



RULES AND REGULATIONS

DENVER SOUTHEAST SUBURBAN WATER AND SANITATION DISTRICT
d/b/a
PINERY WATER AND WASTEWATER DISTRICT

PART I
GENERAL RULES AND REGULATIONS

Approved: May 12, 1998

Revised: January 14, 2015

Revised and Replaced: October 20, 2021

Revised: July 20, 2022

Revised: August 17, 2022

PART 1
TABLE OF CONTENTS

ARTICLE 1	1
GENERAL PROVISIONS	1
1.1 <i>General Purpose and Authority</i>	2
1.2 <i>Public Health, Safety and Welfare</i>	1
1.3 <i>Name</i>	1
1.4 <i>Scope of Rules and Regulations</i>	1
1.5 <i>Rules of Construction</i>	1
1.6 <i>Amendment, Modification, Waiver or Suspension</i>	2
1.7 <i>Inclusion into Contracts</i>	2
1.8 <i>Rights and Authority</i>	3
1.9 <i>Authority to Enter and Inspect</i>	3
1.10 <i>Limitations on Liability</i>	3
1.11 <i>Savings Clause</i>	3
1.12 <i>Effective Date</i>	4
ARTICLE 2	4
DEFINITIONS	4
2.1 <i>Bedrock Aquifers</i>	4
2.2 <i>Board</i>	4
2.3 <i>Connection</i>	4
2.4 <i>Contractor, District</i>	4
2.5 <i>Contractor, Private</i>	4
2.6 <i>Customer</i>	4
2.7 <i>Dedicate or Dedication</i>	4
2.8 <i>Developer</i>	4
2.9 <i>Disconnection Fee</i>	4
2.10 <i>Disconnection (Involuntary)</i>	4
2.11 <i>District</i>	4
2.12 <i>Districtwide Facility</i>	5
2.13 <i>District Manager</i>	5
2.14 <i>Domestic Purposes</i>	5
2.15 <i>Groundwater Protection Zone</i>	5

2.16	<i>Inspection Fee</i>	5
2.17	<i>Inspector</i>	5
2.18	<i>Intract Facility</i>	5
2.19	<i>Notice</i>	5
2.20	<i>Owner</i>	5
2.21	<i>Person</i>	5
2.22	<i>Property Owner</i>	5
2.23	<i>Readiness-to-Serve Charge</i>	5
2.24	<i>Reconnection Fee</i>	5
2.25	<i>Sanitary Sewer System</i>	6
2.26	<i>Sewer Main</i>	6
2.27	<i>Sewer Service Lines</i>	6
2.28	<i>S. F. E.</i>	6
2.29	<i>Shall or will</i>	6
2.30	<i>Technical Specifications</i>	6
2.31	<i>Unit</i>	6
2.32	<i>Water Main</i>	6
2.33	<i>Water Service Lines</i>	6
2.34	<i>Miscellaneous</i>	6
ARTICLE 3		7
OPERATING PRINCIPLES AND LIMITS		7
3.1	<i>Connection to Public Facilities</i>	7
3.2	<i>Use of District Water</i>	7
3.3	<i>Service Curtailment</i>	7
3.4	<i>Authority of District Personnel</i>	7
3.5	<i>Meters and Meter Pits</i>	7
3.6	<i>Regulations by Other Governmental Entities</i>	7
3.7	<i>Elimination of Lot Lines</i>	8
3.8	<i>Buildings Occupying More Than One Lot</i>	8
3.9	<i>Service Outside the District Boundaries</i>	8
3.10	<i>Involuntary Disconnection for Reasons Other than Non-Payment; Right to Public Hearing</i>	8
ARTICLE 4		8
CUSTOMER RESPONSIBILITIES		8
4.1	<i>New Installations and Repairs</i>	8
4.2	<i>Maintenance of Service Lines and Lawn Irrigation Systems</i>	8

4.3	<i>Special Needs</i>	9
4.4	<i>Wasting Water</i>	9
4.5	<i>Large Water Meter</i>	9
ARTICLE 5		9
LICENSING AND PERMIT REQUIREMENTS		9
5.1	<i>Service Line Letter of Availability</i>	9
5.2	<i>Commercial and Industrial Connections</i>	9
5.3	<i>Commercial and Industrial Irrigation Approval</i>	9
5.4	<i>Swimming Pool Approval</i>	10
ARTICLE 6		10
CONNECTION AND DISCONNECTION		10
6.1	<i>General</i>	10
6.2	<i>Limits of Public Sewer and Water Lines</i>	10
6.3	<i>Inspection</i>	10
6.4	<i>Disconnection By Owner</i>	10
6.5	<i>Involuntary Disconnection for Reasons Other Than Non-Payment; Right to Public Hearing</i>	10
6.6	<i>Water Meters</i>	11
6.7	<i>Service Lines</i>	11
6.8	<i>Structures Over Water and Sewer Facilities</i>	11
6.9	<i>Exceptions</i>	12
6.10	<i>Variances</i>	12
ARTICLE 7		12
USES OF PUBLIC SANITARY SEWER SYSTEM		12
7.1	<i>Waste Discharges</i>	12
7.2	<i>Traps</i>	12
7.3	<i>Classifications of Wastes</i>	13
7.4	<i>Penalty for Impairment of District Facilities</i>	13
7.5	<i>Connection of Old Facilities</i>	13
7.6	<i>Sampling Manhole</i>	13
ARTICLE 8		14
FEES, RATES AND CHARGES		14
8.1	<i>General</i>	14
8.2	<i>Water Service Charges</i>	14
8.3	<i>Sewer Service Charges</i>	14

8.4	<i>Water Project Fee</i>	14
8.6	<i>Courtesy Turn On and Turn Off Fee</i>	14
8.7	<i>Large Irrigator and Golf Course Charges</i>	14
8.8	<i>Bulk Water Use for Construction</i>	15
8.9	<i>Shutoff Fee</i>	15
8.10	<i>Disputed Bills</i>	15
8.11	<i>Fees to be Paid Prior to Obtaining a Letter of Availability</i>	15
8.12	<i>Tap Fee</i>	15
8.13	<i>Tap and Connection Fee</i>	15
8.14	<i>Readiness to Serve Fee</i>	16
8.15	<i>Temporary Fire Hydrant Service</i>	16
8.16	<i>Services of District's Personnel and Consultants</i>	16
8.17	<i>Inspection and Obtaining Copies of District Records</i>	16
8.18	<i>Confidentiality</i>	18
8.19	<i>Payment Responsibility</i>	18
ARTICLE 9		18
INCLUSION; OUT OF DISTRICT SERVICE; EXTENSION OF SERVICE;		18
CHANGES TO LOT LINES		18
9.1	<i>Statement of Policy</i>	18
9.2	<i>Extension of Service</i>	18
9.3	<i>Information Required for Inclusion</i>	19
9.4	<i>Water Rights</i>	19
	<i>(Amended 8/17/22)</i>	20
9.5	<i>Cash in Lieu of Water Rights</i>	21
9.6	<i>Lease of Water</i>	22
9.7	<i>Extension and Oversizing of Facility/Line</i>	22
9.8	<i>Cost Recovery</i>	22
9.9	<i>Conveyance of Property Rights</i>	22
9.10	<i>Reimbursement for Condemnation</i>	22
9.11	<i>Tap Purchase Agreement/Development Agreement</i>	22
9.12	<i>Denial or Revocation of Application</i>	22
9.13	<i>Application Fee for Inclusion, Out of District Service, or Extension of Service</i>	23
ARTICLE 10		23
ENVIRONMENTAL PROTECTION MEASURES		23
10.1	<i>Erosion and Sedimentation Control</i>	23

10.2	<i>Wellhead Protection</i>	23
ARTICLE 11		24
ENFORCEMENT, VIOLATIONS AND PENALTIES		24
11.1	<i>Violations</i>	24
11.2	<i>Unauthorized Use or Tampering With District Facilities and Equipment</i>	24
11.3	<i>Prohibited Use of Sanitary Sewer System</i>	24
11.4	<i>Special Penalties for Unauthorized Use of Water or Tampering with District Equipment</i>	24
11.5	<i>Imposition of Penalties for Other Violations of District Rules and Regulations</i>	25
11.6	<i>Enforcement Remedies</i>	25
11.7	<i>Penalty for Violations</i>	26
ARTICLE 12		28
HEARING AND APPEAL PROCEDURES		28
12.1	<i>General</i>	28
12.2	<i>Appeal to District Management</i>	29
12.3	<i>Hearing Before Board of Directors</i>	29
12.4	<i>Non-Impairment</i>	30

PART I
GENERAL RULES AND REGULATIONS

ARTICLE 1
GENERAL PROVISIONS

- 1.1 General Purpose and Authority: The purpose of these Rules and Regulations is to provide for the orderly construction, management, operation and control of the public utility systems, facilities and improvements of the Denver Southeast Suburban Water and Sanitation District, d/b/a Pinery Water and Wastewater District (the “District”), including additions, extensions and connections thereto. The District is a governmental entity and political subdivision of the State of Colorado and a body corporate with all powers of a public or quasi-municipal corporation which are specifically granted or implied for carrying out the objectives and purposes of the District.

These Rules and Regulations are promulgated and adopted pursuant to the provisions of Section 32-1-1001(1)(m), Colorado Revised Statutes, as amended from time to time. The Board of Directors of the District (the “Board”) has determined to adopt these Rules and Regulations in order to implement the decisions and policies of the Board. Any Person desiring to use the District’s facilities shall comply with these Rules and Regulations. No Person shall be entitled to any exemption from the applicability of these Rules and Regulations due to the failure of that Person to become familiar with policies and standards of the District contained herein, and in amendments or supplements hereto. This Part I replaces and supersedes Part I of the Rules and Regulations of the Denver Southeast Suburban Water and Sanitation District.

- 1.2 Public Health, Safety and Welfare: It is hereby declared that the Rules and Regulations hereinafter set forth serve a public interest and are necessary for the protection of the health, safety, prosperity, security, and general welfare of the District and its Customers.
- 1.3 Name: The official name of the District is Denver Southeast Suburban Water and Sanitation District. To better define the geographic area served by the District and to facilitate Customer identification, the District operates unofficially under the name Pinery Water and Wastewater District.
- 1.4 Scope of Rules and Regulations: These Rules and Regulations shall be treated and considered as a new and comprehensive regulation, governing the operations and functions of the District and shall supersede all previous compilations of Rules and Regulations and informal practices and policies of the District, which may be in conflict with the provisions hereof.
- 1.5 Rules of Construction: These Rules and Regulations are promulgated pursuant to statute in the exercise of the Board’s discretion to provide a tool for management of the District and for the orderly provision of essential services. These Rules and Regulations shall be liberally construed to effect the general purposes set forth herein, and each and every part

hereof is separate and distinct from all other parts. Nothing contained herein shall be so construed as to prejudice or affect the right of the District to secure the full benefit and protection of any law now in effect or any law which may subsequently be enacted by the Colorado General Assembly pertaining to the affairs of the District or to be a waiver of any immunity granted to the District under Colorado law. No omission or additional material set forth herein shall be construed to alter, waive or deviate from any grant of power, duty, responsibility, or limitation or restriction imposed or conferred upon the Board by statutes now existing or amended in the future or under any contract or agreement existing between the District and any other governmental entity. The Board reserves the right to construe any provision hereof in its sole discretion in order to effectuate lawful purposes of the District and to attempt to ensure orderly and non-discriminatory treatment of all Persons or entities subject to these Rules and Regulations now or in the future.

- 1.6 Amendment, Modification, Waiver or Suspension: These Rules and Regulations may be amended, modified, waived or suspended, from time to time, by the Board, as it deems appropriate. Absent any specific provision to the contrary, notice of such amendments, modifications, waivers or suspensions shall not be required to be provided by the District prior to exercising its amendment, modification, waiver or suspension powers, and no public hearing shall be required. The District has the power to revise its Rules and Regulations from time to time by either formal action of the Board or by implication and has authority to waive the application of its Rules and Regulations to its own activities, or to the activities of others. Any formal action of the Board to revise, amend or modify these Rules and Regulations shall be deemed incorporated herein notwithstanding whether such revision, amendment or modification is codified herein. Supplemental policies of the District may be adopted from time to time in order to assist the Board in managing the affairs of the District. The Board, or the District Manager, shall have the sole authority to amend, waive, suspend or modify these Rules and Regulations. Any Person claiming the benefit of such a waiver, suspension or modification shall be required to obtain a written waiver authorized by the Board or the District Manager, and signed by the District Manager. No refusal, failure or omission of the Board or its agents to apply or enforce these Rules and Regulations shall be construed as an alteration, waiver, or deviation from any grant of power, duty or responsibility, or any limitation or restriction upon the Board by virtue of statutes now existing or subsequently amended, or under any contract or agreement existing between the District and any other entity. Any express waiver shall not be deemed an amendment of these Rules and Regulations. However, an express waiver or variance from these Rules and Regulations by the Board or the District Manager shall supersede these Rules and Regulations regarding the subject matter of the express waiver. No waiver shall be deemed a continuing waiver. No Customer shall obtain any right or cause of action against the District or its management arising as a result of the enforcement or lack of enforcement of the Rules and Regulations by the District.
- 1.7 Inclusion into Contracts: These Rules and Regulations are automatically incorporated into every contract, written or oral, with the District whether expressly referenced or not, to the extent they are not inconsistent with the terms of said contract .

- 1.8 Rights and Authority: The District reserves the right to temporarily discontinue service to any property, at any time, for any reason deemed necessary or appropriate. The District shall have the right to revoke service to any property for violations of these Rules and Regulations in accordance with the procedures set forth in these Rules and Regulations.
- 1.9 Authority to Enter and Inspect: As partial consideration for the provision of water service and sewer service, the Customer grants authorized representatives of the District the express right to enter upon private property for the purposes stated herein. Authorized representatives of the District, upon presentation of identification, shall be permitted to enter upon all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling, testing, and inspection of records of the water or sewer system, in accordance with the provisions of these Rules and Regulations. Failure to permit such inspections, observations, measurements, samplings, testing, and/or inspection of records upon the written request of the Manager to the Property Owner may result in the disconnection of water service or sewer service to the property occupied by the party failing to permit the desired access, or other remedies as allowed under these Rules and Regulations, subject to the hearing and appeal procedures set forth herein.
- 1.10 Limitations on Liability: Service from the District is a privilege. As partial consideration for said privilege, the Customer or any other person agrees that except as provided by the Colorado Governmental Immunity Act, 24-10-101 *et seq.*, C.R.S., as the same may be amended from time to time (“Colorado Governmental Immunity Act”), no claim for damage shall be made against the District because of, or as a direct or indirect consequence of, a cause including but not limited to the following: blockage, breaking or failure of a Water Main or Sewer Main, Water Service Line or Sewer Service Line, valve or meter; failure of the water supply; inadequate pressure or interruption of service; shutting off or turning on water in the Water Mains; Water Main flushing; the making of connections or extensions; damage to property resulting from work on any portion of the District’s system; damage caused by water running or escaping from open or defective faucets; poor water quality; failure of a stub-in to be located where the record drawing indicates it should be; damage to water heaters, boilers, other appliances and customer piping resulting from shutting water off, turning water on, inadequate or sporadic pressures or water quality; the shutting off of the sewer lift stations and possible backflow resulting therefrom; blockage in the sewer system; or for doing anything to the water and/or sewer systems of the District deemed necessary by the Board of Directors or its agents. Additionally, the District shall have no responsibility for notification to any Customer or other person of any of the foregoing conditions. Nothing in these Rules and Regulations may be deemed a waiver by the District of any rights under Colorado Law including, but not limited to, the Colorado Governmental Immunity Act. No act or inaction by the District shall be construed as a waiver in whole or in part of the protections provided by the Colorado Governmental Immunity Act.
- 1.11 Savings Clause: If any provision or any part of a provision of these Rules and Regulations shall be finally determined to be superseded, invalid, illegal, or otherwise unenforceable pursuant to any applicable legal requirements, such determination shall not impair or otherwise affect the validity, legality, or enforceability of the remaining provision or parts of the provision of the Rules and Regulations.

- 1.12 Effective Date: These Rules and Regulations shall be effective immediately upon adoption by the Board.

ARTICLE 2

DEFINITIONS

Unless the context specifically indicates otherwise or unless more specifically defined herein, the meaning of the terms used herein shall be as follows: (Note that these definitions also apply to Parts II and III of these Rules and Regulations.)

- 2.1 Bedrock Aquifers: water contained in the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers (the “Bedrock Aquifers”).
- 2.2 Board: the Board of Directors of the Denver Southeast Suburban Water and Sanitation District, d/b/a Pinery Water and Wastewater District.
- 2.3 Connection: the physical connection to the water or wastewater system of the District.
- 2.4 Contractor, District: an independent contractor hired by the District to perform work and/or furnish materials for the benefit of the District.
- 2.5 Contractor, Private: an independent contractor hired by any person other than the District to perform work and/or furnish materials for the benefit of such person, but affecting the District and/or its operations.
- 2.6 Customer: any person, together with any lessee or tenant of such person, whose property is supplied with or whose property is capable of being supplied with water and/or sewer services by the District.
- 2.7 Dedicate or Dedication: to set aside an interest in land or water rights to some public use, made by the owner and accepted by the District for such use by or on behalf of the public.
- 2.8 Developer: any person, partnership, corporation or firm who is the owner of land and is subdividing said land for resale.
- 2.9 Disconnection Fee: the charge assessed against a customer for disconnection of a Water Service Line or Sewer Service Line from the District’s facilities.
- 2.10 Disconnection (Involuntary): the disconnection of a customer’s service because the account is delinquent or because the facilities do not conform to the District’s Rules and Regulations.
- 2.11 District: Denver Southeast Suburban Water and Sanitation District, d/b/a Pinery Water and Wastewater District.

- 2.12 Districtwide Facility: a water and /or sewer improvement of any type, including wells, tanks, and pump stations, which serves a large number of units and is owned and maintained by the District. Water mains of a size greater than 12 inches and sewer mains of a size greater than 8 inches are considered a Districtwide Facility. [Note: Districtwide Facilities were identified as “Townwide” Facilities in the May 12, 1998 Rules and Regulations and previous documents. The terms are synonymous.]
- 2.13 District Manager: the person appointed by the Board to manage the affairs of the District and to enforce the District’s Rules and Regulations.
- 2.14 Domestic Purposes: water which is used for normal household purposes inside a residential or commercial unit and water used outside such unit for normal household purposes, including irrigation of lawns and landscaping.
- 2.15 Groundwater Protection Zone: a zone established and described in the Rules and Regulations to protect the District’s alluvial water supply.
- 2.16 Inspection Fee: the charge assessed for inspecting and administering connections to the District’s systems.
- 2.17 Inspector: the District Manager or the District Manager’s duly authorized representative.
- 2.18 Intract Facility: a water and/or sewer improvement which serves a small geographic area and cannot be extended to serve new areas.
- 2.19 Notice: Unless otherwise provided by statute or specific provision hereof to the contrary, whenever Notice is required to be given to any person pursuant to the provisions hereof, such Notice shall be deemed to be duly given by delivery of written notice sent by certified U.S. Mail, postage prepaid to the last known address of the Customer or other person that is the subject of such Notice. Notice shall be deemed delivered seven (7) days after deposit in the U.S. Mail. As an accommodation, the District may, but is not required to, attach a Notice to the front door of the Customer’s unit. Failure to do so will not render Notice by certified mail ineffective.
- 2.20 Owner: same as Property Owner defined herein.
- 2.21 Person: a person, firm, joint venture, partnership, trust, corporation or other entity.
- 2.22 Property Owner: \The owner, as identified in the public records of any lot, tract, or parcel of real property receiving water and sewer services from the District.
- 2.23 Readiness-to-Serve Charge: the charge described in C.R.S. 32-1-1006(1)(h), under the name “availability of service or facilities” charge.
- 2.24 Reconnection Fee: a charge assessed for reconnecting water service and/or sewer service for a customer whose service has been disconnected.

