swivel or changeover assemblies, four-way valve connections, and other temporary or permanent assemblies through which, or because of which, backflow could occur are considered to be cross connections.

Cross-Connections - Controlled - A connection made between a potable water system and a non-potable water system with an approved backflow prevention assembly, properly installed and tested in accordance with this manual, and that will continuously afford the protection commensurate with the degree of hazard.

-D-

Department Having Jurisdiction - The Administrative Authority, including any other law enforcement agency affected by any provision of this Code, whether such agency is specifically named or not.

Double Check Valve Assembly (DC or DCVA) - An assembly of two independently operating approved check valves between two tightly closing (resilient seated) shut-off valves, plus four (4) properly located test cocks for the testing of each check valve. The entire assembly shall be an approved backflow prevention assembly.

-E F-

Flood-Level Rim - The edge of the receptacle from which liquid overflows.

Flushometer Tank - A tank integrated within an air accumulator vessel which is designed to discharge a predetermined quantity of water to fixtures from flushing purposes.

Flushometer Valve - A valve, which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

-G H-I

Hazard - Health - Any condition, assembly, or practice in the water supply system and its operation, which could create, or in the judgment of the water Supplier may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system, or a direct connection of a potable water supply line to a sanitary sewer.

Hazard - Plumbing - A plumbing type cross-connection in a potable water system that has not been properly protected by an air-gap separation or an approved backflow prevention assembly. Unprotected plumbing types of cross-connections are considered a health hazard.

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

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Hazard - System - An actual or potential threat of severe damage to the physical properties of the potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system caused by a cross-connection.

Hazardous Chemical - An EPA designation for any hazardous material requiring an MSDS under OSHA's Hazard Communication Standard. Such substances are capable of producing fires and explosions or adverse health effects like cancer and dermatitis. Hazardous chemicals are distinct from hazardous waste.

High Hazard - See Contamination

Indirect Waste Pipe - A pipe that does not connect directly with the drainage system but conveys liquid wastes by discharging into a plumbing fixture, interceptor, or receptacle which is directly connected to the drainage system.

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

Isolation - The control of cross-connections within a building's plumbing system by the installation of approved backflow prevention assemblies or methods at or near the potential sources of pollution or contamination.

- J K L -

Listing Agency – An agency accepted by the Administrative Authority which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed models, and which makes available a published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specific manner.

Lower Explosive Limit (LEL) - The concentration of a compound in air below which the mixture will not catch on fire.

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-M-

Main - The principal artery of any system of continuous piping to which branches may be connected.

Material Safety Data Sheet (MSDS) - A compilation of information required under the OSHA Communication Standard on the identity of hazardous chemicals, health, and physical hazards, exposure limits, and precautions. Section 311 of SARA requires facilities to submit MSDSs under certain circumstances. **Microbial Growth** - The amplification or multiplication of microorganisms such as bacteria, algae, diatoms, plankton, and fungi.

- N -

Non-Potable Water - Water that is not safe for human consumption or that does not meet the requirements set forth in the State of Colorado Primary Drinking Water Regulations. Water that is unsafe or unpalatable to drink because it contains pollutants, contaminants, minerals, or infective agents.

-OP-

Plumbing - The business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof.

Plumbing System - Includes all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains and building sewers, including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, fuel gas piping, water heaters and vents for same.

Pollution - The presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality to constitute a non-health type hazard or impair its usefulness. Also defined as low hazard. **Potable Water** - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical, and radiological quality shall conform to the State of Colorado Primary Drinking Water Regulations. Water that is safe for drinking and cooking.

Pressure - The normal force exerted by a homogenous liquid or gas, per unit of area, on the wall of the container.

- (1) Static Pressure - The pressure existing without any flow.
- (2) Residual Pressure - The pressure available at the fixture or water outlet after allowance is made for pressure drop due to friction loss, head, meter, and other losses in the system during maximum demand periods.

-Q R-

Reduced Pressure Principle Assembly - An assembly of two independently operating approved check valves with a hydraulic automatic operating differential relief valve between the two check valves. The assembly shall be located between two (2) tightly closing (resilient seated) shut-off valves, and have four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention assembly.

-S-

Service Pipe - The pipeline extending from the water main to the building served or to the consumer's system.

