

ARTICLE 5

SERVICE APPLICATIONS AND PERMITS

5-1 PERMIT REQUIRED; APPLICATION: No person shall cause or permit any connection to any District facility without first obtaining a Tap Permit therefor as provided in this Article 5. Any person who desires to obtain new service to property, or expand the sewer service to the property within the District shall make written application therefor at the City of Englewood Department of Utilities upon such forms as may be prescribed and furnished by the District.

(Cross reference: 3-6-1 Unauthorized Connection; 8-1-3 Unauthorized Connection)

5-2 APPROVAL STANDARDS; REVOCATION:

5-2-1 Approval Standards. Upon a determination that all of the following conditions exist or have been met with respect to the application, the District shall issue its Tap Permit for the service requested:

5-2-1.1 The written application is accurate, complete, and proper as to form.
(Cross reference: 8-1-15 False Official Statement; Report;)

5-2-1.2 The person making application is either the Property Owner or his/her authorized agent.

5-2-1.3 All applicable fees imposed by or through the District have been paid at the time of application.
(Cross reference: 7-2 TAP FEES)

5-2-1.4 The property proposed for service is within the legal boundaries of the District.

5-2-1.5 The Main on which the Tap will be made has been accepted by the District and approved for use by all other governmental entities and agencies having jurisdiction.

5-2-1.6 The District System, the Big Dry Creek Interceptor, and the Treatment Plant are adequate to serve the proposed Tap.

5-2-1.7 The Tap applied for is available under any current Tap Allocation program.(Cross reference: 5-9 TAP ALLOCATIONS)

5-2-2 Conformity with District Standards. Notwithstanding any other provision of these Rules and Regulations to the contrary, the District may withhold permits or approvals for service from any facilities, private or public, which do not conform to District Rules and Regulations, including incorporated provisions.

5-2-3 Revocation. The District may revoke any Tap Permit, before or after the Tap is activated, upon a determination that the application therefor contained false or inaccurate information and, but for such misinformation, the application would have been denied when made.

(Cross reference: 3-4-1 Suspension/Termination; 8-1-15 False Official Statement; Report

5-3 EXPIRATION; REFUNDS: Obtaining a Tap Permit from the District does not obligate the Property Owner to activate the Tap, but such Permit shall expire and be of no further force or effect if the Tap is not activated within one year from the date issued.

5-3-1 If the Property Owner wishes to continue ownership of the Tap without activating it beyond the one year activation period, the applicant shall so notify the District in writing prior to the expiration of the one year activation period, and shall thereupon be registered as the owner of such Tap and shall pay an amount equal to the District's minimum annual service charge as the same may be determined on an annual basis. Such service charge will be billed and collected by Englewood on the District's behalf as if the Tap had been activated, and shall continue until the Property Owner activates the Tap or gives up ownership of the Tap. Such service charges paid are not refundable if the Tap is not activated.

5-3-2 In the event that no Service Connection is approved or made on property for which a Tap Fee has been paid, the District, at its discretion, may refund said fee without interest. Any refund may be granted upon application of the Property Owner and the District shall not be responsible for any agreement between the Property Owner and any other party purporting to have paid the Tap Fee or having any rights in relation to the disposition of any tap refund.

5-4 NON-TRANSFERABILITY OF TAP PERMIT OR TAP FEE: Each Tap Permit applies only to the Permitted Premises identified thereon, and is not deemed in any sense to be real or personal property. No Tap Permit or Tap Fee may be transferred from one premises to another without the approval of the District, but a Tap Permit shall be deemed to follow any transfer or sale of the fee ownership of the Permitted Premises.

- 5-5 MULTIPLE USE OF TAP PROHIBITED:** Not more than one separately described parcel of land shall be served by any single Tap, but this provision shall not be construed to require owners of separate condominium units within any one building or group of buildings in the same condominium development to obtain their own separate Taps if the Tap for the entire building or project is of adequate size and is in the name of the home owners' association. Each separate building in a common interest community or other planned unit development shall have a separate Tap and Service Line.
(Cross Reference: 3-12-1 Unauthorized Connection).
- 5-6 INSTALLATION STANDARDS:** The Property Owner shall make the Tap at his/her sole cost, subject to all requirements of Parts B and C of Article 9, and subject further to the following:
- 5-6-1 Inspection.** No Tap shall be activated until the service connection has been inspected and approved by the District. Property Owner shall notify the District and shall set a time for the District's inspection of the service connection not less than 48 hours before any wastewater is discharged through the service line.
(Cross reference: 9B-1-6 Inspections)
- 5-6-2 Record Drawing.** The Property Owner shall supply the District with a record drawing conforming to the District's standards on electronic media compatible with the District records within two weeks after the Tap has been completed showing the location of the Tap and the service line.
(Cross reference: 2-21 RECORD DRAWINGS)
- 5-6-3 Cure of Defects.** The Property Owner shall, at his/her sole cost and subject to Part B, Article 9, correct, repair or replace any part or parts of any work performed during installation of a Tap which the District reasonably determines were not constructed in conformity with these Rules and Regulations, approved plans, construction notes or specifications, or which the District determined to be defective, of poor or unworkmanlike quality, or otherwise not in conformity with any applicable warranty. Cure of defects by Property Owner shall be administered and enforced under the Rules set forth in Sections 7-8 and 9B-4.
- 5-7 TAP SIZING, SINGLE FAMILY EQUIVALENTS (SFE):** The size of the Tap and/or number of SFE's calculated for the Tap shall be determined in accordance with Appendix 3 hereto. Any increase in the size of the Tap or the number of SFEs calculated for the tap shall obligate the Property Owner to pay additional Tap Fees to the District for the increase in size or increase in the number of SFE's based upon current Tap Fees at the time of such