- 2.25 Sanitary Sewer System: all sanitary Sewer Mains, manholes, cleanouts and/ or lift stations and related appurtenances used for collecting, pumping, treating and disposition of Sewage owned and operated by the District.
- 2.26 Sewer Main: any sanitary sewer pipe line, or system of pipelines owned by the District and designed for carrying sewage within public rights-of-way or designated easements.
- 2.27 Sewer Service Lines: the sanitary sewer line extending from the public sewer main to a residence, building or other source of sanitary wastes, and serving only one unit. The Customer and/ or Owner shall be responsible for the maintenance and replacement of the Sewer Service Line and related appurtenances from the saddle tee to the structure to which the Sewer Service Line serves.
- 2.28 S. F. E.: single family equivalent, being normal in-house water use in one average-sized detached living unit within the District is estimated to be 200 gallons per day. The S.F.E. unit value assigned to other uses shall be based on the District's estimated volume of water demanded and consumed by such uses as compared to the volume of water demanded and consumed by such average dwelling unit.
- 2.29 Shall or will: as used in these Rules and Regulations, is mandatory.
- 2.30 Technical Specifications: the technical specifications governing all water and sewer design and construction activities for both public and private facilities which connect to the District Water system or Sanitary Sewer System, and governing component design related to groundwater protection within the District, contained in that document entitled "Technical Specifications," as revised, together with construction details found in that document entitled "Standard Details," as revised, which are incorporated into these Rules and Regulations as if fully set forth herein by this reference, both of which documents are available for inspection in the District office.
- 2.31 Unit: one residence, commercial structure, or industrial facility, regardless of whether said structure is owned separately or in common. No outbuilding of any single-family residence shall be considered a unit. A condominium is considered one commercial structure, but each individual townhome of a multi-unit building is considered one unit.
- 2.32 Water Main: a transmission or distribution line which is located in an easement or public right-of-way and is a minimum of 4-inch diameter.
- 2.33 Water Service Lines: the water line extending from the water meter pit to a residence, building or other structure.
- 2.34 Miscellaneous: Any technical term not defined herein shall be as defined in the "Glossary - Water and Sewer Control Engineering," A.P.H.A., A.W.W.A., A.S.C.E., and W.P.C.F., latest editions.

ARTICLE 3
OPERATING PRINCIPLES AND LIMITS

- 3.1 Connection to Public Facilities: No unit shall be constructed in the District unless it is connected to the water and sewer systems if such systems are within “400 feet of such premises” as stated in C.R.S. 32-1-1006 or unless approved otherwise by the Board. If and when public sewer or water lines are within 400 feet, the property owner will be required to connect to the system upon notification by the District. All applicable fees, then in effect, must be paid.

No Person shall uncover, make any connection with or opening into, use, alter or disturb any public water main, sewer main line or appurtenance without written approval of the District.

- 3.2 Use of District Water: All water supplied to District customers shall be used for domestic purposes. Construction of private irrigation sumps and wells within the District is prohibited.
- 3.3 Service Curtailment: The District shall have the right to shut off the water supply at any time, for any reason deemed appropriate. Whenever there exists, in the opinion of the Board, a shortage of water, due to any reason whatever, the Board shall have the power to regulate and curtail water usage.
- 3.4 Authority of District Personnel: The District Manager, Inspectors, and other duly authorized employees of the District shall, upon display of their credentials, be permitted to enter upon all properties served by the District at reasonable times, for the purpose of inspection, observation, measurement, sampling and testing.

The District Manager shall be the principal interpreter of these Rules and Regulations and the District’s Technical Specifications. If a matter cannot be adequately resolved to the satisfaction of the party raising the issue, such matter, upon appropriate written request, may be referred to the Board for interpretation pursuant to the hearing and appeals provisions of these Rules and Regulations.

- 3.5 Meters and Meter Pits: Meters, yolks, pits and covers are the property of the District and will be maintained by the District. If requested by the Customer, meter accuracy will be checked by the District. Should the accuracy be within 3%+/- of actual flow, the Customer will be charged a fee as determined by the Board for the verification. Meter pits shall not be located in driveways or parking areas, or closer than 5 feet to such areas unless a written waiver is granted by the District Manager.
- 3.6 Regulations by Other Governmental Entities: Any limitation, restriction, or prohibition validly placed upon the District by any governmental entity or by any agreement between the District and any other governmental entity is hereby incorporated into these Rules and Regulations by this reference and shall constitute a limitation, restriction and/or prohibition on each Customer of the District, whether specifically stated or not.

- 3.7 Elimination of Lot Lines. The District will approve written requests to eliminate lot lines within the District subject to the following: (1) compliance with any applicable State or County requirements; (2) full payment of readiness-to-serve charges on all subject property; and (3) full payment of tap and system development fees on all subject property. If the property is ever re-subdivided, all readiness-to-serve charges which would have been required to be paid if the lot line(s) had not been eliminated will become due and payable at the time the property is re-subdivided.
- 3.8 Buildings Occupying More Than One Lot: Any person constructing a residence, commercial, public or other building which occupies two to more lots, without eliminating the lot line(s), will be assessed “readiness to serve” charges against all lots involved except for one lot.
- 3.9 Service Outside the District Boundaries: Services may be provided outside the District boundaries pursuant to contract approved by the Board.
- 3.10 Involuntary Disconnection for Reasons Other than Non-Payment; Right to Public Hearing: The District will give Notice to any Customer whose water, sewer, or septic system is deemed by the District to constitute a health hazard. Such Notice shall inform the Customer of the problem which justifies terminating service, the date the District intends to physically disconnect the property from the District’s facilities, and the provisions for reconnection and resumption of service. If no response is received from the Customer at the District’s offices within the time specified in the Notice, the District shall involuntarily disconnect the Customer’s Water Service Line and/or Sewer Service Line from the District’s facilities. Any Customer who feels the District is not justified in disconnecting his unit may appeal such disconnection pursuant to the hearing and appeal provisions of these Rules and Regulations.

ARTICLE 4

CUSTOMER RESPONSIBILITIES

- 4.1 New Installations and Repairs: Any improvements or repairs to a Customer’s outside Water Service Lines or Sewer Service Lines must be completed in accordance with the District’s Rules and Regulations and District’s Technical Specifications.
- 4.2 Maintenance of Service Lines and Lawn Irrigation Systems: Water Service Lines, Sewer Service Lines, lawn irrigation systems, water features, swimming pools and other water using devices are the responsibility of the Customer and shall be maintained in a good state of repair to prevent wasting of water, plugging of sewers and overloading of District facilities. The District assumes no responsibility or liability for the operation or maintenance of Water Service Lines or Sewer Service Lines, but does regulate their design, installation and repair. (See District’s Technical Specifications.) Failure to discharge a duty or refusal to remedy a problem identified by the District shall be considered a health hazard and may result in disconnection of service. Service will only be restored upon correction of the problem and payment of required fees. Any leak or break in a Water Service Line, Sewer Service Line, or lawn irrigation system line shall be repaired by the Customer within

seventy-two (72) hours of Notice of such condition by the District. If a leak or break has not been repaired within seventy-two (72) hours of Notice or, if said leak or break endangers the District's systems, the District shall have the right either to repair it or have it repaired. The Customer shall be assessed the District's costs for repair. Such assessments, if not paid in a timely manner, shall be subject to collection by the District pursuant to the provisions of these Rules and Regulations. The use of Copper Sulfate for control of root intrusion in Sewer Service Lines is prohibited.

- 4.3 Special Needs: Customers having appliances or other devices dependent on a specific pressure of water or on a continual supply, shall provide, at their expense, suitable safety or storage devices for the protection required. The District assumes no liability for injury or damage to persons or property due to the failure of such devices, high or low water pressure or loss of water service.
- 4.4 Wasting Water: It is prohibited for any Person to waste water supplied by the District. Water Waste is defined as an application of water which does not result in a beneficial use of the water.
- 4.5 Large Water Meter: The customer shall furnish water meters 1-1/2" and larger. The meter(s) shall be installed by a plumber licensed by the State of Colorado hired by the Customer with inspection by the District.

ARTICLE 5

LICENSING AND PERMIT REQUIREMENTS

- 5.1 Service Line Letter of Availability: Connection of a Water Service Line or Sewer Service Line to the District's facilities will require a Letter of Availability from the District and payment of the applicable fees. Applications, available from the District, must be fully completed and signed by the Property Owner. If any fees due the District are outstanding against the property, such fees must be paid in full at the time of application. Each Letter of Availability will allow only one Unit to be connected to the District water or sewer system. Letters of Availability are issued to specific lots and may not be transferred. Letters of Availability issued by the District do not include permission to perform work within public rights-of-way, and a separate permit must be obtained from Douglas County.
- 5.2 Commercial and Industrial Connections: Connection of a commercial or industrial facility to the District's water and/or sanitary sewer system will require approval from the District, submittal of design data and drawings as required by the District, and payment of the applicable fees. As a condition for obtaining approval, the applicant must comply with the District's Rules and Regulations and Technical Specifications for installation, and obtain approval of the District.
- 5.3 Commercial and Industrial Irrigation Approval: Approval for a separate, interruptible metered service may be obtained by a commercial or industrial facility for irrigation of approved lawn and landscaped areas at the rates established by the District for irrigation use. Irrigation must be done between the hours of 10:00 p.m. and 6:00 a.m. in accordance with

conservation measures established by the District. If irrigation is carried on at other hours without previous approval of the District, the customer will be subject to a penalty and increased charges as determined by the Board.

- 5.4 Swimming Pool Approval: Connection of a swimming pool, having a separate filtration and backwash system, to the District's facilities will require approval from the District, provision of approved backflow prevention device, and payment of applicable fees. Filling of swimming pools may be interrupted or prohibited without prior notice as deemed necessary by the District. Specific approval from the District is required for the connection of pool drains to the District sewer system.

ARTICLE 6

CONNECTION AND DISCONNECTION

- 6.1 General: In addition to the information included in this Article, all applicable provisions of the District's Technical Specifications shall be observed. All Water Service Lines and Sewer Service Lines shall be connected to District facilities unless approved otherwise by the Board.
- 6.2 Limits of Public Sewer and Water Lines: The public sewer shall consist of the Sewer Mains and individual service wyes or taps located within public rights-of-way or easements granted to the District. The public Water Mains shall consist of the mains, a minimum of 4-inch diameter, located within public rights-of-ways or easements granted to the District and the individual service lines from the main to, and including the meter pit located near the edge of rights-of-way.
- 6.3 Inspection: All Water Service Lines and Sewer Service Lines, fire lines, irrigation system connections and swimming pool connections must be inspected and approved by the District before being covered and placed into service. A copy of the "Application for Service", signed by the District inspector, will be provided to the installer upon approval. Requests for inspection shall be made to the District office at least 24 hours in advance of when the facility is ready for connection to the District's system, and the installer shall familiarize himself as to the scheduled periods when District inspectors are available.
- 6.4 Disconnection By Owner: No Water Service Line or Sewer Service Line may be disconnected from the District's systems without the written permission of the District Manager.
- 6.5 Involuntary Disconnection for Reasons Other Than Non-Payment; Right to Public Hearing: The District may terminate any Customer's water or sewer service, including physical disconnection from the District's system, for non-payment of fees and charges, for failure of the customer's facilities to conform to the District's Technical Specifications, for discharge of non-approved substances to the sewer, for violation of any rule or regulation of the District, or for unauthorized connection of facilities to the District's systems. Further, the District may terminate any Customer's water or sewer service if such Customer's water, sewer, or septic system is deemed by the District to constitute a health hazard. A termination

and reconnection fee will be assessed. The District will give Notice to any Customer, informing him of the problem which justifies terminating service, the date the District intends to physically disconnect the property from the District's facilities, and the provisions for reconnection and resumption of service. If no response is received from the Customer at the District's offices within the time specified in the Notice, the District shall involuntarily disconnect the Customer's Water Service Line and/or Sewer Service Line from the District's facilities. Any Customer who feels the District is not justified in disconnecting his unit may appeal such disconnection pursuant to the hearing and appeal provisions of these Rules and Regulations.

- 6.6 Water Meters: For each residential, commercial, industrial and major irrigation service, the District will provide and install a water meter. The meter size shall be determined by total demand and guidelines set forth by AWWA Manual of Water Supply Practices and District criteria. In all subdivisions fully approved and accepted by the District for maintenance, water meters will be set when the service installation is inspected and approved. Water meter pits must remain clear and readily accessible to District personnel. If the meter pit cannot be readily accessed as determined by the District, including covering with landscaping or sod, planting of landscaping close enough to obscure the meter pit, etc., the Property Owner shall remedy the situation within 30 days of notification of such condition by the District. If the meter pit has not been made accessible within 30 days, the District shall have the right to correct the problem and assess the cost of the work to the Property Owner. The District will not be liable for any Customer improvements removed or damaged in correcting the problem. Meters will not be installed and service cannot be provided when driveways, sidewalks, or other permanent structures are located within 5 feet of the meter pit or service line. (*Amended 8/17/22*).
- 6.7 Service Lines: Those portions of the Water Service Lines and Sewer Service Lines within the public rights-of-way or easements will be constructed by or under the District's inspection and are intended to provide services to the Customer's property. The District will maintain these services except as provided otherwise herein. That portion of the Water Service between the Water Main and the Meter Pit will be maintained by the District unless damaged or destroyed by the Customer. Although Sewer Service lines may be provided to the Customer's property line, the Customer will always be responsible for maintenance and replacement of the Sewer Service line and appurtenances from the building to the saddle tee. The saddle tee will be maintained by the District. The use of Copper Sulfate for control of root intrusion into a Sewer Service Line is prohibited. Before constructing a new facility on a lot, the Customer is required to ascertain the physical location of the Water and Sewer Service lines. The District assumes no liability in the event the Water Service Lines and/or Sewer Service Lines are not where they are indicated on general District drawings.
- 6.8 Structures Over Water and Sewer Facilities: No driveway or other structure shall be constructed closer than 5 feet to any Water Service Line or Sewer Service Line. Driveways may not be manipulated with bends or curves to meet the separation requirements from Water Service Lines, Sewer Service Lines, or meter pits. Plot plans shall be submitted with all applications for service and must show the Water Service Line, Sewer Service Line,

meter pit, sidewalks, driveways, and any other permanent structures or features. (*Amended 8/17/22*).

- 6.9 Exceptions: Driveways may cross District Water Main or Sewer Main located in public rights-of-way at approximately a 90 degree angle. Water valves or sewer manholes which fall within the limits of the driveway shall be set at the grade of the driveway in accordance with the District's Technical Specifications. The District will not be responsible for settlement or other damage to the driveway in the vicinity of the Water Service Main or Sewer Service Main.
- 6.10 Variances: Variances may be granted by the District Manager in appropriate cases upon written request made on a form prepared by the District and upon payment of the required fee. Variances shall only be granted on the condition that all Owners of the property for which the variance is sought sign an agreement acceptable to the District in form and substance, that: (1) no driveway or other structures will be placed over or within 5 feet of the water meter pit and Water Service Line or Sewer Service Line in the right-of-way; (2) any Water Service Line which crosses under the driveway will be properly encased; (3) the water meter pit shall be kept clear and accessible at all times; (4) Sewer Service Lines located under or within 5 feet of the driveway or other structure shall be bedded and backfilled in accordance with the District's Technical Specifications as they relate to sewers in roadways; (5) the District shall be held harmless from any damage which may occur to the driveway or any other property as a result of a leak in the Water Service Line, blockage in the Sewer Service Line and settlement; and (6) the District will be held harmless from any damage which may occur as a result of excavation and related activities performed by the District in connection with the Property Owner's Sewer Service Lines or Water Service Lines including payment of all costs incurred by the District as a result of having to remove any portion of the driveway or other structures in order to perform work. The foregoing variance agreement between the Owner(s) and the District will be recorded in Douglas County and shall run with the property.

ARTICLE 7

USES OF PUBLIC SANITARY SEWER SYSTEM

- 7.1 Waste Discharges: No wastes, other than normal domestic or commercial sewage or industrial wastes comparable to domestic sewage in strength and character which fall within the classifications of waste identified herein shall be discharged into the District sewer system. In addition, no storm water runoff, groundwater, footer drains, roof drainage or cooling water shall be discharged into the District sewer system. Industrial wastes, or wastes of a special character, may only be discharged to the sewer system upon express prior written approval of the District.
- 7.2 Traps: Customers shall provide grease, oil and sand traps for commercial and industrial facilities when, in the opinion of the District, they are necessary for the proper handling of liquid wastes. All traps shall be of a type and capacity approved by the District and shall be located so as to be readily accessible for inspection and cleaning. Waste haulers must be currently licensed for handling and disposing of such wastes by the applicable regulatory

agencies. Where traps are required, they shall be installed and maintained by the Customer. They are subject to inspection at any time by the District upon notification of the Customer and shall be cleaned at least once a year. Evidence of such cleaning shall be submitted to the District by the Customer, Contractor or agency hired to do the work. Failure to maintain traps in good condition will be cause for action under these Rules and Regulations. The use of microbial grease digestants, or similar enzyme based grease trap additives which allow grease and other wastes to move through the grease traps in a liquid form into the Sanitary Sewer System are prohibited. Customers who use microbial grease digestants or similar enzyme based grease trap additives in violation of this Section shall be jointly and severally liable for all costs and expenses associated with cleaning and unclogging the Sanitary Sewer System as a result of the discharge of grease in liquid form into Sewer Mains. Customers shall be responsible for any and all costs of reinspections due to improper maintenance.

- 7.3 Classifications of Wastes: Sanitary and industrial wastes are classified into three main categories as defined below. Determination of the classification of the wastes shall be done by the District in accordance with the Department of Health and EPA standards, and such determination shall be final and binding.
- (a) Normal Sewage: Sewage which can be treated at the wastewater treatment plant without pretreatment and contains not more than 300 milligrams per liter (mg/l) of suspended solids and not more than 250 mg/l of B.O.D. based on the daily average flow.
 - (b) Industrial Waste: Any predominately liquid waste which does not conform to normal sewage but which can be accepted by the District following acceptable pretreatment by the user. In special cases where the District allows dumping of recreational vehicles, or portable toilets, the deodorizing agent shall be biodegradable and shall not contain Formaldehyde. No discharge of Industrial Waste shall be permitted without the prior written approval of the District. The District shall have the right and option to attach additional requirements and/or conditions to any authorization permitting the discharge of Industrial Waste.
 - (c) Prohibited Sewage: Any wastewater discharge which, in the opinion of the District, may harm the wastewater collection system or the treatment plant or may be inflammable or explosive, including seepage. Also prohibited are storm drainage, downspouts and other liquids of sufficient volume to effect the collection and treatment facilities.
- 7.4 Penalty for Impairment of District Facilities: If improperly treated industrial wastes or prohibited sewage is discharged into the public sewer, the violator will be assessed a penalty for such violation in accordance with the enforcement, violations, and penalties provisions of these Rules and Regulations.
- 7.5 Connection of Old Facilities: Existing sewer lines, or portions thereof, shall not be used as a part of new mains or service lines unless specifically approved by the District. Connection to the outlet side of a septic tank is prohibited.
- 7.6 Sampling Manhole: When required by the District, the owners of a property served by a Sewer Service Line carrying industrial wastes shall construct a manhole or other structure of

a design acceptable to the District with the necessary meters or other appurtenances to permit sampling, observation and measurement of the wastes.