Significant Potential Source of Contamination - A facility or activity that stores, uses, or produces compounds with potential for significant contaminating impact if released into the source water of a public water supply.

Submerged Inlet - A water pipe or extension thereof from a potable water supply terminating below the flood level rim of a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant or pollutant.

-T-

Toxic Chemical - Any chemical listed in EPA rules as "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986."

Toxicity - The degree to which a substance or mixture of substances can harm humans or animals. Acute toxicity involves harmful effects in an organism through a single or short-term exposure. Chronic toxicity is the ability of a substance or mixture of substances to cause harmful effects over an extended period, usually upon repeated or continuous exposure sometimes lasting for the entire life of the exposed organism. Subchronic toxicity is the ability of the substance to cause effects for more than one year but less than the lifetime of the exposed organism.

-V-

Vacuum - Any pressure less than atmospheric pressure.

Vacuum Breaker – See Backflow Preventer.

Vacuum Breaker, Atmospheric Non-pressure Type – A vacuum breaker consisting of an air inlet opening and a non-loaded floating check disk valve designed to prevent backsiphonage only. The assembly shall not be subjected to continuous static line pressure or backpressure or be installed where it would be under pressure for more than twelve (12) continuous hours.

Vacuum Breaker, Pressure Type – A vacuum breaker, designed to prevent backsiphonage only, consisting of a spring loaded check valve, a spring-loaded air inlet opening, a tightly

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closing shut off valve on each side of the assembly, and two (2) appropriately located test cocks. The assembly shall not be subjected to backpressure. The entire assembly shall be an approved backflow prevention assembly.

Vacuum Relief Valve – A device that prevents excessive vacuum in a pressure vessel.

-W-

Water Distributing Pipe - In a building or premises, a pipe, which conveys potable water from the building supply pipe to the plumbing fixtures and other water outlets.

Water Distribution and Wastewater Collection Systems Certification Council An organization designated by the Colorado Department of Public Health and Environment to administer and maintain the Cross-Connection Control Technician certification program

Water Main (Street Main) - A water-supply pipe for public or community use.

Water Service-Connection - The terminal end of the water Supplier's service connection from the potable water distribution system; i.e., where the water Supplier loses jurisdiction and sanitary control over the water at its point of delivery to the customer's stop box or shut-off valve or meter, whichever comes first from the water main. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. This shall include irrigation systems and fire sprinkler systems. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system. For customers outside the water Supplier limits, "water service connection" shall mean the terminal end of the water Supplier's service connection from the potable water system to the customer's corporation stop.

Water Supplier (also referred to as Water Purveyor) - Any person or group owning and/or operating a public potable water supply.

Water Supply System - The building supply pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances carrying or supplying potable water in or adjacent to the building or premises.

THE FOLLOWING DEFINITIONS ARE FROM THE UNIFORM PLUMBING CODE (UPC) 1997 EDITION:

Certified Backflow Assembly Tester - A person who has shown competence to test and maintain backflow assemblies to the satisfaction of the Administrative Authority having jurisdiction. (UPC 1997)

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Confined Space - A room or space having a volume less than fifty (50) cubic feet per 1000 Btu/h (1.4 m³/293W) of the aggregate input rating of all fuel burning appliances installed in that space. (UPC 1997)

Contamination - An impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids of waste. Also defined as High Hazard. (UPC 1997)

Cross-Connection - Any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for nonpotable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition.(UPC 1997)

Insanitary - A condition which is contrary to sanitary principles or is injurious to health.

Condition to which "insanitary" shall apply include the following:

- (1) Any trap which does not maintain a proper trap seal.
- (2) Any opening in a drainage system, except where lawful, which is not provided with an approved water-sealed trap.
- (3) Any plumbing fixture or other waste discharging receptacle or device, which is not supplied with water sufficient to flush it and maintain it in a clean condition.
- (4) Any defective fixture, trap, pipe, or fitting.
- (5) Any trap, except where in this Code exempted, directly connected to a drainage system, the seal of which is not protected against siphonage and backpressure by a vent pipe.
- (6) Any connection, cross-connection, construction or condition, temporary or permanent, which would permit or make possible by any means whatsoever, for any unapproved foreign matter to enter a water distribution system used for domestic purposes.
- (7) The foregoing enumeration of conditions to which the term insanitary shall apply, shall not preclude the application of that term to conditions that are, in fact, insanitary. (UPC 1997)

Pollution - An impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use. Also defined as Low Hazard. (UPC 1997)

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

DISTRICT RESPONSIBILITIES:

To identify hazardous service connections as outlined in the CDPHE's Cross Connection Control Manual-

Shall have no uncontrolled cross connections to any District system for supply of potable water which does not meet the provisions of the CPDWR.