ARTICLE 8

FEES, RATES AND CHARGES

- 8.1 **General:** The Board is empowered to fix and from time to time to increase or decrease fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by the District pursuant to Section §32-1-1001(1)(j)(I)1006, Colorado Revised Statutes, as amended from time to time. The fees, rates and charges as herein described apply to services within the District. Fees, rates and charges in the case of out of District services shall be as specified in applicable out of District service contracts, except when such contracts do not set forth any fees, rates or charges, the fees, rates and charges set forth herein shall apply. Except where specifically set forth herein, a copy of the District's current fees, rates and charges is available upon request from the District ("Current Fee Schedule"). Nothing contained herein shall limit the ability of the Board to modify fees, rates and charges or to change any classification.
- 8.2 **Water Service Charges:** Water use shall be metered by the District and charges established based on the gallons used during a billing cycle with a base charge for a minimum usage based on the Customer's classification and meter size. The billing cycle is monthly. Rates for various ranges of use shall be set from time to time as determined by the Board. Charges shall commence at the time of installation of the water meter for all fees, rates and charges, except Readiness to Serve Charges.
- 8.3 **Sewer Service Charges:** Sewer service charges shall be as set forth in the Current Fee Schedule. The billing cycle is monthly.
- 8.4 **Water Project Fee:** The Water Project Fee is as set forth in the Current Fee Schedule. Revenue from the Water Project Fee shall be segregated from other revenue shown on the District's financial statements. Projects and financing for eligible water supply projects shall be shown in the same accounting.
- 8.5 **Watering Restrictions; Violations:** The District may impose restrictions upon irrigation as determined necessary. Monetary penalties for violation of such restrictions shall be set forth in the Current Fee Schedule and shall be applied to the monthly bill. *(Amended 8/17/22)*.
- 8.6 **Courtesy Turn On and Turn Off Fee:** The Courtesy Turn On and Turn Off Fee shall be as set forth on the Current Fee Schedule, which is available from the District upon request. Such fee shall be added to any outstanding water and sewer charges for the Unit and shall be due at the time of the sale of the Unit. *(Amended 8/17/22)*.
- 8.7 **Large Irrigator and Golf Course Charges:** Commercial Customers may request a separate meter for irrigation use only. In such case, the Customer must pay all tap, system development, connection and inspection fees applicable to a building service connection.

Water use shall be billed monthly at a rate per one thousand gallons with a base fee payable each month regardless of the amount used. *(Amended 8/17/22)*.

- 8.8 Bulk Water Use for Construction: Temporary use of water for construction purposes shall be furnished at the discretion of the District. Fees for access to such water shall be charged on a flat fee basis as determined from time to time by the District and water usage will be billed at a rate per one thousand gallons as set forth in the Current Fee Schedule. *(Amended 8/17/22)*.
- 8.9 Shutoff Fee: If service is shut off for non-payment, the Customer will be required to pay a Shutoff Fee as set forth on the Current Fee Schedule, plus all amounts due before service is restored. Payment must be in cash or certified funds. The entire responsibility for payment of water and sewer fees lies with the Owner of the property, and a lien will be placed against the property for non-payment. If the property is rented or leased, the Owner assumes full responsibility for collecting user fees and late charges from the tenant. *(Amended 8/17/22)*.
- 8.10 Disputed Bills: Disputes regarding invoiced fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by the District shall be made and heard subject to the Hearing and Appeal Procedures set forth in Article 12 of these Rules and Regulations. *(Amended 8/17/22)*.
- 8.11 Fees to be Paid Prior to Obtaining a Letter of Availability: Tap and connection fees and any other charges required to be paid for connection to the facilities of the District shall be paid in full, in certified funds or as evidenced by canceled check, before connection to the District's facilities. If the actual connection(s) to the system is not completed within one year from the date of payment, applicant shall be subject to any increase in such fees which may have occurred subsequent to the payment date. If a tap is not used for two years or abandoned for any reason by the applicant, the amount paid to the District shall be retained as damages. The fee will be retained and shall be credited toward the fees for a future tap for the subject property for a period of five years from the date of the original Letter of Availability. After this date, the project will be considered abandoned and all fees will be retained by the District without further credit. *(Amended 8/17/22)*.
- 8.12 Tap Fee: A tap fee will be charged for extending the Water Service Lines and/or Sewer Service Lines from the main to the Customer's lot line where such connections do not exist as part of the subdivision development, or where the District has agreed to reimburse a Developer for such costs as part of the development agreement, or for structures for which outside irrigation is provided through central irrigation systems with separate water meters as addressed in these Rules and Regulations. This fee typically applies to older sections of the Pinery where service lines were not built to the lot lines. These fees will vary depending on the development served and are available from the District office. *(Amended 8/17/22)*.
- 8.13 Tap and Connection Fee: A fee, as established and adjusted from time to time by the Board, charged to help defray the cost of construction, replacement and acquisition of water, sewer and administrative facilities and water rights necessary to meet regulatory requirements and customer needs on a District-wide basis. This is a one time charge assessed at the time of

connecting to the system and is based on the classification of the customer and the size of the water tap. (*Amended 8/17/22*).

8.14 Readiness to Serve Fee: An availability of service charge, also known as a Readiness to Serve Fee, will be assessed on a monthly basis for water availability or water and sewer availability, as the case may be, for the purpose of paying principal and interest on outstanding District indebtedness. This charge will be assessed against all vacant lots within the District which have available water and/or sewer facilities, as the case may be, in accordance with the provisions of C.R.S. §32-1-1006(1)(h), as amended. (*Amended 8/17/22*).

8.15 Temporary Fire Hydrant Service: Upon application and payment of deposit, the District may allow water to be acquired from a hydrant. Approval will be given on an availability basis depending on the District having a meter available and subject to any Use Agreements or policies as may be adopted by the District from time to time. Water shall only be taken from a hydrant approved by the District. Connections to hydrants must be water tight and hoses must extend at least 10 feet from the hydrant. All trucks or other water carrying vessels must have an approved anti-siphon device. Filling operations must cease during the duration of a fire.

Charges will include a monthly rental charge for the meter, plus a charge for the gallons used. The applicant/responsible party shall be responsible for any charges in excess of the deposit, which shall be invoiced and paid in accordance with Section 8.17.

In the event a meter is lost, stolen or damaged, the user shall be responsible for the cost of replacing the meter or paying for the repairs. The person obtaining the meter will be responsible for checking its working condition and reporting any problems prior to placing it into service.

When opening or closing a hydrant valve to which a meter is connected, care shall be taken to perform the operation slowly so as not to damage the meter or cause surges in the water main. Large water meters for direct connection to a hydrant shall be equipped with a separate valve to avoid using the hydrant valve for repeated operations. Such separate valves must be preapproved by the District prior to connection to any hydrant. (*Amended 8/17/22*).

8.16 Services of District's Personnel and Consultants: When requested or required, services by District personnel will be charged at the billing rates set by the District Manager to cover the cost of payroll, benefits and overhead. A copy of such rates will be furnished upon request. Other charges such as outside consultants' fees, contractors, travel, rental of special equipment, blueprints, copies and similar items will be charged at their cost plus 10%, or at a rate set by the District Board. (*Amended 8/17/22*).

8.17 Inspection and Obtaining Copies of District Records: Pursuant to the provisions of the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, *et seq.* ("CORA"), public records of the District may be inspected during normal office hours by requesting the desired documents in writing and directed to the designated custodian of records. General emails to the District or inquires on the District's website or social media sites will not be treated as valid records

requests under CORA. The District Manager is hereby designated as the Official Custodian of District Records. Authority is hereby delegated to said Official Custodian to designate one or more permanent full time employee(s) of the District to manage such records on a day to day basis.

All requests must contain the following information:

- Description of the records being requested. Describe the request as specifically as possible. If you are uncertain about which records contain the information you are seeking, provide a description of the type of information you are searching for, including date ranges.
- If photocopies or electronic copies are being sought, your contact information and preferred method of delivery of the records.

Limitations

The Official Custodian may deny or limit the right of inspection in accordance with the applicable provisions of CORA.

Fees and Costs

Fees for research and retrieval of public records may be imposed at the discretion of the Official Custodian as follows:

First Hour-No Charge

Second and Each Subsequent Hour-\$33.58/hour (subject to automatic adjustment for inflation pursuant to C.R.S. §24-72-205(6)(b)).

Costs for standard photocopies will not exceed the limit set by CORA (currently \$0.25 per page)

Copies of engineering drawings shall be charged to the requesting party at the District's actual cost, plus a \$15.00 handling charge.

If manipulation of data is necessary to produce a record or document in a form not normally used by the District, the District will charge the actual cost to manipulate the data and generate the record or document. Such data manipulation may not be required under CORA but may be provided voluntarily by the District to assist in satisfying a request. Requesting parties will be notified of the estimated fees and costs, and said fees and costs should be collected from the requesting party before any such costs are incurred by the District. Only actual costs will be charged, and if the estimate exceeded the actual expense of filling the request, the excess will be refunded to the requestor.

These rules may be supplemented and/or superseded by a separate CORA Policy, as may be adopted by the District from time to time. (*Amended 8/17/22*).

- 8.18 Confidentiality: The District shall implement measures to prevent the release of confidential information; however, neither the District nor its employees shall be held legally responsible for release of information if they have acted in good faith. (*Amended 8/17/22*).
- 8.19 Payment Responsibility: Bills for water and sewer services are payable upon receipt and become delinquent after the due date indicated on the billing statement. Delinquent accounts shall be subject to application of a late fee consistent with the Current Fee Schedule. Delinquent accounts will result in a notice on the customer's next billing statement indicating that water and sewer service will be shut-off at the property being served without further notice if the total balance is not paid in full by a specified time and date. Until paid, delinquent accounts shall be further subject to accrued interest at the rate of one percent per month or fraction thereof. Should a check be returned for lack of funds, a \$30 charge will be added to the account and full payment must then be made in cash, certified check or money order. (*Amended 8/17/22*).

ARTICLE 9

INCLUSION; OUT OF DISTRICT SERVICE; EXTENSION OF SERVICE; CHANGES TO LOT LINES

- 9.1 Statement of Policy: Owners of any property for which inclusion into the District is sought or for which an out of District service contract is sought must provide sufficient water rights to serve the water requirements as determined by the District, for all development projected by the petitioners or parties requesting out of District service. Future water demands in excess of such projected amount will not be supplied by the District unless and until additional water resources, acceptable to the Board in its sole discretion, are dedicated to the District.
- 9.2 Extension of Service: The District will not require its existing Customers to subsidize the development of any inclusion of property or extension of service. All facilities necessary for the District to service the development must be built in accordance with the District's Technical Specifications and financed solely by the Developer of the property. No water and/or sewer mains may be constructed within the jurisdiction of the District prior to the District's approval of a formal written application, which shall be evidenced exclusively by a separate written agreement between the Developer and the District.

Applications for extension of the District's water and/or sewer mains shall be accompanied by (i) a complete set of plans and specifications prepared by a Colorado registered professional engineer showing in detail the proposed design for the water and/or sewer main extension(s) and related facilities; and (ii) a schedule setting forth a detailed timetable for construction and estimated completion of the same. As used herein, "related facilities" includes, without limitation, pumps, pumping station, wells, lift stations, metering devices, and any other structure, equipment, or facility which will become integrated into the District's water distribution system and/or Sanitary Sewer System. Water and/or sewer main extensions, and related facilities, shall be installed within public rights-of-way, easements granted for the District's use, or upon real property that is owned by, or will be conveyed to the District. All easements benefitting the District shall be in a form acceptable to the

District, which shall be recorded prior to the submission of any formal subdivision plat. The Developer shall be required to pay for title insurance insuring any real property interest to be conveyed to the District. The District shall select the title insurance company. The District, in its sole discretion, may further require the Developer to obtain and pay for an ALTA (or similar) survey setting forth the location of the proposed easement and the location of existing improvements and other matters of public record identified as exceptions to the commitment for title insurance.

9.3 Information Required for Inclusion: The District will begin evaluating the potential for inclusion of property upon receipt of two paper copies and one electronic copy of all the following information:

- (a) Accurate legal description of the property, to surveying standards acceptable to the District, including the total acreage.
- (b) Map of the property showing its location with respect to the current District boundaries.
- (c) Existing and proposed zoning.
- (d) A plan showing land uses, lot and tract sizes, proposed densities and other significant information necessary for the District to determine the effects of the development on its water and sewer systems.
- (e) Proposed development schedule.
- (f) Complete description of all water rights associated with the property, including copies of court decrees and well permits.
- (g) If the water right is used for irrigation, the number of acres presently being irrigated and a legal description and/or map of the acreage irrigated.
- (h) A copy of the documents by which the present owners of each water right appurtenant to the property received title to the water right.
- (i) A copy of all diversion records for each water right proposed for dedication to the District (unless this requirement is waived by the District).
- (j) A description of the historical use of the water right proposed for dedication to the District, including the amount and time of diversions and, if the use was irrigation, the type of irrigation, the number of acres irrigated, the crops grown, and a description of any other water rights used on the land irrigated.
- (k) Complete financial statement of the Developer with balance sheet.
- (l) Name and address of the property owner(s), including principal stockholders or partners as applicable.

9.4 Water Rights:

9.4.1 Any person applying for the inclusion of property into the District's service area or for which an out of District service contract is sought, as a condition of such inclusion and as a condition of water service by the District, shall dedicate to the District, at no cost to the District, all of the applicant's rights in and to any water contained in the Bedrock Aquifers beneath the inclusion property not later than thirty (30) days following the completion of the inclusion process. The amount of credit given by the District for each acre-foot of fully consumable water contained in the Bedrock Aquifers tendered to the District in satisfaction of the water rights dedication requirements shall be as follows:

Arapahoe Aquifer	100%
Lower Dawson Aquifer	90%
Denver Aquifer	0%
Laramie-Fox Hills Aquifer	0%

(Amended 8/17/22)

- 9.4.2 In addition to dedicating all of its rights to water in the Bedrock Aquifers, any person applying for the inclusion of property into the District’s service area or for an out of District service contract shall provide evidence of dedication of water in an amount of at least 0.55 acre-feet per year per S.F.E. in the proposed development (the “Water Supply Requirement”). Not more than 30% of the Water Supply Requirement may be in the form of fully consumable water from the Bedrock Aquifers. A minimum of 70% of the Water Supply Requirement must be in the form of tributary water rights acceptable to the District. If the person required to make the dedication is unable to furnish either the amount of water required to satisfy the Water Supply Requirement, or the minimum percentage of tributary water rights acceptable to the District, the District, in its sole discretion, may accept a cash-in-lieu payment equal to the number of acre-feet of water required to be dedicated times the amount per acre-foot which the District has established for cash-in-lieu of tributary water rights payments.
- 9.4.3 If the total number of S.F.E.s in the proposed development is greater than thirty (30), the District may, in its discretion, require an engineering report prepared at the Developer’s expense by a person experienced in water rights matters, which report is determined by the District to sufficiently analyze the historical use of the water rights proposed for dedication to the District.
- 9.4.4 The sufficiency of water rights shall be determined in the sole discretion of the Board upon advice of the District’s water attorney and other consultants. The cost of such determination shall be borne by the Owner(s) of the property being included or requesting service.
- 9.4.5 In the event that the water rights offered to the District for dedication provide raw water credits in excess of those required by these Rules and Regulations, the Developer shall offer any excess water rights to the District at current fair market value. The District may enter into a written agreement to purchase all or part of any such excess water rights and, in that event, the District may require the Developer to grant to the District a right of first refusal to purchase such excess water rights in the future.
- 9.4.6 If a person required to dedicate or transfer water or water rights pursuant to this Article can establish by a preponderance of the evidence that the actual volume of raw water needed to serve a proposed use or uses will be less than that calculated on the basis of S.F.E.s, he or she shall be entitled to a proportionate reduction in the dedication or transfer requirement, as approved by the Board.

- 9.4.7 All facilities and water rights must be conveyed to the District free and clear of all liens and encumbrances.
- 9.4.8 The dedication requirement shall be satisfied by the person seeking approval of the extension of water service, subdivision, annexation, or a change in land use, whether or not that person will be the ultimate user of the District water service.
- 9.4.9 All costs and expenses to transfer water rights (including shares in ditch and reservoir companies or contract rights to water) to the District shall be paid by the person required to dedicate or transfer water rights to the District pursuant to this Article. All Bedrock Aquifer water rights shall be adjudicated in the Water Court at the applicant's expense prior to dedication to the District. All costs and expenses necessary to change dedicated water rights so they can be diverted and used by the District for municipal use shall be paid by the person required to dedicate or transfer water rights to the District pursuant to this Article, and the District shall be the applicant or co-applicant in any application to change such water rights. (*Amended 8/17/22*).
- 9.4.10 As used in this Section 9.4, "fully consumable" shall mean the net amount of water remaining after deduction of any relinquishment or augmentation requirement applicable to the subject Bedrock Aquifer water rights. (*Amended 8/17/22*).
- 9.5 Cash in Lieu of Water Rights: In the sole discretion of the District, cash payments in lieu of the conveyance of such water rights may be paid to the District. The amount of such payments shall be in the reasonable determination of the District based upon the value of water rights at the time a request to make such payment in lieu of dedication of water rights is requested.
- 9.5.1 Approval of cash payment in lieu of the dedication of water rights shall be at the sole discretion of the District and shall be subject to the following conditions: (a) The District has sufficient unallocated water rights in its portfolio to meet the new water service obligation; (b) the Customer or Applicant does not have access to the type of water rights that meets the District's criteria for acceptance of water rights; (c) any historical water rights appurtenant to the land to be served have been previously severed; (d) cash payments based on 120% of the calculated new or increase in water use for summer months (defined as May through August each year) shall be valued based on the current local market value of senior water rights per consumptive acre-foot of water; and (e) cash payments shall be paid to the District to be used, at the discretion of the District, to develop and/or acquire additional water for the District.
- 9.5.2 In the event water service is no longer required or desired, any refund of a cash-in-lieu payment previously paid shall be at the sole discretion of the District. Where the District decides in its sole discretion to refund a cash-in-lieu payment, the District may charge a cancellation fee. The District will not refund a cash-in-lieu payment once the property to which water service has been extended has obtained land use approval

unless such land use approval is revoked or otherwise terminated by the relevant land use authority.

- 9.6 Lease of Water: If the owner of the property proposed to be included within the District desires to retain the land or any portion thereof, in agricultural production or as open space prior to development, he or she may, pursuant to written agreement with the District, be permitted to lease back, on an annual basis for irrigation, aesthetic and recreational purposes only, all or part of the water rights dedicated to the District pursuant to this Article. The terms of any such leases shall be at a rate such that the District's expenses are paid for by the lease as determined by the District and on such other terms and conditions as are determined by the District. If the water rights are decreed only for irrigation use, then the lease shall require the owner to document use of the water. Said lease shall provide that, in the event any portion of the land for which the water is leased is platted during the term of the lease, the District may cancel the lease, in whole or in part, to the extent any portion of the leased water is determined by the District to be necessary for water service to the property so platted.
- 9.7 Extension and Oversizing of Facility/Line: As a condition of receiving water or sewer service, the Developer, Owner or Customer may be required, in the District's sole discretion, to construct Water or Sewer lines or facilities beyond the capacity required to serve a particular property or properties or extend such lines or facilities beyond the location required to serve a particular property or properties in order to effectively provide Water or Sewer Service to additional properties within the District's Service Area at a later date.
- 9.8 Cost Recovery: The part of the costs of a facility or line to be installed within, or for, a particular property or properties, but which the District has also assigned a transmission function which results in the need for oversizing or extension as described in these Rules and Regulations, which are eligible for a credit or reimbursement to the Developer, Owner or Customer shall be determined on a case-by-case basis in the sole discretion of the District and shall be described in an agreement with the District.
- 9.9 Conveyance of Property Rights: As a condition of receiving Water or Sewer Service, the Developer, Owner or Customer may be required, in the District's sole discretion, to convey right-of-ways, parcels, easements or other property interests to the District or other governmental entities in order to ensure that the District can provide Water or Sewer Service.
- 9.10 Reimbursement for Condemnation: The District may require a Customer or Developer to reimburse the District for costs of condemnation when, in the District's sole discretion, condemnation is required to provide water and/or sanitary sewer service.
- 9.11 Tap Purchase Agreement/Development Agreement: As a condition of receiving Water or Sewer Service, the Developer, Owner or Customer may be required, in the District's sole discretion, to enter into a tap purchase agreement, development agreement or other agreement with the District.
- 9.12 Denial or Revocation of Application: The District reserves the right to deny an application for Water or Sewer Service when, in the opinion of District:

- (a) The Water or Sewer Service applied for would create an excessive demand on the District's water or sewer system;
- (b) There has been misrepresentation in the application as to the property and fixtures contained on the property;
- (c) Water or Sewer Service would not be in the best interests of the existing Customers of the District;
- (d) The Applicant has not paid the fees due;
- (e) There is inadequate capacity of the existing system or no ability to connect to the District's facilities;
- (f) The Water or Sewer Service is otherwise not in the best interests of the District; or
- (g) The District's Manager finds the application deficient in any manner.

Denial may also be based upon an unresolved obligation between the District and the Applicant, inadequate documentation of right-of-ways, parcels and easements for facilities that serve the property, or any other reason as determined by District. The District reserves the right to revoke Service for any violation of these Rules and Regulations.

- 9.13 Application Fee for Inclusion, Out of District Service, or Extension of Service: All applications for inclusion, out of district service, or extension of service shall be accompanied by an administrative fee in the amount of \$1000 plus \$100 for each acre of property sought to be included, and is intended to cover the District's costs in evaluating the application. If the costs are expected to exceed the initial fee paid, the applicant will deposit additional funds with the District for such estimated amounts. The initial fee will be assessed regardless of whether the application is completed or approved.

ARTICLE 10

ENVIRONMENTAL PROTECTION MEASURES

- 10.1 Erosion and Sedimentation Control: Douglas County has adopted a Storm Drainage and Technical Criteria Manual which sets forth the minimum design and technical criteria for the analysis and design of erosion control plans. Prior to any demolition or development, the Owner shall submit an erosion control plan that complies with the criteria specified therein for review by Douglas County.
- 10.2 Wellhead Protection: Adequate protection shall be provided to all wellheads to prevent vandalism or accidental damage to the wellhead. Entry to wellhead areas is limited to District personnel and District approved contractors.
- 10.2.1 Groundwater Monitoring Wells: Groundwater Monitoring Wells shall be capped and secured as described in the District's Technical Specifications. A four foot square concrete base shall be constructed around the well surface casing to reduce the potential for a surface contaminant to be conducted down the well bore. Barrier posts, approved by the District, shall be provided where vehicle traffic has the potential to damage the wellhead.

10.2.2 Production Wells: Perimeter fencing shall surround all well surface appurtenances no less than 25 feet from the well and provide an area sufficient for access to service vehicles. Prior to fencing, each production well site shall be leveled, cleared of vegetation, and the gravel placed. In addition, a four foot square concrete base shall be constructed around the well surface casing to reduce the potential for a surface contaminant to be conducted down the well bore.

For wells in areas that are currently developed or targeted for development, security fencing shall consist of a six foot high fence compatible with the surrounding area and approved by the District.

For wells in areas that are currently undeveloped and are not targeted for future development, security fencing shall consist of treated cedar, redwood, or Douglas Fir posts, rails, and braces set to a minimum height of 4 feet or District approved equivalent. Three strands of barbed wire shall then be drawn tight and fastened to the posts. Painted metal double gates shall be placed at the site access point.

ARTICLE 11

ENFORCEMENT, VIOLATIONS AND PENALTIES

- 11.1 Violations: Any action in contravention of these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement shall be considered a violation and is subject to the provisions of this Article.
- 11.2 Unauthorized Use or Tampering With District Facilities and Equipment: No unauthorized Person or entity shall uncover, use, alter, disturb or make any connection with, disconnect from, make any opening into, use, uncover, alter, disturb or open the District's Sanitary Sewer System and/or water system without the District's prior written approval.
- 11.3 Prohibited Use of Sanitary Sewer System: Prohibited uses of the Sanitary Sewer System include, but are not limited to, an unauthorized draw from or discharge into the Sanitary Sewer System, an unauthorized Connection or disconnection of Sewer Service Line, or tampering with or in any way modifying any part of the District's Sanitary Sewer System, or modifying Sewer Service Lines in any way without the District's express prior written authorization.
- 11.4 Special Penalties for Unauthorized Use of Water or Tampering with District Equipment: It shall be a violation of these Rules and Regulations for any person to:
- (a) obtain water from any hydrant or other source within the District without approval ("Unauthorized Use"); or
 - (b) Physically alter or interfere with the operation of any District facility, including connecting any pipe, tube, hose, stopcock, wire, cord, socket, motor, or other instrument or contrivance to any District Water Main, service pipe, or other

medium conducting or supplying water to any Unit without the District's prior written approval, or altering, bypassing, obstructing or interfering with any meter measuring or registering the quantity of District water passing through said meter ("Tampering with District Equipment").

In addition to all other remedies available to the District at law or under these Rules and Regulations, each instance of Unauthorized Use and/or Tampering with District Equipment shall result in a levy of a \$1,000.00 penalty by the District to the account of any Customer whose property is benefitted, or if not a Customer, then upon the Property Owner (in each case, a "Responsible Party"). Unauthorized connections to the District's water system shall be further subject to a penalty in an amount equal to double the then-current Tap Fee.

Each such charge or penalty levied shall be due and payable on the date specified in the Responsible Party's normal bill for water service charges. If payment of such charges is not received in the District office on or before the due date specified in the bill, such charge shall be delinquent, and bear interest from the due date at the lesser of 12% per annum or the maximum rate permitted pursuant to Colorado Revised Statutes.

The District reserves the right to immediately terminate any instance of Unauthorized Use. Service shall not be reinstated until the District is satisfied that the system or use is and will remain in compliance with these Rules and Regulations and all penalties and fees, including without limitation fees for service disconnection and reconnection, are paid in full.

Nothing contained in this Section shall preclude the District from pursuing all available remedies, including without limitation asserting liens against property of a Responsible Party, reporting Unauthorized Use to authorities for criminal prosecution, or any other statutory, legal, or equitable remedy.

Any state, county, or local law enforcement officer or personnel of the District is hereby authorized by the District to operate a hydrant or main water line valve. Any state, county, or local law enforcement officer or personnel of the District is hereby authorized to file a sworn complaint with the Douglas County Sheriff, requesting that a summons issue, and a warrant be requested for the arrest of persons unlawfully operating such valves. The penalty for said violation shall be as determined by law.

11.5 Imposition of Penalties for Other Violations of District Rules and Regulations: Notwithstanding other legal remedies set forth in these District Rules and Regulations and the laws of the State of Colorado, the District may, pursuant to Section 32-1-1006(1)(d), C.R.S., impose monetary penalties and may shut off or discontinue water or wastewater services for any violation of the District Rules and Regulations.

11.6 Enforcement Remedies:

- (a) Notification of Violation: Whenever the District finds that any Person has violated or is violating these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement, the District shall give Notice to the Person who is alleged to be responsible for such violation. The Customer receiving a Notice of

Violation shall cure the violation prior to a date set forth in the Notice of Violation (the “Compliance Date”). If the violation remains uncured on or after the Compliance Date, the District may impose a monetary penalty not to exceed \$100.00 for each such violation (“Violation Fees”). Each day that such violation remains uncured shall be deemed a separate violation for purposes of imposition of the penalties described herein. The Notice shall contain a written statement setting forth the Violation Fees. If all amounts set forth in such statement are not paid within thirty (30) days of the date thereof, the District shall have a perpetual lien against the property for the Violation Fees and attorneys’ fees and any other costs associated with such Violation Fees. All such sums due to the District shall bear interest from the due date until paid at the rate of 1% per month or fraction thereof. Nothing herein shall prevent the District from pursuing any other remedies to which it is entitled under applicable Colorado law. In the event of late payment or non-payment of any rates, tolls, charges, fines, fees and/or assessments, the District is not required to send any notification beyond the billing statement, unless otherwise required by law. Should the violation still exist after the time limit on the Notice has elapsed, the District may suspend services, revoke a Tap Certificate or assess charges, fines and/or penalties as provided in these Rules and Regulations.

- (b) Emergencies: If an emergency is deemed to exist, the District may take any reasonable actions to remediate the emergency, including, but not limited to immediately notifying the Colorado Department of Public Health and Environment or any other appropriate department or agency and disconnecting any Water and/or Sewer Service Line from the District Facilities or take any other action deemed necessary or prudent to protect the District, the District Facilities and/or the Developers, Customers or Owners, until such time as the District has received adequate assurance that any and all violations of these Rules and Regulations will cease and will not occur in the future. The District will, as soon as possible, provide written Notice as described in these Rules and Regulations.

11.7 Penalty for Violations:

- (a) Penalty: Any Person in violation of these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement may be assessed penalties in an amount to be determined by the Board or as set forth in the Current Fee Schedule, which is available from the District upon request. Each violation is subject to a penalty and each day of a violation shall be considered a separate violation. Penalties may be added to the Developer’s, Customer’s or Owner’s next bill.
- (b) Late Fee: At any time a Developer, Customer or Owner is fifteen (15) days late in payment of any rates, tolls, charges, fines, fees and/or assessments due the District, the District shall have the right to assess a penalty on the unpaid balance in the amount shown on the Current Fee Schedule, which is available from the District upon request.

- (c) Interest: Unpaid rates, tolls, charges, fines, fees, assessments and/or penalties may, after thirty (30) calendar days, be assessed interest, which shall accrue thereafter at a rate as shown on the Current Fee Schedule, which is available from the District upon request.
- (d) Perpetual Lien/Foreclosure: In accordance with 32-1-1001(1)(j)(I), Colorado Revised Statutes, as may be amended from time to time, until paid all fees, rates, tolls, penalties or charges (including legal, engineering, accounting and administrative costs) shall constitute a first and perpetual lien on or against the entire property served, including all Units served by a common service and on or against any property benefited by a Water and/or Sewer Service Line or main line extension. Any such lien may be foreclosed in the manner provided by law. The District may file a lien statement against any property on which an account has been delinquent for 45 or more days. Liens will be released only after all outstanding amounts, including recording and attorney's fees, have been paid in full.
- (e) Certification of Amount to County Treasurer: In addition to any other means provided by law, the Board may elect to have certain delinquent fees, rates, tolls, penalties, charges or assessments together with all fees, costs, and attorney's fees incurred in the process of such certification certified to the treasurer of the county to be collected and paid over by the treasurer of the county in the same manner as taxes in accordance with Section 32-1-1101(1)(e), Colorado Revised Statutes, as may be amended from time to time.
- (f) Suspension of Service: Should a Customer remain in violation of these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement after the time limit stated on a violation Notice issued pursuant to these Rules and Regulations has elapsed, the District may suspend Service. In the event of a proposed suspension of Water and/or Sewer Service, the Developer, Customer or Owner shall be given not less than ten (10) days advance notice in writing of the suspension, which notice shall set forth the following:
 - (i) The reason for the suspension and the date Service shall be terminated;
 - (ii) That the Developer, Customer or Owner has the right to contact the District and the manner in which the District may be contacted for the purpose of resolving the obligations; and
 - (iii) That there exists an opportunity for a hearing in accordance with these Rules and Regulations.

If the obligations are not resolved or a request for a hearing, accompanied by a deposit equal to the amount of any fees, rates and/or charges specified in the Notice, is not received by the District within ten (10) days, the District may suspend the Service and the Customer may be assessed the cost of the disconnection. The Developer, Customer or Owner's deposit for service, if any, shall be applied against the outstanding obligation.

- (g) Revocation of Tap Certificate: In addition to the other rights and remedies set forth in these Rules and Regulations, any Customer who violates these Rules and Regulations, any conditions of the Tap Certificate, or any applicable local, state and federal regulations, is subject to having his or her Tap Certificate revoked after receipt of Notice of such proposed revocation in substantially the same manner as provided in these Rules and Regulations. If the Tap Certificate is revoked, the Developer, Customer or Owner may obtain a new Tap Certificate only by reapplying for Sewer Service in accordance with the Rules and Regulations, and after paying all fees due and owing the District and the then-current Tap Fees charged by the District under these Rules and Regulations for the use in question and complying with all other applicable requirements of the District.
- (h) Civil Liability: Any Person who intentionally or negligently violates any provision of these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement may be subject to civil liability to the District.
- (i) Criminal Liability: Nothing herein is intended to abrogate or lessen any applicable criminal penalties that may otherwise apply to any act constituting a violation of these Rules and Regulations.
- (j) Other Remedies Provided at Law: The District may exercise any other rights or remedies it may be entitled to under law or in equity to enforce these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement.
- (k) Reimbursement of District Costs: Any Person that violates any of the provisions of these Rules and Regulations or the conditions or obligations set forth in any Tap Certificate or Agreement shall become liable to the District for any expense, loss or damage occasioned by reason of such violation, including, but not limited to, administrative, attorneys', engineering, collection, court and accounting fees and costs.

ARTICLE 12

HEARING AND APPEAL PROCEDURES

12.1 General: If an Owner, Customer or Developer wishes to dispute any rates, tolls, charges, fines, fees, assessments and/or penalties imposed by or determination made by the District, the Customer may appeal such rates, tolls, charges, fines, fees, assessments and/or penalties or determination by following the procedure set forth below (a Customer filing an appeal is referred to in the remainder of this section as the "Appellant"). Notwithstanding the filing of an appeal, the Appellant is required to pay any rates, tolls, charges, fines, fees, assessments and/or penalties assessed by the District and such rates, tolls, charges, fines, fees, assessments and/or penalties shall be held by the District until such time as the appeal is final. The hearing and appeal procedures established below shall apply to all disputes concerning the interpretation,

application or enforcement of the rates, tolls, charges, fines, fees, assessments and/or penalties of the District and application and enforcement of these Rules and Regulations, as they now exist or may hereafter be amended. In the event a proper and timely request for an appeal is not made as provided herein, the right to an appeal shall be deemed forever waived.

- 12.2 Appeal to District Management: The Appellant must first file a written request with the District Manager within ten (10) days of being notified of a proposed revocation of Water and/or Sewer Service or other determination of the District or of the due date specified for a fee, rate or charge of the District. Within thirty (30) days of receiving the request from the Appellant, the District Manager, after a full and complete review of the record, shall deliver notice to the appellant containing a written determination regarding the application or enforcement of the rates, tolls, charges, fines, fees, assessments and/or penalties of the District and/or application and enforcement of these Rules and Regulations, as may be applicable (the “Manager’s Determination”).
- 12.3 Hearing Before Board of Directors: If the Appellant wishes to appeal the Manager’s Determination, the Appellant must file a written request with the District for a hearing within ten (10) days of the date of the Notice to the Appellant. The request for a hearing shall set forth with specificity the nature of the dispute, the facts upon which the Appellant is relying, and a brief statement of the Appellant’s requested relief. Upon request for a hearing, the Manager’s decision shall be stayed pending the outcome of the hearing before the Board; except that an appeal shall not stay the District from shutting off water or sewer service for non-payment; and provided that if the Manager determines the public health, safety and welfare or District property are in danger of imminent and serious harm, any action required of the alleged violator in the Manager’s Notice to Appellant shall not be stayed.
- 12.3.1 Notice: Notice shall be given to the Appellant, specifying the time and place of the hearing to be held by the Board regarding the appeal and directing the Appellant to present evidence of why the determination regarding the application or enforcement of the fee, rate or charge of the District and/or application and enforcement of these Rules and Regulations, as may be applicable, is not correct.
- 12.3.2 Conduct of Hearing: The hearing shall be administrative in nature. At the hearing, the District Manager and the Appellant shall be entitled to present all evidence that is relevant and material to the dispute, and to examine and cross-examine witnesses. The Board may establish rules and procedures governing the hearing. A record of the hearing shall be maintained.
- 12.3.3 Written Determination: Based on the record established, the Board shall issue a written decision (“Board’s Determination”) concerning the disposition of the dispute presented to it and shall cause notice of the decision to be sent by certified mail to the Appellant within forty-five (45) days after the hearing.
- 12.3.4 Board of Directors’ Determination Final: The Board’s Determination shall constitute the final administrative action of the District, subject only to appeal to the Douglas County District Court pursuant to the provisions of C.R.C.P. 106(a)(4).

12.4 Non-Impairment: Nothing in this Section 12. shall be deemed to abrogate or limit authority of the District Manager to take any measures necessary to protect the health, safety and welfare of the public or District property from damage.

PART II - MANAGEMENT OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS (ISDS)

Approved: August 9, 2006

1. GENERAL INFORMATION

- 1.1 Authority: These Rules and Regulations are promulgated pursuant to authority granted the District by CRS 32-1-101, et seq.
- 1.2 Purposes: The purposes of this Individual Sewage Disposal System (ISDS) Management Program are to provide oversight for the orderly operation, inspection, and maintenance of the individual sewage disposal systems (ISDS) located within the District boundaries and to safeguard the District's water supply from contamination.
- 1.3 Scope: Individual sewage disposal systems typically consist of a septic tank and leach field but also include engineered individual sewage disposal systems. This Part II of the Rules and Regulations of the District shall apply to all ISDS located in the District. In the event of any conflict between the provisions of this Part II and any other provision of the Rules and Regulations, the more specific provision shall apply.
- 1.4 Suitable ISDS Applications: It is the policy of the District to have all residences and buildings connected to the District's sanitary sewer system. ISDS installation for individual lots will only be considered for lots 1.0 acres in size or greater, or non-residential buildings, or facilities located on tracts of more than 1 acre in size that, due to topography, would require installation of a sewage pumping station to send flows to the District's wastewater treatment facility. No ISDS shall be constructed within the District's Groundwater Protection Zone.
- 1.5 Coordination with Tri-County Health Department: Management of the District's individual sewage disposal systems is a shared responsibility with the Tri-County Health Department (TCHD). TCHD will review the ISDS design, issue a permit, and inspect the completed ISDS before it is back-filled to verify it meets TCHD's current regulations. TCHD may also periodically inspect the systems. District personnel may also inspect the systems and will report any observed problems to the homeowner and TCHD.

2. DEFINITIONS

Definitions: The following definitions supplement those set forth in Part I of the Rules and Regulations of the District, but pertain solely to Part II of these Rules and Regulations. Unless specifically indicated otherwise, the meaning of the terms herein shall be as follows:

- 2.1 Administration Fee shall mean the charge assessed by the District for administering this Individual Sewage Disposal System (ISDS) Management Program.
- 2.2 County shall mean the County of Douglas, State of Colorado.
- 2.3 Effluent shall mean the outflow from an ISDS.
- 2.4 Inspection Fee shall mean the charge assessed for the inspections described herein.
- 2.5 Owner shall mean the record owner or owners, whether one or more persons or entities, of any lot, including contract sellers, but excluding those having an interest in a lot solely as security for the performance of an obligation.
- 2.6 Resident shall mean the person or persons actually living on a lot, regardless of whether that person is an owner or not.
- 2.7 Individual Sewage Disposal System (ISDS) shall mean a system or facility on the lot for treating, neutralizing,

stabilizing, or disposing of sewage, which system or facility is not part of, or connected to the District's central wastewater treatment system. "Individual Sewage Disposal System" shall have the same meaning as the term "Individual Sewage Disposal System or ISDS" has in the Colorado Revised Statutes and the regulations of the Tri-County Health Department.