Require all system users to install and maintain containment type Backflow Prevention Devices (BPD's) on services that pose a threat to public health hazard. The District in conjunction with the CDPHE shall determine the need and type of device consistent with the degree of hazard posed by the connection.

Isolation type devices shall be considered on case by case basis.

Inspect and approve the installation of all BPD'S.

Retain maintenance records of all BPD's for the last three years. Make records available to the CDPHE for inspection.

CUSTOMER RESPONSIBILITIES:

To prevent pollutants and/or contaminants from entering the District system **by** way of the customer system.

Test and maintain all BPD'S. **All** testing and maintenance shall be performed **by** a trained and qualified (certified) cross connection control technician. Initial tests shall be performed within **30** days of installation and subsequent tests shall be performed each year (not to exceed 365 days) thereafter.

Allow District to inspect BPD(S) or investigate potential hazards to the public water system at any time.

Purchase, install, test, maintain, repair, and replace all BPD'S.

GENERAL:

BPD's required by the District will conform to the latest **AWWA C-506 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices.**

The District shall determine the type of BPD to be installed based on the degree of hazard that is posed by the customer system.

The customer shall notify the District prior to testing of BPD by a certified technician so that the Company may witness the test. Written results of the test shall be forwarded to the Company.

Records of maintenance, overhaul, or replacement will be kept by the customer and a copy of such records shall be forwarded to the District as those records are generated.

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The District may disapprove of any existing BPD that may be installed in a customer system given incomplete or improper installation.

The District shall consider by-passes, jumper connections, removable sections, swivel or change-over devices, or any other temporary or permanent connections through which backflow could occur to be cross connections.

The District prohibits any cross connection of the public water supply to any other pipe, fixture, or auxiliary water system which contains water of a quality below minimum general sanitary standards by which the District abides or as set forth by the CDPHE for that water system, whichever is the most stringent--.

The District reserves the right to prohibit and deny cross connection of any auxiliary water source with its public potable water supply. The District will be the ultimate authority in these matters.

Any public water supply system that is cross connected with the District system shall have a backflow prevention policy in place that meets or exceeds the general standards outlined in this policy.

Any cross connection discovered by the District that is not allowed by this policy shall be permanently removed within 24 hours of formal notification or service will be discontinued until such time as the conditions or defects are corrected.

The District shall conduct inspections and surveys of customer's and their facilities in accordance with the CPDWR, Article 12. The District will exercise reasonable and informed judgment to determine whether conditions or circumstances pose a threat to the public potable water supply and take appropriate action to resolve concerns.

The District shall give written notice requiring installation of an approved BPD(S) at specific locations on the customer's premises. The customer shall install the BPD(S) within 30 days of written notice at his own expense. If the customer fails to comply with the request of the District, service will be discontinued by means of a physical break in service.

A BPD shall be installed at any suitable location downstream of the meter which provides for containment protection for the District.

This policy incorporates herein by reference the **Cross-Connection Control Manual** and the **CPDWR** of the CDPHE including all amendments made now and hereafter. Whenever there is a conflict between this policy and the references, the most stringent standard will apply.

APPENDIX G

**RESTRICTIVE COVENANT PROHIBITING
SEPARATE SALE OF SECOND RESIDENTIAL UNIT**

THIS RESTRICTIVE COVENANT is made and entered into this ____ day of _____, 20____, by and between _____, whose address is _____, hereinafter referred to as “OWNER”, and CRESTED BUTTE SOUTH METROPOLITAN DISTRICT, a Colorado special district, whose address is P. O. Box 1129, Crested Butte, Colorado 81224, hereinafter referred to as “DISTRICT”.