- 2.8 Individual Sewage Disposal System Management Program shall mean this part of the Rules and Regulations of the District, as amended from time to time.
- 2.9 ISDS Permit shall mean the written permission of the Tri-County Health Department (TCHD) to install an ISDS. An ISDS permit from the TCHD, as well as, specific written approval from the District, is required before beginning installation of any ISDS.
- 2.10 District shall mean the Denver Southeast Suburban Water and Sanitation District, also known as the Pinery Water and Wastewater District.
- 2.11 Pumping and Inspection Report. The report required to be filed pursuant to the provisions of Section 7.1 hereof, a copy of which is attached to these regulations as Exhibit 1.
- 2.12 System Cleaner means a person engaged in the pumping and cleaning of ISDS who is licensed as an ISDS cleaner by Tri-County Health Department.
- 2.13 System Contractor shall mean a person engaged in and who holds himself out as a specialist in the installation, renovation, maintenance and repair of ISDS and who has in effect, at the pertinent time, a current license from the Tri-County Health Department.
- 2.14 Tri-County Health Department shall mean the Colorado Tri-County Health Department, also referred to as TCHD, or its successors or assigns designated as the local health department for the area in which the District is located and which has the responsibility for implementing the Individual Sewage Disposal Systems Act, Section 25-10-104, et seq., C.R.S.
- 2.15 Notice: Notice for purposes of this Part II shall be given in writing, and shall specify the observed defect or violation and provide a reasonable time for correction. Notice shall be delivered in person by United States certified mail, postage prepaid, return receipt requested, and shall be addressed to the owner and/or occupant of the property herein. A copy of such notice shall be sent to the TCHD.

3. POWERS OF THE DISTRICT

- 3.1 Oversight of Individual Sewage Disposal Systems (ISDS): The District has the right to oversee the Owners' operation and maintenance of all ISDS within the District as described within this Part II.
- 3.2 Access to Individual Lots: Actions by the District upon Individual Lots: The District shall have the right to enter onto any lot during reasonable hours as necessary in order to observe the installation, construction, inspection, maintenance, modification, repair, replacement and/or monitoring of any ISDS. The District may engage in such activities itself or through its agents and consultants. In those situations deemed as emergencies by the District in its sole discretion, notice that the District will enter onto individual lots will not be given. In all other situations the District will give notice by USPS Certified Mail, and notice will be deemed given ten calendar days after the date of deposit of such notice in the mail, postage prepaid. If contacted, the District will endeavor to arrange such access at a mutually agreeable time. Any actions the District deems necessary to perform at the time of such entry will be accomplished as quickly as the District is able to do so in a exercise of due diligence. Except in those cases where disturbance of existing lot conditions is necessitated by actions of the lot owner, the District shall restore such existing conditions to the extent reasonably possible.
- 3.3 Consequences of Waiver and Failure to Act: A waiver by the District of any requirement or provision set forth in the Rules and Regulations shall not be considered a waiver of any subsequent breach of the same or any other requirement or provision. Failure on the part of the District to take any action which it is entitled to take pursuant to the Rules and Regulations shall not be construed as prohibiting the District from taking action with respect to the same or any other provision in the future.

4. FEES AND CHARGES

- 4.1 Right to Assess and Collect Fees and Charges: The District may, at the Board's discretion, assess and collect those fees and charges associated with this Individual Sewage Disposal System (ISDS) Management Program. Said fees and charges shall be established by the Board pursuant to the provisions of the Colorado Revised Statutes. Said fees may include an administration fee in an amount reasonably determined by the Board to adequately compensate the District for its time and expenses in connection with the administration of this program and the monitoring program associated herewith.

5. INSTALLATION, REPLACEMENT AND REPAIR OF INDIVIDUAL SYSTEMS

- 5.1 Permit Requirements: No individual sewage disposal system (ISDS) shall be installed, altered, replaced or repaired, unless a valid permit is issued by Tri-County Health Department in the name of the owner for specific construction, remodeling, installation or use, proposed at the location described on the permit. The homeowner shall submit a copy of said permit to the District prior to beginning work on the system.
- 5.2 Submittal of As-Built Drawings: Upon completion of the installation, replacement or repair of any ISDS, the owner shall file with the TCHD an accurate as-built drawings of the ISDS or any alteration thereof which have been certified by the system contractor to be true and accurate as-built drawings of the ISDS. As-built drawings shall accurately depict according to a scale set forth on the drawings all parts of the system in relation to the dwelling on the lot and shall provide at least two measured points from a fixed location to the lid of the first compartment of the septic tank.
- 5.3 Right to Withhold or Terminate Water Service: The District shall have the right to refuse to connect to its central water supply system any lot with a ISDS which has not been installed, replaced, or repaired (as the case may be) in accordance with the ISDS permit, for which the as-built drawings have not been submitted to TCHD in full and complete form, or for which the required fees have not been paid. The District shall have the right to disconnect from its water system any lot on which a Cease and Desist Order issued by Tri-County Health Department has become effective.
- 5.4 No Liability on Part of District: The District shall not be liable to any person for its actions pursuant to this Part II. Review by the District may be based upon the information provided, and no party shall be entitled to rely upon any such review as certifying that the ISDS will be functional, will be safe, or will be in any way beneficial.

6. REPAIR AND REPLACEMENT OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

- 6.1 Repair or Replacement: If observation reveals that any individual sewage disposal system (ISDS) or any component thereof is worn out, non-functioning, broken, or defective and needs to be repaired or replaced, the District shall give notice and shall provide a reasonable time for correction of such condition as set forth in Section 2.13 hereof. A copy of such notice shall be sent to the Tri-County Health Department.
- 6.2 Emergency Repair or Replacement: If observation reveals that any ISDS or any component thereof is worn out, non-functioning, broken, or defective and needs to be repaired or replaced, and if there is evidence to indicate that effluent emanating from the ISDS could contaminate either ground or surface water, the District shall give notice and shall provide a reasonable time for correction of such condition as set forth in Section 2.13 hereof. The TCHD, at its discretion, shall issue notice of violation and a Cease and Desist Order pursuant to Sections 19.2 and 19.3 of the Tri-County Health Department Regulations
- 6.3 Failure to Timely Complete Emergency Repair or Replacement: If Tri-County Health Department has issued a cease and desist order for an ISDS and if the owner or resident does not submit to Tri-County Health Department and the District a plan for the required repair or replacement and application for permit with Tri-County Health Department within the time specified within such cease and desist order or has not commenced actual on-the-ground work on the required repair or replacement within the time specified in such cease and desist order or has not completed the required work within the time specified in such cease and desist order (or the amount of time by which said periods may be extended by the Tri-County Health Department), the

District may disconnect the lot from the District's water system.

- 6.4 **Abandonment or Removal of Septic Tanks:** Septic tanks, or comparable equipment, not located within the District's groundwater protection zone may be abandoned in place when replaced by an approved ISDS or when the property is connected to the District's sanitary sewer system. Abandonment procedures are to have a licensed systems cleaner pump the septic tank dry, and to either crush and bury the tank in place or break or remove the tank top, and backfill it with soil, sand or squeegee. Septic tanks within the groundwater protection zone shall be excavated and disposed in a permitted solid waste disposal facility when the property is connected to the District's sanitary sewer system. The septic tank shall be pumped dry before removal. Leach field piping may be left in the ground. The owner of abandoned or removed septic tanks shall provide the District and Tri-County Health Department a copy of any receipts (e.g., for pumping, excavation, disposal, etc.) documenting the abandonment activity.
- 6.5 **No Liability on Part of District:** The District shall not be liable for any repair or replacement of any ISDS or component thereof which it makes pursuant to the provisions of this Article and shall not be held to have warranted that any such repair or replacement made by it or on its behalf will remedy the problem identified, make or keep the system functional, or be safe.

7. PUMPING, GRADING, LANDSCAPING AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

- 7.1 **Mandatory Periodic Septic Tank Pumping:** The lot owner or resident shall have the septic tank(s) of the Individual Sewage Disposal System (ISDS) pumped and inspected not less than once every four years by a licensed system cleaner as required by the Tri-County Health Department, pursuant to Section 17.0. The homeowner or system cleaner shall send the District the pumping and inspection report within 30 days of the date of pumping. The District shall promptly forward a copy of said report to the Tri-County Health Department.
- 7.2 **Failure to Have Septic Tank Pumped:** If the owner or resident does not file with the Tri-County Health Department a copy of the septic tank pumping and inspection report, with a copy to the District, and within the time specified in Section 7.1 hereof, the District may give notice of the failure to file such report to the owner or resident if such report is not filed within 30 days of the date of such notice. The District may assess a penalty of twenty (\$20) per month or forty (\$40) dollars per bi-monthly billing period until the report is received. If the septic tank pumping and inspection report is not received by TCHD and the District within ninety (90) days of the date specified in Section 7.1 and the TCHD issues a Cease and Desist Order as provided in its Regulations, then the District may disconnect such lot from District's water system. The provisions of this Section 7.2 shall be effective on or after August 1, 2010.
- 7.3 **Grading and Landscaping:** Homebuilders and owners shall comply with the requirements for grading and landscaping over the ISDS as specified in Tri-County Health Department Regulation I-02 or other ISDS regulation in effect at the time.
- 7.4.1 **Protection of Absorption Areas:** As provided in Rules and Regulations of the Tri-County Health Department the Absorption Area of the ISDS shall be protected and maintained. Minimum requirements are listed below:
- A. The ground surface shall be graded to deflect precipitation or other outside water from the absorption area.
 - B. The absorption area shall be protected against erosion.
 - C. Absorption areas should be seeded with low water demand grass as recommended by the County Extension Office.
 - D. After installation, the surface area of absorption has limited uses. Nothing shall be placed or constructed on the finished absorption areas that will seal the surface of the soil or cause compaction, i.e. concrete, asphalt, driveways, and corrals.
- 7.5 **ISDS to Remain Accessible:** Each owner and resident shall ensure that the ISDS (and each component thereof which is required to be maintained and inspected) is accessible to the District and Tri-County Health Department for the purposes of inspection. ISDS installed after January 1, 2006 shall have both manhole lids or concrete rings at grade. If any component of the ISDS which is required to be inspected should, for any reason, including by way of example but not by way of limitation, access manhole, observation pipe, etc., be rendered

inaccessible to the District's inspectors, the District shall report such circumstance to the Tri-County Health Department. If owner or resident does not remedy the situation within 60 days of notification of such condition, the District shall have the right to assess a penalty of twenty (\$20) per month (forty dollars per bi-monthly billing period) until access is suitable to the District. If the owner or resident does not remedy the situation within ninety (90) days of initial notification, the District may disconnect such lot from the District's water system.

- 7.6 Other ISDS Maintenance: Each owner and resident shall be responsible for maintaining the ISDS on his/her lot and each component thereof in good working condition.

8. INSPECTIONS

- 8.1 Inspections: District personnel have the right to inspect the landscaping and grading over the ISDS and report any perceived problems to the Tri-County Health Department.
- 8.2 Owner or Resident Requested Inspection: Each owner or resident shall contact a licensed system cleaner or the Tri-County Health Department to request an inspection if any liquid that may be related to the ISDS surfaces on the ground, if the ground above the ISDS system becomes discolored or saturated with anything other than precipitation, if any septic or sewage odor exists, if there is any plugging or backup of the ISDS system, or if any other condition exists which indicates that the ISDS system may not be functioning properly.
- 8.3 District's Right to Make Additional Inspections: If any condition which indicates that the ISDS may not be working, including but not limited to those conditions set forth in Section 8.2 hereof, comes to the attention of the District, the District shall have the right to inspect the ISDS at any reasonable time.
- 8.4 Fee for Inspections: The District may charge a fee for all inspections, the amount of which shall be determined by the Board and shall be reasonably related to the District's actual expenses incurred in having the inspection made. In the event an impediment causes the District's inspector to make more than a single trip to the lot for the purposes of inspecting the ISDS, the District shall have the right to charge a separate inspection fee for each such visit.

9. MISCELLANEOUS

- 9.1 Owner and Residents Not to Interfere with Monitoring System: In order to protect its water supply from contamination by effluent from ISDS, the District may create and implement over time an ISDS monitoring program (hereinafter "monitoring program"). Some lots may have monitoring tubes or other devices located on them. Owners, residents, and their invitees and licensees are forbidden to interfere with or otherwise touch any monitoring well, hole, or device.
- 9.2 Annual Report: The District shall prepare an Annual Report on or before March 30 of each year documenting the previous year's ISDS management activities. The Annual Report shall be delivered to Douglas County and Tri-County Health Department's Public Health Engineer not later than April 15 of each year.
- 9.3 Educational Program: The District will, as practical, provide information to Owners with ISDS on the operation and maintenance of Individual Sewage Disposal Systems and may, at its discretion, conduct informational meetings regarding the inspection, repair, operation, and maintenance of ISDS.

TABLE OF CONTENTS

PART II: MANAGEMENT OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS (ISDS)

1. GENERAL INFORMATION

- 1.1 Authority
- 1.2 Purposes
- 1.3 Scope
- 1.4 Suitable ISDS Applications
- 1.5 Coordination with Tri-County Health Department

2. DEFINITIONS

- 2.1 Administration Fee
- 2.2 County
- 2.3 Effluent
- 2.4 Inspection Fee
- 2.5 Owner
- 2.6 Resident
- 2.7 Individual Sewage Disposal System (ISDS)
- 2.8 Individual Sewage Disposal System Management Program
- 2.9 ISDS Permit
- 2.10 District
- 2.11 Plumbing and Inspection Report
- 2.12 System Cleaner
- 2.13 System Contractor
- 2.14 Tri-County Health Department
- 2.15 Notice

3. POWERS OF THE DISTRICT

- 3.1 Oversight of Individual Sewage Disposal Systems (ISDS)
- 3.2 Access to Individual Lots
- 3.3 Consequences of Waiver and Failure to Act

4. FEES AND CHARGES

- 4.1 Right to Assess and Collect Fees and Charges

5. INSTALLATION, REPLACEMENT AND REPAIR OF INDIVIDUAL SYSTEMS

- 5.1 Permit Requirements
- 5.2 Submittal of As-Built Drawings
- 5.3 Right to Withhold or Terminate Water Service
- 5.4 No Liability on Part of District

6. REPAIR AND REPLACEMENT OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

- 6.1 Non-Emergency Repair or Replacement
- 6.2 Failure to Timely Complete Non-Emergency Repair or Replacement
- 6.3 Emergency Repair or Replacement
- 6.4 Failure to Timely Complete Emergency Repair or Replacement
- 6.5 Abandonment or Removal of Septic Tanks
- 6.6 No Liability on Part of District

7. PUMPING, GRADING, LANDSCAPING AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

- 7.1 Mandatory Periodic Septic Tank Pumping
- 7.2 Failure to Have Septic Tank Pumped
- 7.3 Grading and Landscaping
- 7.4 Protection of Absorption Areas
- 7.5 ISDS to Remain Accessible
- 7.6 Other ISDS Maintenance

8. INSPECTIONS

- 8.1 Inspections
- 8.2 Owner or Resident Requested Inspection
- 8.3 District's Right to Make Additional Inspection
- 8.4 Fee for Inspections

9. MISCELLANEOUS

- 9.1 Owner and Residents Not to Interfere with Monitoring System
- 9.2 Annual Report
- 9.3 Educational Program

10. EXHIBITS

- 10.1 Pumping and Inspection Report
- 10.2 Recommendation No. 1 Standing Water in Standpipes
- 10.3 Recommendation No. 2 Planting Over Absorption Areas

END OF SECTION

**TRI-COUNTY HEALTH DEPARTMENT/
PINERY WATER AND WASTEWATER DISTRICT**

PUMPING AND INSPECTION REPORT

Please provide the homeowner with a copy of the completed Pumping and Inspection Report and mail a second copy of the completed report to Pinery Water & Wastewater District, P.O. Box 1660, Parker, CO 80134.

ACCOUNT NO. _____ INSPECTION/PUMPING DATE _____

CUSTOMER NAME _____

MAILING ADDRESS _____

SERVICE ADDRESS _____

HOME TELEPHONE # _____ ALTERNATE PHONE # _____

SEPTIC TANK INSPECTION

Septic Tank(s) Condition _____

Sludge Depth _____ Scum Depth _____

- Y N Risers to grade
- Y N Tees or Baffles in Good Condition
- Y N Effluent screen-cleaning needed? (if applicable)

SYSTEMS EQUIPPED WITH PUMPS ONLY

- Y N Pump and floats operational
- Y N Alarm operational
- Y N Is Alarm on a Separate Circuit from Pumps?

DRIP OR ALTERNATING SYSTEMS ONLY

- Y N Valve(s) switched I

DATE OF LAST PUMPING _____

Date based on (circle one) Written record or receipt Homeowner recollection

ABSORPTION AREA INSPECTION

Deficiencies (Please check all observed deficiencies)

- _____ *Odors
- _____ *Standing water
- _____ *Wet spots
- _____ Standing water in standpipes (SEE ATTACHED RECOMMENDATION NO. 1)
- _____ *Evidence that surface drainage is impacting absorption area
- _____ Evidence of parking, driving or structures over absorption area
- _____ Irrigated planting over absorption area
- _____ Planting over absorption area (SEE ATTACHED RECOMMENDATION NO. 2)

***Homeowner – If one of the above deficiencies (noted with an *) is checked, please contact Tri County Health at (303) 663-7650 and ask for the Administrative Support Staff in Environmental Health.**

Action(s) to be taken _____

PUMPING REPORT

TCHD Policy on Pumping of Septic Tanks: Inspectors shall measure levels of both sludge and scum in both chambers of the septic tank. For engineered systems with more than one septic tank, this will include the first septic tank.

If the combined depth of both sludge and scum in either chamber of the tank equal or exceed 24 inches, the tank will need to be pumped. All tanks are two chamber tanks. In most cases, the sludge and scum will accumulate more rapidly in the first chamber.

Example: Measured scum depth in first chamber = 7"; Measured sludge depth in first chamber = 17", 7" + 17" = 24". A recommendation shall be made to the property owner to have the tank pumped.

No Pumping Required (Explain) _____

Date of Pumping _____ Number of Chambers Pumped 1 2 3 4

INFORMATION ON LICENSED CLEANER

SERVICE PROVIDED (Circle one, two or all) Septic Tank Inspection
Absorption System Inspection
Septic Tank Pumping

Company Name _____ License # _____

Company Address _____

Company Phone _____ Inspector/Pumper Name _____

Signature of Inspector/Pumper _____ Date _____

RECOMMENDATION NO. 1

STANDING WATER IN STANDPIPES

If “standing water in standpipes” is noted on the inspection form, what does this mean, and what should you do about it? Each absorption area is required to have a standpipe(s) or observation pipe(s) to allow the level of water in the absorption area to be observed. At the time of the inspection, water was observed in the observation pipe(s) of your ISDS. Occasional standing water may not be a problem; however, water that stands or “ponds” within the absorption area (“leachfield”) for several weeks may be a result of one of the following problems:

1. A leaking plumbing fixture may be adding too much water into the ISDS. For example, a single leaking toilet can place 1000 gallons per day into your ISDS.
2. Too much water is being used in the house.
3. If your ISDS has trenches, the wastewater coming out of the septic tank is not being properly distributed to all the trenches.
4. The soils in the absorption area are clogged and are not absorbing the water at the design acceptance rate.

To address problems 1 – 3 above, the following are recommended.

1. Check your plumbing fixtures for leaks or hire a plumber to check the fixtures. If leaks are discovered, have them repaired as soon as possible.
2. Conserve water in the home. For example, if you do several loads of laundry on one particular day, do your laundry over several days instead.
3. Consider having a water meter installed to monitor the amount of water used in the home. The meter should be installed to only measure water used within the home. A typical ISDS is designed to accommodate 150 gallons of wastewater per day for each bedroom in the home. So, for a 3 bedroom home, the ISDS is designed for an average daily flow of 450 gallons.
4. If your ISDS has trenches and a distribution box (“d-box”), have the “d-box” checked to see if the outlet pipes are all at the same elevation. In some cases, the “d-box” may be buried below the ground and may need to be excavated. If the outlet pipes are not level, “speed levelers” are available to “level up” the pipes, and can be installed on the outlet pipes to adjust their elevations.
5. If your ISDS is a “drip irrigation” system that is dosed with a pump, have the pump floats and settings checked. Improper float settings may result in the absorption area receiving too much water each time the pump runs.

If standing water still persists after checking the above recommendations, it is possible that the soils in the absorption area are clogged and are not absorbing the water at the design acceptance rate. If this is the case, you should monitor the water level in the standpipe in the field on a monthly basis. If the water level in the standpipe is found to be increasing, you should consider expanding the ISDS by installing an additional absorption area (leach field). This will allow the existing absorption area to “rest” and recover while the new absorption area is being used.

If you have questions concerning this information, you may contact Tri-County Health Department’s Castle Rock Office at (303) 663-7646.

RECOMMENDATION NO. 2

PLANTING OVER ABSORPTION AREA

- Proper vegetation over the absorption area will reduce the amount of runoff from rain and snowmelt that infiltrates into the absorption area. Excessive infiltration of rain and snowmelt may overload or “flood” the absorption area.
- Proper vegetation may prevent erosion damage
- For engineered systems, proper vegetation will increase the evapotranspiration (“ET”) of effluent. Engineered systems rely on “ET”.
- Trees, shrubs, bluegrass “turf” and other landscaping requiring irrigation are not recommended. Tree roots may damage the system and excessive irrigation may “flood” the absorption area.
- To establish proper vegetation, it may be necessary to “seed” the absorption area with a seed mix such as a “Foothills, Pasture, or Prairie” seed mix available at seed stores. These mixes do not require irrigation.
- No automatic sprinkler system should be installed over the field area.
- Supply lines, distribution manifolds and laterals for engineered drip irrigation systems are typically installed 12” to 30” deep. Care shall be taken when seeding over these areas to avoid damaging the pipes.

You may also contact the following agencies for assistance:

National Resources Conservation Service
(303) 659-0525. ext. 101

Colorado State University Cooperative Extension in Douglas County
(720) 733-6930

PART III
CONSTRUCTION, LAND USE AND ACTIVITIES WITHIN DESIGNATED ALLUVIAL
GROUNDWATER PROTECTION ZONE

Approved: May 12, 1998

Revised: January 14, 2015

Repealed and Replaced: October 20, 2021

TABLE OF CONTENTS

ARTICLE 1 GENERAL INFORMATION	1
1.1 AUTHORITY	1
1.2 BACKGROUN	1
1.3 PURPOSES	1
1.4 SCOPE	1
1.5 PUBLIC FACILITIES AND HOMEOWNERS ASSOCIATIONS' FACILITIES	1
1.6 SPECIFIC REGULATORY REQUIREMENTS	2
ARTICLE 2 DEFINITIONS	2
ARTICLE 3 FEES AND CHARGES	2
3.1 GROUNDWATER PROTECTION FEES	2
ARTICLE 4 ESTABLISHMENT OF FUND AND PURPOSE OF GROUNDWATER PROTECTION FEE	3
ARTICLE 5 DUTIES AND POWERS OF THE DISTRICT MANAGER	3
5.1 GENERAL	3
5.2 CONSIDERATIONS	3
ARTICLE 6 CONSTRUCTION ACTIVITIES WITHIN THE GROUNDWATER PROTECTION ZONE	3
6.1 ABANDONED WELLS AND TANKS	3
6.2 IMPORTED FILL MATERIAL	4
6.3 HOUSEKEEPING AND MATERIALS HANDLING	4
6.4 STORAGE AND DISPENSING OF LIQUIDS	5
ARTICLE 7 PROHIBITED ACTIVITIES AND LAND USE	6
ARTICLE 8 REQUIRED BEST MANAGEMENT PRACTICES	6
8.1 GENERAL	6
8.2 SEWAGE LINES	6
8.3 POTENTIAL FOR GROUNDWATER CONTAMINATION	6
8.4 PETROLEUM AND CHEMICAL TRANSFER POINTS	7
8.5 CHEMICAL STORAGE AND HANDLING	7
8.6 FERTILIZER	8
8.7 PESTICIDES	8
8.8 OUTDOOR VEHICLE STORAGE AREAS, PARKING LOTS AND STREET RIGHTS OF WAY	9
8.9 ANIMAL BOARDING FACILITIES	10
ARTICLE 9 SPILLS, LEAKS OR DISCHARGES	12
ARTICLE 10 COMMERCIAL FACILITY DESIGN	13
10.1 FLOOR DRAINS	13

10.2 FLOORS13

10.3 CHEMICAL STORAGE13

ARTICLE 11 ROAD MAINTENANCE13

11.1 ROAD SALTS13

11.2 RIGHT-OF-WAY MAINTENANCE.....13

11.3 STREET SWEEPING WASTES13

ARTICLE 12 EXCESSIVE WATER USAGE.....14

ATTACHMENTS:

ATTACHMENT A GROUNDWATER PROTECTION ZONE MAP

ATTACHMENT B PLUGGING AND SEALING OF WELLS

ATTACHMENT C GROUNDWATER MONITORING PROCEDURES

ATTACHMENT D LEACHABLE PESTICIDES NOT ALLOWED IN GROUNDWATER PROTECTION ZONES

ATTACHMENT E BEST MANAGEMENT PRACTICES FOR GOLF COURSES, PARKS, GREEN BELTS, AND COMMERCIAL AGRICULTURAL ACTIVITIES

PART III
CONSTRUCTION, LAND USE AND ACTIVITIES WITHIN DESIGNATED ALLUVIAL
GROUNDWATER PROTECTION ZONE

ARTICLE 1
GENERAL INFORMATION

- 1.1 **AUTHORITY.** These Rules and Regulations are promulgated pursuant to Colorado Revised Statutes Section 32-1-1001, et seq., the Colorado Code of Regulations, Department of Public Health and Environment - 1000 series; the Safe Drinking Water Act, 42 U.S.C.A. 300f, et seq., and applicable federal and state statutes and regulations. These Rules and Regulations replace and supersede Part III of the Rules and Regulations of the Denver Southeast Suburban Water and Sanitation District.
- 1.2 **BACKGROUND.** The 1986 Amendments to the Safe Drinking Water Act (SDWA) required states to establish a new Wellhead Protection Program to protect groundwaters that supply wells and wellfields that contribute drinking water to public water supply systems. The State of Colorado has established the state program as a voluntary, non-regulatory program.
- 1.3 **PURPOSES.** The waters in the District's alluvial aquifer are critical to providing a clean, dependable, and economical source of potable water for the District's customers. An assessment of the vulnerability of the Cherry Creek alluvial aquifer to contamination indicated that because of the shallow depth of groundwater and the transmissive nature of the alluvial aquifer sediments, a contaminant introduced at the surface can easily enter the aquifer system, is not likely to be attenuated or dispersed significantly, and will move rapidly away from the entry point in relatively short time. The purpose of Part III of the Rules and Regulations is to protect the District's alluvial potable water supply by establishing a Groundwater Protection Zone ("Zone") and instituting rational and objective management and monitoring requirements within that Zone.
- 1.4 **SCOPE.** This Part III of the Rules and Regulations of the District ("Zone Regulations") shall apply to the Zone as established by the District's Board of Directors ("Board") and shown in Attachment A. These rules and regulations are in addition to Part I of the Rules of Regulations which also applies to the ("Zone"). In the event of any conflict between the provisions of this Part III and any other provision of the Rules and Regulations, the more restrictive provision shall control.
- 1.5 **PUBLIC FACILITIES AND HOMEOWNERS ASSOCIATIONS' FACILITIES.** The Zone Regulations shall also apply to public facilities and facilities owned and/or operated by governmental agencies located within the Zone, including but not limited to parks, schools, greenbelts, and facilities owned and operated by the District. Zone Regulations shall also apply to facilities within the Zone owned and/or operated by private individuals or entities, including homeowners associations.

- 1.6 **SPECIFIC REGULATORY REQUIREMENTS.** The following regulations are hereby adopted by the District by reference. In instances where District Rules and Regulations are more restrictive than the regulations adopted below, then District Rules and Regulations control. The requirements of the regulations cited below must always be met as a minimum, even if contradicted by specific parts of District Rules and Regulations. In the case of contradictions on specific rules between the regulations cited below, the District shall determine the applicable rule.

Colorado Storage Tank Regulations

OSHA Regulation Standards - 29 CFR - 1910.106

ARTICLE 2 DEFINITIONS

- 2.1 **DEFINITIONS.** The following definitions supplement those set forth in Part I of the Rules and Regulations of the District, but pertain solely to this Part III. Unless specifically indicated otherwise, the meaning of the terms herein shall be as follows:

“Colorado Storage Tank Regulations” means the current Storage Tank Regulations issued by the Colorado Department of Labor and Employment Oil Inspection Section and found at 7 C.C.R. 1101-14. These regulations regulate tanks used to store regulated substances, including petroleum products (other than material classified as hazardous wastes under Subtitle C of the U.S. Solid Waste Disposal Act). These regulations are based on federal law, and implemented in Colorado by the Colorado Department of Labor & Employment, Division of Oil and Public Safety (“OPS”) (Title 8 Article 20 and Title 8 Article 20.5 of the Colorado Revised Statutes).

“Contaminant removal / stormwater detention facilities” means a structure which meets the criteria for an approved Permanent Best Management Practice as identified in the current Cherry Creek Basin Authority’s Cherry Creek Basin Stormwater Quality Regulation.

“OPS” means Colorado Department of Labor and Employment, Division of Oil and Public Safety.

“Uniform Fire Code” means that Edition of the Uniform Fire Code published by the International Fire Code Institute and adopted by the Fire District of Applicable Jurisdiction (“Fire District of Applicable Jurisdiction”).

ARTICLE 3 FEES AND CHARGES

- 3.1 **GROUNDWATER PROTECTION FEES.** A Groundwater Protection Fee shall be charged on each occupied lot within the Zone on a monthly basis, commencing at the time a water meter is installed by the District. Fees are based on a flat, per lot rate. The current fees are shown on the District’s current fee schedule, which is available on request from the District, and which may be changed at any time by the Board at its discretion.

ARTICLE 4

ESTABLISHMENT OF FUND AND PURPOSE OF GROUNDWATER PROTECTION FEE

- 4.1 All funds collected by the District pursuant to Article 3 hereof shall be segregated from the general operating funds of the District and placed in a groundwater protection fund account. Expenditure of such funds shall be limited to groundwater protection activities conducted by the District.

ARTICLE 5

DUTIES AND POWERS OF THE DISTRICT MANAGER

- 5.1 GENERAL. If any activity is deemed by the District Manager to pose a danger of contaminating surface water and/ or groundwater which could potentially enter the public water supply, the District Manager is authorized to:
- 5.1.1 Cause cessation of said activity and contact any and all regulatory and law enforcement authorities as necessary to achieve cessation;
 - 5.1.2 Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
 - 5.1.3 Cause the provision of pollution control and/or abatement activities.
- 5.2 CONSIDERATIONS. When considering the exercise of any of the above authorities or actions, the District Manager shall ensure that the District's public water supply is reasonably and adequately protected from contamination. The District Manager shall make every reasonable effort to coordinate and act in concert with other regulatory entities in the exercise of the above authorities. The Manager may take into consideration any evidence regarding cost effectiveness and the economic impact imposed by the requirements or actions.

ARTICLE 6

CONSTRUCTION ACTIVITIES WITHIN THE GROUNDWATER PROTECTION ZONE

- 6.1 ABANDONED WELLS AND TANKS.
- 6.1.1 Prior to beginning any earth work or demolition of structures and outbuildings, the Property Owner must provide documentation to the District that the Owner has investigated whether production wells, monitoring wells, and abandoned wells are present on the proposed construction site. Any wells found shall be reported to the District. Any wells determined to require abandonment must be properly abandoned at the Property Owner's expense before demolition and construction begins. District standards for plugging and sealing groundwater monitoring wells based on Colorado State Engineer's Office standards and appearing in Attachment B, "Plugging and Sealing of Wells," must be fully followed. A completed and signed copy of the Well Abandonment Report submitted to the State Engineer's Office must be submitted to the District at least five working days before on site construction activities are commenced.

6.1.2 Out-of -service, abandoned underground storage tanks (“USTS”), including septic tanks and leach field piping systems, must be carefully emptied and removed from the ground in compliance with the most stringent requirements of the Uniform Fire Code and the Colorado Storage Tank Regulations. Liquids emptied from tanks shall be properly handled and disposed of.

6.2 IMPORTED FILL MATERIAL.

6.2.1 The Developer and/or builder must comply with all Douglas County regulations which relate to fill material. All fill material must be “clean”. If requested by the District the developer or builder must sample and test fill material.

6.2.2 Should the imported material be sampled and not be “clean” it shall not be used and shall be removed from the work site at the contractor’s expense.

6.2.3 In the event the District has reason to believe that such materials may not be clean and free of chemical contamination (i.e., based on known or suspected previous land uses, visual signs of contamination, etc.), the District may reject the fill. If the District rejects the fill, the contractor may, at its own expense, elect to certify that the fill is clean and free of chemical contamination by submitting a plan detailing the approach to be used for sample collection. The sampling rationale and approach will be subject to District review and approval.

6.3 HOUSEKEEPING AND MATERIALS HANDLING.

6.3.1 A plan for waste collection and disposal shall be prepared and submitted for District approval, specifying locations for waste collection containers and regular collection schedules. Waste collection areas shall be located in areas unlikely to be affected by runoff.

6.3.2 Trash and wastes shall not be allowed to accumulate or overflow containers.

6.3.3 State, local and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.

6.3.4 Waste materials, including waste concrete, shall not be buried or burned within the Zone. Rocks and gravel incidental to the site work and native to the site may be buried on the site.

6.3.5 Specific areas for the maintenance and repair of construction equipment and vehicles such as cement trucks shall be designated by the contractor and approved by the District. Maintenance areas shall be located above the 200 year flood plain and located at least 200 feet away from and not directly uphill of streams and ponds. Maintenance areas shall be designed to keep gasoline, oils, and other pollutants from washing into storm-water collection systems, surface water bodies, and onto the soil, and shall be cleaned and inspected daily.

- 6.3.6 Separate waste disposal receptacles shall be provided by the contractor for liquid wastes and for trash (solid wastes). Liquid wastes should be disposed of into the liquid waste containers only. The liquid waste containers must not leak, must be compatible with the liquids disposed, and must be removed within 5 working days after reaching 90% full.
- 6.3.7 Construction equipment and vehicles shall be washed only at designated washing areas. Washing areas shall have a gravel base to minimize runoff and mud generation and shall not be located near streams or storm sewers.
- 6.3.8 During demolition or sand blasting activities, dust control measures are needed to keep dusts, heavy metals, asbestos, and other pollutants from becoming airborne. Water or slurries used for this purpose shall not be allowed to run directly into stormwater collection systems or surface water bodies.
- 6.3.9 Periodic light watering shall be used to control dust on construction roads. No oils, chemicals, or calcium chloride shall be used for dust control.
- 6.3.10 The District shall be notified prior to the use of any pesticides and/or herbicides used during construction. Pesticide use and storage must comply with Sections 8.5 and 8.7 of Part III of these Rules and Regulations. Care must be taken to not overuse chemicals and to avoid spills. Containers shall never be washed in or near streams, ponds, or stormwater systems. Rinse water may be applied to the land at least 400 feet away from surface water bodies, rather than being dumped into storm sewers. Empty containers shall never be buried or burned. Manufacturers' guidelines governing use and disposal shall always be followed carefully.
- 6.3.11 All construction sites shall be provided with sufficient sanitary facilities for workers by the contractor per the requirements of applicable OSHA regulations.
- 6.3.12 All potentially hazardous substances and all wastes generated during construction shall be removed from the construction site at the time of completion of the construction. If construction activity has ceased for 30 days or more, all potentially hazardous materials shall be removed from the site until such time as the construction activity is to resume.

6.4 STORAGE AND DISPENSING OF LIQUIDS.

- 6.4.1 Storage and dispensing of chemicals shall comply with the most stringent requirements of the Uniform Fire Code, the Colorado Storage Tank Regulations, OSHA Regulation Standards - 29 CFR -1910.106, and District requirements in Section 8.5, Chemical Storage and Handling, of these Rules and Regulations.
- 6.4.2 Fuel storage containers shall be secondarily contained (see Section 8.3, Potential for Groundwater Contamination).
- 6.4.3 Good housekeeping practices to prevent and catch spills and leaks shall be observed. Leaks shall be stopped. Drip pans or catchment basins must be placed under leaking machinery and equipment.
- 6.4.4 Spills, leaks and accidental discharges shall be managed per Article 9, Spills, Leaks or Discharges.

ARTICLE 7
PROHIBITED ACTIVITIES AND LAND USE

The following activities, facilities and land uses are prohibited within the Zone.

- 7.1 Import and/or use of contaminated soils.
- 7.2 Septic systems, leach fields, injection wells and dry wells.
- 7.3 Sanitary landfills, junkyards, salvage yards, hazardous waste treatment, road salt stockpiles.
- 7.4 Storage of manure or soil supplements which exceed 1 cubic yard in quantity for longer than 14 days unless storage and containment requirements of Sections 8.9.2 and 8.9.3 are implemented.
- 7.5 Rinsing or cleaning of holding tanks, trucks and/or spraying equipment which has held pesticides, asphalt, concrete, petroleum products or any hazardous material.
- 7.6 Application of manure, biosolids or soil supplements at rates which exceed agronomic rates.
- 7.7 Application of fertilizers, pesticides and/or herbicides at rates which exceed the manufacturer's recommended application rates or frequency.
- 7.8 Use of the pesticides listed in Attachment C, "Leachable Pesticides not Allowed in Groundwater Protection Zones."
- 7.9 Animal burial.
- 7.10 Interior floor drains which discharge to the ground or storm sewer.
- 7.11 Gray water (showers, sinks, etc.) discharge to the ground or garden.

ARTICLE 8
REQUIRED BEST MANAGEMENT PRACTICES

8.1 GENERAL.

- 8.1.1 Good management practice and careful handling must be used at all times for all materials which, if spilled onto the soil or reaching the groundwater by other routes, could result in groundwater contamination.

8.2 SEWAGE LINES.

- 8.2.1 The design, construction, and integrity testing of all sewers shall conform to the requirements of the District's Technical Specifications.
- 8.2.2 If an existing sewer line is damaged during construction, it shall be immediately reported to the District.