R E C I T A L S:

OWNER desires to construct an additional residential unit of less than 1,000 square feet upon the real property hereinafter described which is or will be improved with one single-family residential unit, in addition to the foregoing unit; and

OWNER wishes to take advantage of the DISTRICT’S “caretaker unit” rate classification, which requires that the “caretaker unit” cannot be sold separately from the single-family residential unit;

NOW, THEREFORE, THIS RESTRICTIVE COVENANT:

1. **CONSIDERATION.** This Restrictive Covenant is given in consideration of the DISTRICT’S classification of the additional residential unit to be constructed with the single-family residential unit on the property hereinafter described as a “caretaker unit” pursuant to the DISTRICT’S rate schedule, the sufficiency of which is hereby acknowledged.

2. **PROPERTY.** The real property which is the subject of this Restrictive Covenant is described as follows:

Lot ____, Block ____, CRESTED BUTTE
SOUTH, FILING NO. ____, according to the
recorded plat thereof, County of Gunnison, State of
Colorado

APPENDIX H:

PRETREATMENT PROGRAM REGULATIONS

FOR THE CRESTED BUTTE SOUTH METROPOLITAN DISTRICT

These regulations shall apply to all commercial users that will have cooking and/or processing facilities, garages, or any other commercial use that the District deems appropriate, and which discharges into the Crested Butte South Wastewater Treatment Plant (WWTP). These regulations shall also apply to residential users that have floor drains planned in their construction design. These regulations may be amended and modified from time to time.

(a) Definitions.

- (1) FOG facilities are non-domestic dischargers located within the District's service area where the following uses or activities occur and which are subject to the District's pretreatment requirements for the control of fats, oils and greases:
Non-residential properties on which occurs preparation, manufacturing or processing of food, including but not limited to: restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, schools, nursing homes and other facilities that prepare, service or otherwise make foodstuffs available for consumption.
- (2) POGS facilities are non-domestic dischargers located within the District's service area where the following uses or activities occur and which are subject to the District's pretreatment requirements for the control of petroleum, oil, grease and sand:

Non-residential properties on which occurs automotive service or repair, machine shops, automotive care centers, auto body shops, car washes or any other facility that generates sand, grit or petroleum waste that may discharge into a District system-sewer.
- (3) Grease interceptor is a unit with at least two compartments and a capacity of at least 500 gallons which uses gravity to separate grease from wastewater, is designed to retain grease from one or more fixtures and which is located outside the building being served and accessible at all times.
- (4) Sand/oil separator is a unit of at least 300 gallons capacity designed to retain sand and oil from one or more fixtures and which shall be located remote from the fixtures being served, typically outside the building being served. The District may determine whether or not a larger capacity sand/oil separator is required.

(b) General Control Requirements.

SECTION 1: FOG FACILITIES AND POGS FACILITIES:

- (1) A grease interceptor or sand/oil separator shall be required when, in the judgment of the District, it or they are necessary for the proper handling of liquid wastes which may be harmful to, or cause obstructions to flow or pass-through, or interference with the proper operation of the WWTP.
- (2) Unless a variance has been granted by the District, any property with industrial or commercial uses as of January 1, 2017 shall be required to install a grease interceptor or sand/oil separator as of such date. Such grease interceptor or sand/oil separator shall be installed as soon as practicable taking into account seasonal weather conditions. It shall be the responsibility of the owner of the property to contact the District for the purpose of obtaining a plan review of all grease interceptor and oil/sand separators. The plan review shall determine the need, method, size and location of the interceptor or separator required to control discharges into the WWTP. Written approval from the District must be obtained prior to installation of the interceptor or separator.
- (3) Detailed plans describing the grease interceptor or oil/sand separator facilities and operating procedures shall be submitted to the District for review, and must be acceptable to the District before such facilities are constructed. The review and approval of such plans shall in no way relieve the owner of the subject property from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under these pretreatment regulations, nor shall it relieve the property owner of ensuring proper maintenance and cleaning of the grease interceptor and/or sand/oil separator.
- (4) The design and construction of grease interceptors and oil/sand separators shall be in accordance with the applicable plumbing and electrical codes and these regulations. The grease interceptor and oil/sand separator shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the subject property's wastewater and preventing the discharge of such pollutants to the WWTP.
- (5) The property owner and the District will use general sizing criteria shown in Table 1 to evaluate grease interceptor sizing. Approval of grease interceptor capacity shall in no way relieve the owner of the subject property from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these pretreatment regulations.