8.3 POTENTIAL FOR GROUNDWATER CONTAMINATION.

8.3.1 Applicability.

- 8.3.1.1 Protection from potential groundwater contamination shall be provided:

- When required by the Uniform Fire Code, Colorado Storage Tank Regulations, and/or OSHA Regulation Standards -29 CFR -1910;
- Beneath all above ground storage tanks;
- Where hazardous substances, pesticides, liquid chemicals and fertilizers, petroleum products, polluting materials and/or chemicals are stored, loaded, unloaded, or mixed or used;
- In construction areas where any of the above conditions apply; or
- Whenever mandated by the District Manager.

8.3.1.2 State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.

8.4 PETROLEUM AND CHEMICAL TRANSFER POINTS. This section applies specifically to material transfer points such as gas stations, small fuel storage facilities, farm co-ops or chemical storage facilities and similar facilities.

8.4.1 APPLICABLE REGULATIONS. The owners and operators of any petroleum and Chemical Transfer Points shall comply with the most stringent requirements of the Uniform Fire Code, the Colorado Storage Tank Regulations, OSHA Regulation Standards - 29 CFR -1910, and the District requirements presented here.

8.4.2 Catchment basins shall be installed beneath material handling areas. These basins must drain to holding tanks. The catchment basins must be coated with a material of 10^{-6} permeability to prevent the leakage of materials through the basin.

8.4.3 Slopes of driveways and other paved and impervious surfaces shall be designed to enable spilled materials from material handling areas to flow to material catchment areas. Slopes shall be designed to prevent spilled material from being diluted and washed onto soil or into storm sewers.

8.5 CHEMICAL STORAGE AND HANDLING.

8.5.1 The owners and operators of any chemical storage and handling facility shall comply with the most stringent requirements of the Uniform Fire Code, the Colorado Storage Tank Regulations, OSHA Regulation Standards - 29 CFR -1910, and the District requirements set forth herein.

8.5.2 Chemicals shall be stored above the 200 year flood plain and away from areas likely to be affected by runoff.

8.5.3 No above-ground storage of hazardous substances and associated secondary contaminant facilities shall be located within fifty feet of any property line or 100 feet of any residentially zoned property.

8.5.4 Storage areas for hazardous substances, liquid chemicals, petroleum products, cleaning compounds and potentially polluting materials shall not be accessible to unauthorized personnel.

- 8.5.5 Drum and container storage areas shall be consolidated into one location for better control of material and waste inventory.
- 8.5.6 Secondary containment which meets the requirements in Section 8.3, Potential for Groundwater Contamination, shall be provided where hazardous substances, liquid chemicals, petroleum products, cleaning compounds and potentially polluting materials are stored, loaded or unloaded, or used.
- 8.5.7 Areas and facilities for unloading, loading, or storage of hazardous substances and polluting materials, as well as areas where such materials are handled or used, shall be designed and constructed to prevent discharge or runoff (including rainfall and snow melt) from reaching floor drains, soils, groundwater or streams.
- 8.5.8 Outdoor storage of hazardous substances and polluting materials is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
- 8.5.9 Manufacturers' guidelines shall be followed when storing pesticides and other chemicals.
- 8.5.10 OPS and any applicable Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.
- 8.5.11 A list of local emergency response agencies to be called in case of a major spill must be posted directly outside every chemical storage area.

8.6 FERTILIZER.

- 8.6.1 The fertilizer application rates shown Colorado State University Extension Bulletin XCM-222 "Fertilizer Application Schedule for Established Colorado Lawns," as the same may be amended from time to time, shall not be exceeded by more than 20%.
- 8.6.2 Nitrogen fertilizers may not be applied when grass is dormant.
- 8.6.3 Slow-release fertilizers, and products that reduce nitrate loss due to leaching, must be used.
 - 8.6.3.1 The following types of fertilizers shall not be used in the Zone; ammonium nitrate, ammonium sulfate, ammonium phosphate and urea.
 - 8.6.3.2 The following classes of fertilizers can be used in the Zone: slow release fertilizers such as sulfur-coated urea and ONCE; slowly soluble sources such as IBUD; ureaform reaction fertilizers such as Nitroform, FLUF, Nutralene, Methylene urea, Coron, N-Sure; and natural organic fertilizers such as Ringers, Sustaine and Milorganite.

8.7 PESTICIDES.

- 8.7.1 The term pesticide as used in these Rules and Regulations includes herbicides, fungicides, nematocides and rodenticides.

- 8.7.2 Use of leachable pesticides is prohibited within the Zone. The list of banned, leachable pesticides is presented in Attachment C to these Rules and Regulations, “Leachable Pesticides not Allowed in Groundwater Protection Zones.”
 - 8.7.3 Pesticides shall be applied in strict accordance with authorized uses, label directions and federal and state requirements. Pesticides used for chemigation (application through irrigation systems) must be approved and labeled as such.
 - 8.7.4 Owners shall ensure that contract services or employees who apply pesticides are properly certified and licensed in accordance with State of Colorado requirements.
 - 8.7.5 Chemigation systems must have backflow preventers installed to prevent backflow of pesticides into the system and well. If water from the public water system is used, it shall be put into a break holding tank before connection to the irrigation system.
 - 8.7.6 Pesticides formulated as dusts, wettable powders and fine sprays cannot be applied if sustained wind conditions exceed 5 miles per hour.
 - 8.7.7 Apply diluted rinse water from containers and application equipment to turf (without exceeding application rates specified on the label), rather than disposing into sewers or dumping out.
 - 8.7.8 If leftovers and rinse water cannot be applied to the land without exceeding safe application rates, clean equipment over a catchment basin to collect the runoff, and dispose of it by contracting with a licensed hazardous waste transporter.
 - 8.7.9 Dispose of banned or outdated pesticides only by contracting with a licensed hazardous waste transporter.
- 8.8 **OUTDOOR VEHICLE STORAGE AREAS, PARKING LOTS AND STREET RIGHTS OF WAY.**
- 8.8.1 **DUMPING.** The changing, dumping or spilling of septage wastes and motor vehicle fluids, such as, but not limited to anti-freeze, oils, fuels, engine and gasoline additives, in outdoor vehicle storage areas, parking lots and street rights of way is prohibited.
 - 8.8.2 **SCOPE.** The Rules and Regulations contained in this section are District requirements for the management and operation of golf courses, parks, green belts and commercial agricultural facilities which are located within the Zone. Attachment E to these Rules and Regulations, “Best Management Practices for Golf Courses, Parks, Green Belts, and Commercial Agricultural Activities,” contains State-recommended Best Management Practices (BMP) for the use of fertilizers and pesticides. Operators of golf courses, parks, green belts and commercial agricultural facilities which are located within the District are strongly urged to comply with these State-recommended BMPs.
 - 8.8.3 **EROSION AND RUNOFF CONTROL.** Erosion and runoff controls such as filter strips, sediment basins, and grassed waterways must be used, especially when creating new or renovating existing greens or lawn areas, to avoid surface runoff into drainages or storm sewers.

8.8.4 PESTICIDE AND FERTILIZER STORAGE AND MIXING AREAS.

- 8.8.4.1 Pesticides and liquid fertilizers shall be stored in aboveground tanks or containers with secondary containment which complies with Section 8.3, Potential for Groundwater Contamination.
- 8.8.4.2 Outdoor mixing and loading areas must be at least 100 feet away from, and not uphill of, any active or abandoned wells (including irrigation wells), streams or springs.
- 8.8.4.3 Indoor storage and mixing areas must be well-ventilated, clearly marked, kept separate from work areas, and not located near floor drains.
- 8.8.4.4 Spills shall be managed consistently with Article 9, Spills, Leaks, or Discharges.

8.9 ANIMAL BOARDING FACILITIES.

8.9.1 SETBACK REQUIREMENTS - LIVESTOCK AND HORSES. Setbacks from District wells from areas used for the confinement of animals, including but not limited to barns, corrals, arenas, paddocks, run pens, round pens, and associated parking areas shall be as follows:

Lot Size	Setback From A:	
	Monitoring Well	Production Well
2.3 to 4.49 acres	200 feet	200 feet
4.5 to 8.9 acres	250 feet	250 feet
9 to 34.9 acres	300 feet	300 feet
35 + acres	300 feet	300 feet

Temporary catch pens and loading chutes are exempt.

- 8.9.1.1 In agricultural and residential zone districts, as defined by the Douglas County Zoning Resolution, any manure accumulation shall be set back a minimum of 300 feet from any well, stream, or water body, including intermittent streams.
 - 8.9.1.2 Adequate drainage facilities or improvements shall be provided by the landowner and constructed to protect any adjacent land, stream, well, or water body from runoff containing contaminants, including, but not limited to, sediment or organic wastes.
- 8.9.2 ANIMAL WASTE. The following rules shall apply to all land on which more than three head of livestock or horses are permitted.
- 8.9.2.1 Animal waste shall not be allowed to contaminate or present a health hazard to ground water, surface water or surrounding lands. Animal waste shall either be hauled or spread as fertilizer pursuant to a District approved manure management plan defined in Section 8.9.3 hereof. Manure shall not be buried.
 - 8.9.2.2 Temporary storage of manure prior to disposition by spreading or hauling must be done on an impervious pad designed to capture all run-off waters into an

impervious catchment basin. In the alternative, facilities hauling or spreading manure may temporarily store manure in a covered and leak proof container. Such containers shall be inspected periodically for leaks.

8.9.2.3 Before any impervious pad for temporary manure storage is constructed, the design for such pad shall be submitted to the District for review and approval. Any impervious pad and/or drainage around the pad shall be designed to prevent surface run-off water outside the pad from flowing onto the pad or catchment basin.

8.9.2.4 Facilities for the temporary storage of manure shall not be allowed to accumulate manure for more than fifteen (15) days prior to removal. No more than five (5) cubic yards of manure shall be permitted to remain on-site at the conclusion of hauling or land spreading of manure. Hauling records, including, but not limited to haul dates and amounts hauled, must be submitted to the District within ten (10) days of District's written request.

8.9.3 **MANURE MANAGEMENT PLAN.** A manure management plan shall be submitted to the District for review and approval. Set forth below are the plan requirements for 1) facilities hauling manure off site; and 2) facilities spreading manure. Manure shall only be spread or land applied pursuant to a District approved manure management plan which specifically allows for manure spreading. Spreading locations shall only be permitted on areas in which vegetative groundcover is maintained and in compliance with applicable Douglas County regulations. An annually updated plan is required to be submitted to the District for review and approval by January 31 of each year.

1) Manure Management Plan for Facilities Hauling Manure:

- a) Estimate of the quantity (in cubic yards) of manure or compost generated including integral materials such as hay, bedding, amendment and stall materials to be produced each month;
- b) Describe how manure is managed and disposed of at the facility. Clearly identify any changes from the previous year's Manure Management Plan.
- c) Description of facilities for the temporary storage of manure. When an impervious pad is utilized, provide the pad composition, dimensions and square footage and the dimensions and volume of the catchment basin; When container storage is utilized, provide the container dimensions, volume, and method of covering the container to preclude snow and rainfall from entering the container;
- d) Name, address, and phone number of the hauler that will conduct the removal;
- e) Destination of the hauled material;
- f) Name, address and phone number of the hauler that will be pumping and removing run-off waters in the catchment basin;
- g) Destination of the catchment basin run-off; and
- h) Name, address, and phone number of the person at the facility directly responsible for oversight of and familiar with the hauling operations.

- 2) Manure Management Plan for Facilities Spreading or Land Applying Manure:
- a) Estimate of the quantity (in cubic yards) of manure or compost generated, including integral materials such as hay, bedding, amendment and stall materials to be produced each month;
 - b) Describe how manure is managed and disposed of at the facility. Clearly identify any changes from the previous year's Manure Management Plan.
 - c) Description of facilities for the temporary storage of manure. When an impervious pad is utilized, provide the pad composition, dimensions and square footage and the dimensions and volume of the catchment basin; When container storage is utilized, provide the container dimensions, volume, and method of covering the container to preclude snow and rainfall from entering the container;
 - d) Spreading locations, including setback distances from property boundaries, lakes and ponds, and permanent or intermittent streams and drainages;
 - e) Measures to prevent surface run-off of contaminants and manure;
 - f) Spreading rate calculations, including, but not limited to nitrogen and phosphorus analysis of the manure to be spread, and land application rates on the basis of pounds of nitrogen and phosphorus per acre;
 - g) The cover crop that will be used at the spreading sites, the nitrogen and phosphorus uptake rate of the cover crop, and the schedule for harvesting the cover crop;
 - h) The period of time during the calendar year (months and dates) that spreading or land application will be performed. An explanation or statement addressing manure management and storage when spreading or land application is not planned or possible;
 - i) Name, address and phone number of the hauler that will be pumping and removing run-off waters in the catchment basin (if pad storage is utilized);
 - j) Destination of the catchment basin run-off (if applicable); and
 - k) Name, address, and phone number of the person at the facility directly responsible for oversight of and familiarity with the manure management and spreading operations.

ARTICLE 9
SPIILLS, LEAKS OR DISCHARGES

- 9.1 **SPIILLS SHALL BE AVOIDED.** In the event of a spill, the spill shall be cleaned up immediately using approved methods.
- 9.2 Adequate supplies of absorbent materials to contain or clean up liquid spills shall be maintained on-site and at liquid storage and disposal containers.
- 9.3 A list of local emergency response agencies to be called in case of a major spill shall be posted directly outside every chemical storage area.
- 9.4 The District shall be contacted within 30 minutes of any spill exceeding 1 gallon in quantity.
- 9.5 Release response and corrective action shall also be performed in accordance with State requirements.

9.6 Do not flush spilled materials to sanitary or storm sewers.

**ARTICLE 10
COMMERCIAL FACILITY DESIGN**

10.1 FLOOR DRAINS.

10.1.1 FLOOR DRAINS IN SANITARY FACILITIES. Floor drains in sanitary facilities must discharge to the municipal sewer.

10.1.2 SPILL-PRONE AREAS. Berms should be used to isolate floor drains from spill-prone areas where hazardous materials are used.

10.1.3 USES PROHIBITING FLOOR DRAINS. Floor drains are not allowed in rooms which have boilers or emergency generators, dry cleaning establishments that clean on-site and in work areas where oils or other petroleum products may be used or generated.

10.2 FLOORS.

10.2.1 FLOOR SURFACES. Floor surfaces in work areas and chemical storage areas should be sealed with an impermeable material resistant to acids, caustics, solvents, oils, or any other substance which may be used or generated at the facility.

10.3 CHEMICAL STORAGE.

10.3.1 APPLICABLE REGULATIONS. The owners and operators of any commercial facility must comply with the most stringent requirements of the Uniform Fire Code, the Colorado Storage Tank Regulations, OSHA Regulation Standards - 29 CFR -1910, and the District requirements presented here.

10.3.2 GENERAL. Storage areas for liquid chemicals, petroleum products, cleaning compounds, hazardous substances and potential pollutants shall be stored and handled consistent with Section 8.5, Chemical Storage and Handling.

**ARTICLE 11
ROAD MAINTENANCE**

11.1 ROAD SALTS. Road de-icing chemicals such as, but not limited to, sodium chloride and potassium chloride shall not be used or stored in the Zone.

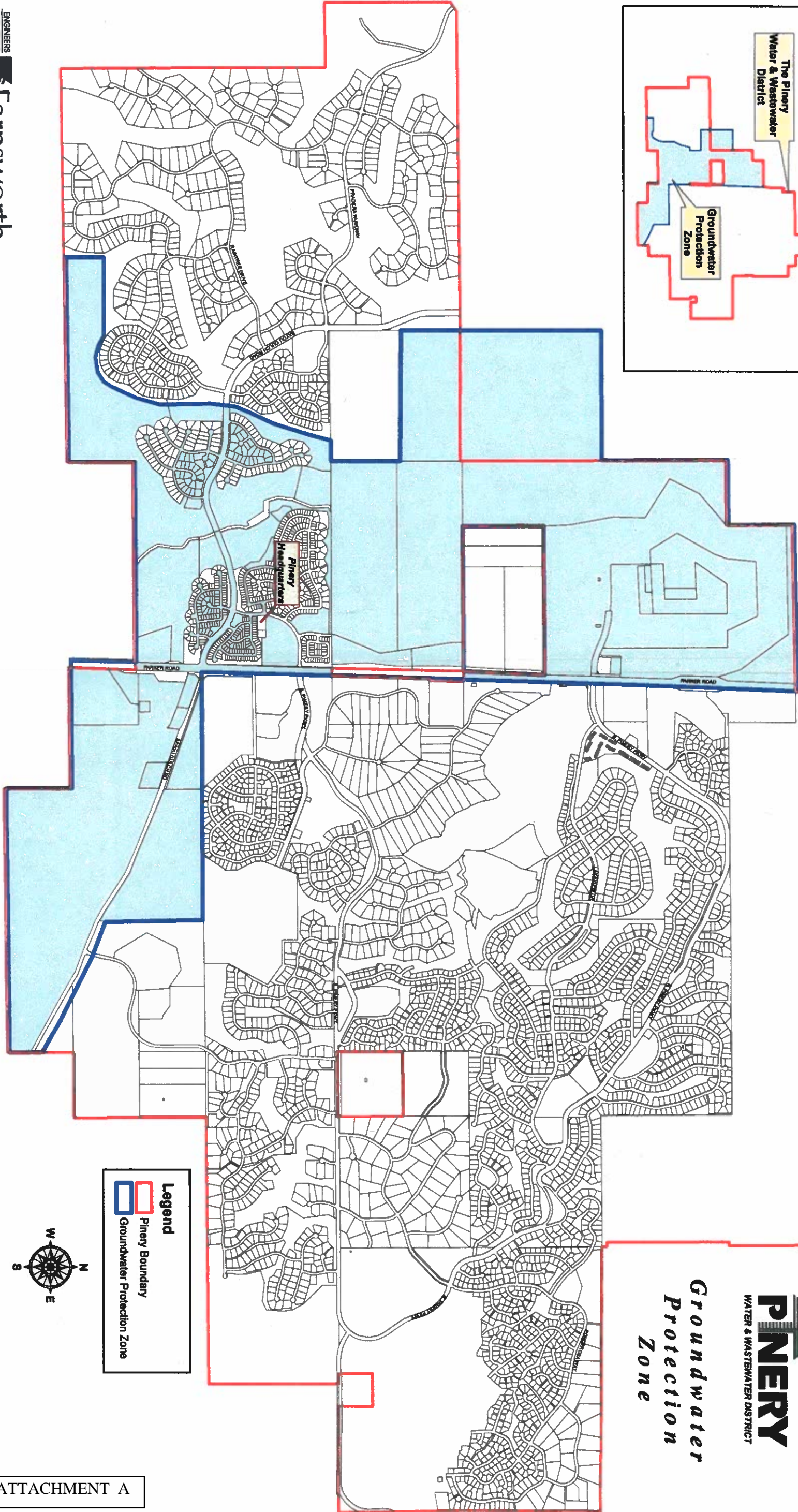
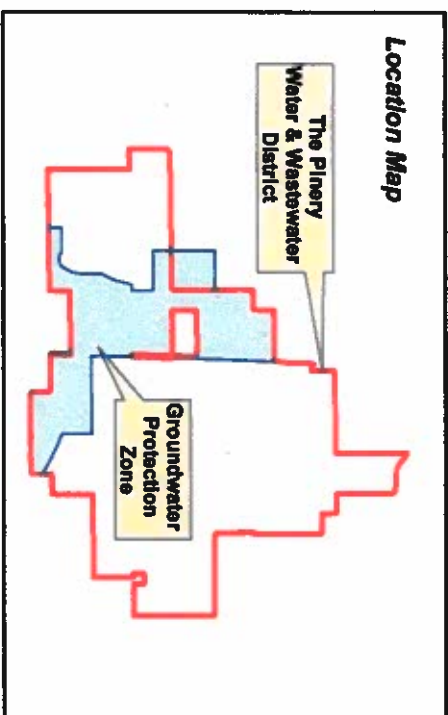
11.2 RIGHT-OF-WAY MAINTENANCE. Agricultural chemicals cannot be used to control weed growth in utility, road, or green way rights-of-way if mechanical methods of vegetation control, such as mowing, can be used to accomplish the same purpose.

11.3 STREET SWEEPING WASTES. The disposal of wastes from street sweeping activities is prohibited in the Zone.

ARTICLE 12
EXCESSIVE WATER USAGE

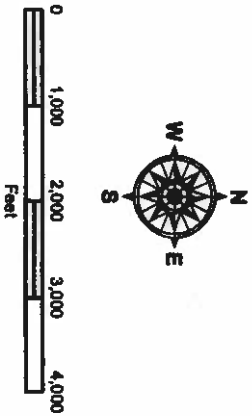
- 12.1 Excessive water application can promote the movement of contaminants away from the surface down into the alluvial aquifer and through surface runoff into the storm sewer system. Therefore, excessive water application is prohibited within the Zone.
- 12.2 It is prohibited to apply more than 1.5 inches of water during any 24 hour period.

Location Map



Legend

- Pinery Boundary
- Groundwater Protection Zone



PINERY
WATER & WASTEWATER DISTRICT

Groundwater Protection Zone

ATTACHMENT A

ATTACHMENT B

PLUGGING AND SEALING OF WELLS

District standards for plugging and sealing groundwater monitoring wells are based on Colorado State Engineers Office standards.

General—The plugging and sealing of all wells, monitoring and observation wells, monitoring and observation holes, and test holes, which are no longer intended to be used, is necessary to prevent contamination of groundwater and the migration of water through the unused borehole. It is the ultimate responsibility of the well owner to have a well properly plugged and sealed. Persons authorized to install pumping equipment may plug and seal wells which do not require the removal of casing from more than one aquifer or the ripping or perforating of casing opposite confining layers. All materials used for backfilling shall be clean and free from contaminants. The well casing shall be cut off 5 feet below land surface so that it will not interfere with the anticipated use of the land. The top 5 feet of the excavation shall be filled with materials which are not more permeable than the surrounding soils.

Unconfined Wells—Wells completed into unconfined aquifers shall be plugged and sealed by filling with clean sand or clean gravel to the static water level, then with cement or high solid bentonite grout to within 5 feet of the ground surface. The well casing shall be cut off 5 feet below land surface so that it will not interfere with the anticipated use of the land. The top 5 feet of the excavation shall be filled with materials which are not more permeable than the surrounding soils.

Cathodic protection holes, dewatering wells, horizontal drains, monitoring and observations holes, percolation holes, piezometer holes, sump pumps and test holes shall be plugged and sealed either pursuant to 5.2.5.2 or by removing all casing which was installed and by filling the hole(s) with cement or high solid bentonite grout to within 5 feet of the ground surface. The top 5 feet of the hole shall be sealed with materials which are not more permeable than the surrounding soils.

Confined Wells—Wells which were constructed through more than one aquifer shall be plugged and sealed by placing a grout plug at the confining layer above each aquifer. If records do not show that the casing opposite each confining layer has been grouted when originally installed, the casing shall be either completely removed from the hole, or perforated or ripped opposite such layer prior to placing the grout plug. No plug shall be less than 20 feet in length and shall be designed to withstand the maximum potential pressure differential between the aquifers. The well casing, except for the grout plug intervals, shall be completely filled with cement or high solid bentonite grout to within 5 feet of the ground surface. The top 5 feet of the hole shall be sealed with materials which are not more permeable than the surrounding soils.

ATTACHMENT C

GROUNDWATER MONITORING PROCEDURES

General

Individual ground-water sampling and analytical events yield results that provide an instantaneous picture of the hydrogeologic and chemical conditions at a monitoring site. When the results of successive events are compiled, they enable one to better understand the nature, extent, and degree of subsurface contamination (if present).

The methods and procedures presented here for collecting groundwater samples are based on the assumption that the alluvial groundwater is free of contaminants. In the event contamination is found in a groundwater monitoring well, these procedures may be modified. Modifications will be developed by the District as appropriate based on the nature and level of contamination present.

Details of the procedural steps to be followed during ground-water sampling are as follows:

- Sampling equipment setup, well inspection, and water-level measurements
- Well purging
- Sample collection
- Sample storage/transport
- Decontamination of sampling equipment

Sampling Equipment Setup, Well Inspection and Water-Level Measurement

Each sampling crew shall assemble the proper equipment to complete the sampling effort. The proper equipment includes a sample cooler(s) with sample containers, labels, chain-of-custody forms, ice, and a clean water-level measurement device.

The following steps are to be implemented for this phase:

- 1) The well number, date, pertinent observations (i.e., security issues), well condition, casing diameter, and field instrument identification will be recorded.
- 2) Depth to water, and total well depth will be recorded. All measurements will be made from a surveyed measuring point marked at the top of the 2-inch PVC casing. All equipment used downhole to obtain the water level and the total depth measurements will be thoroughly decontaminated before and after measurements are obtained using a potable water rinse.
- 3) Casing volume will be calculated and recorded. Casing volume for a 2-inch monitoring well will be calculated by first subtracting the static water level from the total depth of the well. This result is then multiplied by 0.2 to obtain the casing volume in gallons.
- 4) Field instruments will be calibrated against known standards. Field instrumentation will be used to monitor the following parameters: pH, temperature, conductance, and pH.

Well Purging

Groundwater monitoring wells will be purged and sampled with a GRUNDFOS Rediflo 2 Submersible pump or equivalent. The displacement of three casing volumes of water from the well prior to sampling is required. In instances where wells are low yielding, the well will be evacuated to dryness and then allowed to recover prior to sampling. All wells will be purged and sampled from the top of the water column. The submersible pump will be slowly lowered into the water column to a depth of two to three feet below the top of the water column and repositioned as necessary in response to water-level fluctuations during evacuation. Flow rate shall be adjusted so that no more than 5 feet of drawdown occurs during purging and sampling.

Water discharged from the well will be collected in a bucket marked in gallon increments. The following information will be recorded during well purging: field parameter values of pH, temperature, conductance, and Eh, time, approximate pumping rate, and purged volume removed. This information will be documented after each casing volume is removed. All purged water will be discharged to the surface at least 5 feet from the pumped well.

Sample Collection

Samples will be collected after three casing volumes have been removed from the well except in the case of wells that dewater before removal of three casing volumes. For these wells, samples will be collected after sufficient recharge has occurred to enable the collection of all the analytical parameters. Dewatered wells will be allowed to recover for a maximum of 24 hours before sampling. If sufficient recharge has not occurred in 24 hours, as many sample fractions as possible will be collected based on the following priority 1) organic fractions 2) inorganic fractions.

Sample labels and chain-of-custody documents will be prepared and finalized after sample collection is completed.

Samples will be collected directly from pump discharge lines at lower flow rates than the purging cycle. Samples will be collected at flow rates of approximately 0.1 gallons per minute (gpm). This lower flow rate avoids the agitation and possible degassing of the samples during collection. Samples will be collected based on the following priority 1) organic fractions 2) inorganic fractions. This prioritized order is formulated to collect the more volatile components and those subject to physical change (i.e. oxidation, degassing) before those components that are relatively stable.

In the case of samples requiring filtration, filtering will be accomplished using in-line filters. All samples requiring filtration will be filtered through a 0.45- μm filter. Flow rate may be adjusted upward slightly to induce flow through the filter apparatus.

After sample collection is completed, the groundwater monitoring well will be capped and locked. An entry will be made in the field logbook stating that the groundwater monitoring well was secured prior to departing the location.

Sample Storage and Transport

All sample bottles will be placed on ice immediately after collection. Sampling method, fractions collected, and the number of bottles will be recorded on the chain-of-custody forms and the field logbook.

The field team leader will complete the chain-of-custody record when relinquishing the samples. All samples will be shipped by overnight courier to the appropriate laboratory for analyses.

Decontamination and Management of Investigative-Derived Materials

All sampling equipment, will be thoroughly decontaminated at the well site prior to first use and between locations. All equipment will be cleaned with a solution of potable water and Liquinox followed by a potable water rinse. New, clean discharge tubing will be attached to the pump prior to first use and between locations.

The owner of the groundwater monitoring well may elect to purchase new tubing for each sampling event or dedicate tubing to each well. Discharge tubing may be dedicated to the well by removing the tubing after use and storing it in a new, clean plastic bag. The plastic bag will be labeled with the location identifier. Tubing will be stored in a clean, dry area between uses. This tubing may only be reused at the location where it has been dedicated. Dedicated tubing may be used for a period of 1 year after which it must be replaced.

To decontaminate the pump, the tubing will be removed and the pump will be submerged in a bucket containing a solution of potable water and Liquinox. The pump will then be submerged in a bucket of potable water and rinsed thoroughly. All decontamination water will be discharged to the surface at least 5 feet from the pumped well. All cleaned equipment will be wrapped and stored in clean plastic sheeting or bag for transport between monitoring well locations.

ATTACHMENT D

LEACHABLE PESTICIDES NOT ALLOWED IN GROUNDWATER PROTECTION ZONES

Use of leachable pesticides is prohibited within the Groundwater Protection Area. The list of prohibited, leachable pesticides is presented in below and may be amended from time to time by the District.

LIST OF LEACHABLE PESTICIDES:

Trade name	Common name
Weed B Gone	2,4-D, dimethylamine salt
Lasso	Alachlor
Aatrex	Atrazine
Quadris	Azoxystrobin
Hyvar	Bromacil
Furadan	Carbofuran
Dacthal	DCPA
Casoron	Dichlobenil
Imidacloprid 4F	Imidacloprid
Mecoprop dimethylamine salt	MCPP, DMA salt
Dual	Metolachlor
Sencor	Metribuzin
Solicam	Norflurazon
Vydate C-LV	Oxamyl
Tordon	Picloram, potassium salt
Princep	Simazine
Tebufenozide	Tebufenozide
Sinbar	Terbacil
Platinum	Thiamethoxam
Bayleton 50	Triadimefon

Source: Colorado State University Extension Service. June 2020. Table 1. *Best Management Practices for Agricultural Pesticide Use, Bulletin #XCM-177*

ATTACHMENT E

BEST MANAGEMENT PRACTICES FOR GOLF COURSES, PARKS, GREEN BELTS, AND COMMERCIAL AGRICULTURAL ACTIVITIES

Commercial Agricultural Facilities and Golf Courses

The Colorado Legislature addressed groundwater contamination by commercial agricultural facilities in 1990 by passing the Agricultural Chemicals and Groundwater Protection Act (SB 90-126). This act declares that the public policy of Colorado is to protect groundwater and the environment from impairment or degradation due to the improper use of agricultural chemicals, while allowing for their proper and correct use.

Rather than legislate overly restrictive measures on farmers and related industries, Colorado has elected to encourage the voluntary adoption of BMPs. These practices are intended to suit the agricultural chemical user's specific managerial constraints, while still meeting environmental quality goals.

The following summarizes the State-recommended BMPs for the use of fertilizers and pesticides. It is the intent of the DSSWSD to inform operators of commercial agricultural facilities and golf courses within the district of these BMPs.

Fertilizers

Fertilizer Management

1. Fertilizer application should be based on a soil test taken within the last 12 months. The type of crop or turf, as well as soil characteristics, should be taken into account.
2. Cool-season turf grasses should be fertilized in fall, winter and spring only; warm-season grasses in summer only. In areas with sandy and sandy loam soils, however, applying nitrogen fertilizers in the fall should be avoided. Most of the total nitrogen fertilizer load should be applied when the rate of nutrient uptake by the specific crop (and growth) is most rapid.
3. If automatic irrigation/fertilizer equipment is not used, fertilizers should be applied to moist soil and followed by sprinkling, at times when rainfall is not imminent.
4. Schedule irrigation according to crop needs and soil water depletion.
5. Erosion and runoff controls such as reduced application rates, filter strips, sediment basins, and grassed waterways should be used, especially when creating new or renovating existing greens.
6. Slow-release fertilizers, and products that slow the rate of conversion of ammonium to nitrate, can help reduce nitrate loss due to leaching.

Pesticides

The term pesticide can be used broadly to include herbicides, fungicides, nematocides and rodenticides.

Pesticides bind to and resist leaching from soils with high clay and organic content more readily than sandy soils. Some pesticides bind to soils tightly, while others are considered “leachers,” and have been found in groundwater and wells. Table 2 presents a list of leachable pesticides EPA has developed. Use of these pesticides is prohibited in the Groundwater Protection Zone by District Rules and Regulations.

TABLE 2
EPA’s List of Leachable Pesticides

Herbicides	Metribuzin (Lexone,	Dusulfoton (Di-Syston)
Acifluorfen (Blazer, Tackle)	Sencor)	Endrin (Various)
Alachlor (Lasso)	Pentachlorophenol	Ethylene dibromide
Atrazine (Aatrex, Purge)	Picloram (Tordon)	(Various)
Bromacil (Hyvar)	Propachlor (Ramrod)	Heptachlor (Various)
Butylate (Genate Plus,	Propazine (Gesomil,	Methomyl (Lannate,
Suntan +)	Milogard)	Nudrin)
Chloramben (Amiben)	Propham (Ban-Hoe, Chem-	Methoxychlor (Mariate)
Cyanazine (Bladex)	Hoe,	Oxamyl (Vydate L)
Cycloate (Ro-Neet)	Prophos)	Baygon (Propoxur)
2,4-D (Various)	Simazine (Princep,	
Dalapon (Dowpon M)	Aquazine Caliber)	Nematicides
DCPA (Dacthal)	2,4,5-T (Various)	Dibromochloropropane
Dicamba (Banvel)	Tebuthiuron (Spike)	1,2-Dichloropropane
3,5-Dichlorobenzoic acid		
Dinoseb (Premerge, Dinitro,	Insecticides	Fungicides
General Weed Killer,	Aldicarb (Temik)	Chlorothalonil (Bravo,
Others)	Carbaryl (Sevin)	Daconil)
Diphenamid (Enide)	Carbofuran (Furadan)	Carboxin (Vitavax,
Diuron (Karmex)	Chlordane (Various)	Evershield V)
Fluometuron (Cotoran)	Diazinon (Diazinon,	
Metolachlor (Dual)	Spectracide,	
	Knox-Out)	
	Dieldrin	

Source: North Carolina Agricultural Extension Service. 1988. *Pesticides and Water Quality, Fact Sheet No. 10: Protecting Ground Water from Contamination by Pesticides*. North Carolina State University Water Quality Group. Raleigh, NC.

Pesticide Management

1. Pesticides must be registered at the federal, state, and local levels. Users of restricted-use pesticides must be certified. All large scale users should be familiar with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) the Clean Water Act, and the Safe Drinking Water Act (SDWA).

2. Apply pesticides in strict accordance with authorized uses, label directions and federal and state requirements. Pesticides used for chemigation (application through irrigation systems) must be approved and labeled as such. Owners should ensure that employees who apply pesticides are properly trained.
3. Substitute less leachable pesticides (see Table 2) wherever appropriate, especially in areas with sandy soil. Use the least toxic and least persistent chemicals in the smallest amount necessary to control the specific pests identified onsite. When possible, use contact pesticides that do not have to be worked into the soil.
4. Inspect, maintain, and calibrate application equipment on a regular basis to ensure the intended rate of application.
5. Pesticide application should be uniform over the crop area. Avoid overlapping.
6. Chemigation systems must have check valves installed to prevent backflow of pesticides into the system and well. Maintenance checklists should include: the setting and function of relief and check valves, water leaks in the system, operation of the anti-siphon system, and clogged nozzles. If water from the public water system is used, it shall be put into a holding tank before connection to the irrigation system.
7. Purchase and mix only enough chemical to meet application needs. Use mini-bulk or refillable containers wherever possible to minimize container disposal.
8. Use the least amount of water necessary to apply pesticides when chemigating. Do not chemigate when irrigation is intended. New irrigation systems should be designed to use less water than used in previous systems. Over-application leads to runoff, backflow and increased leaching.
9. Use integrated pest management (IPM) practices that incorporate chemical, biological, and cultural control methods to avoid unnecessary pesticide use, such as:
 - Match soil and other conditions in your area with the best-suited crop or turf grass
 - Prepare soil by adjusting pH for the cultivate or type of grass
 - Select crops and varieties that are resistant to pest pressures
 - Monitor predator and pest populations
 - Mow only when plants are dry, removing only 1/3 of the grass height at one time
 - Use verticutting to decrease thatch and aid growth in stolon-forming grasses
 - Aerify to reduce moisture around plant crowns and leaves
 - Apply soil or sand as a top-dressing to level turf, break down thatch, and fill aerification holes
 - Identify, diagnose and monitor insects, weeds and diseases
 - On the basis of accurate pest identification, use only those pesticides needed
10. Consider pesticide formulation: wettable powders and microgranules are most susceptible to runoff, while dusts, wettable powders and fine sprays are prone to loss by drifting. Granules, pellets and emulsions can reduce losses due to volatilization and drift.
11. Use erosion and runoff controls such as filter strips, sediment basins, and grassed waterways, especially when creating new or renovating existing fields.
12. Calculate pesticide needs. Buy only one season's supply and use all of a mixed batch.
13. Apply diluted rinsewater from containers and application equipment to turf (without exceeding application rates specified on the label), rather than disposing into sewers or dumping out. Triple-rinsing before the chemical has dried is recommended. Designs for a reserve water tank that can be mounted and plumbed onto a sprayer are available.

14. If leftovers and rinsewater cannot be applied to the land without exceeding safe application rates, clean equipment over a catchment basin to collect the runoff, and dispose of it by contracting with a licensed hazardous waste transporter.
15. Dispose of banned or outdated pesticides only by contracting with a licensed hazardous waste transporter.

Pesticide and Fertilizer Storage and Mixing Areas

1. Pesticides should be stored in aboveground tanks or containers located on a coated concrete pad or other impervious surface kept free of cracks.
2. Outdoor storage areas should have a permanent roof to keep sunlight and rainwater out.
3. Outdoor storage areas should have secondary containment such as a curb, berm or dike, large enough to hold any spills or leaks at 110 percent of the total volume of the containers or 110 percent of the volume of the largest container, whichever is greater.
4. Outdoor mixing and loading areas must be at least 100 feet away from, and not uphill of, any active or abandoned wells (including irrigation wells), streams or springs.
5. Mixing areas should preferably be located indoors.
6. Indoor storage and mixing areas should be well-ventilated, clearly marked, kept separate from work areas, and not located near floor drains.
7. Floor drains in any indoor storage and mixing area should be connected to a holding tank, not a sewer or septic system. When holding tanks are emptied, the wastes must be disposed of by a licensed hazardous waste transporter.
8. Spills must be promptly cleaned up using approved methods. Do not flush spilled pesticides to sanitary sewers or septic systems.

Pesticide Container Disposal

1. Surplus pesticides (if not outdated or banned) and container rinsewater can be diluted and applied to turf areas or fringe plantings as needed. Do not exceed recommended application rates, and follow all label instructions.
2. Empty pesticide containers that have been cleaned in accordance with hazardous waste regulations and label instructions can be disposed of in landfills. Containers that held "acutely hazardous waste" should be removed by a hazardous waste hauler. Pesticide containers should never be buried or burned.
3. Containers that have been triple-rinsed with water, oil, or solvent, as specified by the labeling, and paper bags that have been shaken to remove as much waste as possible or have had the liner removed, are generally considered clean. Containers should be punctured at both ends (to ensure complete draining) and crushed.
4. Where available, large reuseable containers that can be returned to the dealer for refill, rather than disposable containers should be used.