Rules and Regulations pertaining to the water and sanitation function of the Crested Butte South Metropolitan District Gunnison County, Colorado

Table 1:

Grease Interceptor Sizing Table					
Fixture Type	# Of Fixtures	Surge Flow From fixture (gpm)			Total Flow (gpm)
<u>Kitchen Area Sinks</u>					
Single Compartment		x	20	=	
Double Compartment		x	25	=	
Triple Compartment		x	30	=	
Mop/Clean-up		x	20	=	
<u>Dishwashers</u>					
Up to 30 gallon capacity					
30 to 50 gallon capacity					
50 to 100 gallon capacity					
			Total Surge Flow		
			Detention Time	X 10 Min	
Required Minimum Grease Interceptor Capacity (gallons)*					
*Minimum Approved Size is 500 gallons, standard size is 1,000 gallons * Sizing of apparatuses not mentioned herein shall be determined by the District case by case and will consider capacity and/or flow as a benchmark for determination.					

- (6) A variance as to the requirement for the installation of a grease interceptor or oil/sand separator may be granted by the District for good cause shown. Variances shall not exceed five years in duration and shall terminate on the earlier to occur of the expiration of the variance, the installation of a grease interceptor or oil/sand separator, transfer of ownership of the subject property or issuance of a building permit for the subject property. Such grease interceptor or sand/oil separator shall be installed as soon as practicable following the termination of the variance taking into account only delays due to inclement weather. No certificate of occupancy for the subject property may be issued until a grease interceptor or sand/oil separator required by these regulations has been installed. The District will evaluate all data and information supporting a request for a variance. The owner of the property required to install the grease interceptor or oil/sand separator shall have the burden of proof on demonstrating through data and other information why a variance should be granted.

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In no case shall a variance result in a violation of any requirement or effluent limit specified in these pretreatment regulations or applicable law. The granting of any variance shall be at the sole discretion of the District. All variances shall be memorialized by a certificate of variance approved by the District Attorney and recorded against the subject real property on the official real property records of the Clerk and Recorder of Gunnison County, Colorado. The decision of the District Manager in regards to such variance shall be final and non-appealable. If a variance is granted, the owner of the property required to install the grease interceptor or oil/sand separator shall:

- a) Pay a pretreatment fee to offset the costs incurred by the District for accelerated sewer line cleaning on the District's sewer line providing service to the subject property, costs to the District of treating the excess strength waste and any costs for sampling and analysis. The pretreatment fee shall be \$5.00 per month per 100 gallons of capacity required referenced in Table 1 or \$25.00 per month minimum.
- (7) Upon change of ownership of any property or any portion thereof required to have a grease interceptor or oil/sand separator, the owner of such property shall have the burden of demonstrating that a properly sized and functioning interceptor or separator is installed.
 - (8) Toilets, urinals and similar fixtures shall not waste water through a grease interceptor or oil/sand separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
 - (9) All sink fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a grease interceptor shall be equipped with a fixed or removable mesh screen which shall catch garbage and food debris and prevent such substances from entering the grease interceptor.

(c) Required Maintenance.

- (1) Grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the FOG Facility's wastewater and prevent the discharge of said materials into the WWTP. A grease interceptor in service in the District shall be serviced when the solid material in the interceptor occupies 25% of the interceptor capacity or 365 days whichever comes first.
- (2) Sand/oil separators shall be maintained by regularly scheduled removal of the accumulated sand and oil so that they will properly operate as intended to intercept the sand and oil from the subject property's waste water and prevent the discharge of

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sand and oil into the WWTP. A sand/oil separator in service in the District shall be serviced at a maximum interval of 365 days.

- (3) The District may require more or less frequent cleaning. A variance from this requirement may be obtained from the District when the subject property owner can demonstrate less frequent cleaning is sufficient.
- (4) Maintenance of grease interceptors and oil/sand separators shall be performed in a workmanlike manner only by professionals normally engaged in the servicing of such plumbing fixtures.
- (5) In the event grease interceptor or oil/sand separator is not properly maintained by the owner of the subject property, the District may authorize such maintenance work be performed on behalf of the property owner. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing the District for sewer service and shall constitute a lien against the property until paid in full.
- (6) Property owners shall:
 - a) Ensure grease interceptors and oil/sand separators are easily accessible for inspection, cleaning and removal of grease.
 - b) Maintain interceptors and separators at their expense and keep in efficient operating condition at all times by the regular removal of oil, grease and solids.
 - c) Document each pump out with a waste manifest or trip ticket from the contractor that must be submitted to the District each time the device is serviced, at least annually, and kept on site for at least three years.
 - d) Take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, State and local regulations (i.e., through a certification by the hauler included on the waste manifest or trip ticket for each load).
- (6) Use of biological additives, enzymes, or surfactants that could emulsify oil and grease is prohibited.
- (8) FOG Facilities and POGS Facilities will be identified through the District's inspection program. Once identified and determined by the District to need treatment, the facility shall be required to comply with the District's pretreatment program. The District will require these businesses to implement Best Management Practices (BMPs) to minimize the discharge of pollutants to the WWTP as described below.

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a) FOG Facilities:

- i) Scrape food from plates into garbage cans.
- ii) Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage can or other solid waste disposal device as needed.
- iii) Pour all liquid oil and grease from pots into a waste grease bucket stored at the pot washing sink. Heavy solid build-up of oil and grease on pots and pans should be scraped off into a waste grease bucket.
- iv) Utilizing appropriate absorbent materials to contain and cleanup any spillage of grease or oils and disposing of all used absorbent materials as solid waste.
- v) Certify that training for these requirements has been provided to kitchen staff.
- vi) Other kitchen practices identified by the District and/or FOG facility which will decrease the point source discharge of oil and grease.

b) POGS Facilities:

- i) No dumping of petroleum-based waste products into the waste collection system.
- ii) Sweeping floors and other service areas with hand brooms and dispose of all sweepings as solid waste to minimize the use of wash down water to the greatest extent practicable.
- iii) Utilizing appropriate absorbent materials to contain and cleanup any spillage of petroleum-based products and disposing of all used absorbent materials as solid waste.
- iv) Providing certification that all employees have been trained on these practices.
- v) Other practices identified by the District and/or facility which will decrease the discharge of sand and oil.

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(d) Inspections.

- (1) The District will conduct inspections of any facility with or without notice and will consider such factors as, without limitation, potential to discharge oil, grease, sand, grit, or petroleum contaminated wastes.
- (2) If any inspection reveals non-compliance with any provision of these requirements, corrective action shall be undertaken immediately by the property owner. Such noncompliance may include, but not be limited to:
 - a) Poor maintenance of interceptors or separators.
 - b) Failure to timely correct previously noted areas of non-compliance.
 - c) Inability to access or open a grease interceptor or oil/sand separator.
 - d) Inability to inspect a grease interceptor or oil/sand separator due to overabundance of oil, grease, grit or sand accumulation.
- (3) Inspection results will be provided in writing to the property owner.

(e) Enforcement and Compliance.

- (1) Any violation of these requirements shall be considered an unpermitted discharge and a violation of these regulations.
- (2) The District has the right to reject acceptance of any waste which may be harmful to or create obstructions of flow or pass-through, or interference with the proper operation of the WWTP or that violates any requirements on discharge set by local, State or federal law or regulations.
- (3) All property owners and others with property rights (e.g., tenants) of the subject property shall be jointly and severally responsible for complying with the requirements and standards established by these requirements.
- (4) Any costs incurred by the District due to obstructions to flow or pass-through, or interference with the proper operation of the WWTP, damage or maintenance necessary in the WWTP, FOG Facility or POGS Facility shall be paid by the property owner. Any costs and expenses incurred in rectifying any such obstructions to flow or pass-through, or interference with the proper operation of the WWTP, damage or maintenance necessary in the WWTP, FOG Facility or POGS Facility including reasonable attorneys' fees and costs of any dispute, shall be billed directly to the owner of the property, and such costs shall become part of the total charges due and owed to the District and shall constitute a lien on the subject property.

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- (5) For purposes hereof, where ownership of a lot or parcel is held by multiple owners, these regulations shall apply to all of the lot or parcel and all of the owners are responsible for the compliance hereof. "Subject property" shall include each separate property interest individually, and all property interests collectively in any lot or parcel, as the case may be, for purposes of compliance hereof.