increase. No adjustment shall be made for a decrease in the size or decrease in the number of SFEs of any Tap. (Cross reference: 7-2 TAP FEES)

5-8 VOLUNTARY DISCONNECTION/ABANDONMENT: Any Property Owner desiring to have sewer service permanently disconnected shall notify the District a minimum of 48 hours in advance of the date of disconnection. Property Owner shall, at his/her sole cost, uncover the Service Line at the location determined by the District and install a plug. If a sewer tap is abandoned without notification as required hereunder, the District shall cause a plug to be installed, thereby effecting a permanent disconnection. Disconnection of service by this means shall not be deemed completed until the District has inspected and approved the plug. All work done pursuant to this Section shall be at the Property Owner's sole cost, subject to the provisions of Part B, Article 9. From and after the effective date of disconnection, the District shall not assess any service charges for the property so disconnected, but this shall not relieve the property from liability for periodic service charges from Englewood, nor shall it limit the District's right to levy taxes against the property. Any reinstatement of a service disconnected pursuant to this Section shall be treated as an application for new service, and no credit shall be allowed for any Tap Fee previously paid.

5-9 TAP ALLOCATIONS: The issuance of taps may be restricted from time to time due to limited capacity in District Facilities or as a result of provisions imposed by Englewood or other authority upon the District. During any period of such restrictions, taps shall be allocated and sold within the District on a first come, first served basis.

5-10 SWIMMING POOL PERMIT:

5-10-1 Permit Required for Community Swimming Pools. Community swimming pools are swimming pools associated with multifamily residential housing developments, parks, schools, recreation centers, health/athletic clubs, country clubs, churches, etc. that are not single-family-residential. Any Property Owner of property upon which is located a community swimming pool who desires to use the District System to carry swimming pool filter effluent shall make written application for a Swimming Pool Permit at the office of the District's Consulting Engineers upon such forms as may be prescribed and furnished by the District. No person shall connect or permit to be connected any filter backwash system or swimming pool drain for a pool located on the property of a single family residential home, nor shall any discharge of any kind or nature from such a swimming pool be permitted to enter the District System.

(Cross-reference: 7-6 SWIMMING POOL PERMIT FEES; 8-1-15 False Official Statement; Report; 9A-5 SWIMMING POOLS)

5-10-2 Plan Review. The plans for any connection to the District System and a filter backwash operating plan must be reviewed and approved by the District's consulting engineer, and the plan review fees paid, prior to issuance of the permit and prior to making the physical connection. The connection of the filter backwash system may be a separate tap on the main, or may be connected to the service line of an existing tap for the property.

5-10-3 General Conditions. The District may impose such reasonable restrictions as to frequency, times, volume and rate of swimming pool discharge as may be appropriate to reduce the risk of surcharge, relieve capacity limitations, or avoid other potential problems which may result from the entry of Swimming Pool Discharge into the District System.
(Cross reference: 3-12-2 Unauthorized Use or Discharge)

5-10-4 Mechanical Controls. The District may further require Property Owner, at his/her sole cost and subject to the provisions of Part B of Article 9, to install such equipment as the District may reasonably prescribe to ensure compliance with the general conditions of the Permit. Such equipment shall not be modified, altered, removed or bypassed without the express written consent of the District.
(Cross reference: 3-12-6 Tampering)

5-10-5 Revocation. The restrictions and requirements of Sections 5-10-2 and 5-10-3 shall be conditions of the Swimming Pool Permit, and a breach or violation of any of the same shall constitute cause for revocation thereof. The District shall afford the Property Owner notice and an opportunity to be heard before revoking any Swimming Pool Permit. Upon revocation of any such permit, the Property Owner shall, at his/her sole expense, immediately cause the swimming pool facilities to be physically severed and disconnected so that no Swimming Pool Discharge can enter the District System. Failure to comply with this requirement shall constitute cause for suspension or termination of all sewer service to the property in accordance with Section 3-4.

5-11 EXTRA-TERRITORIAL SERVICE: Provided that services outside the District shall in no way cause any limitation of the availability of services within the District, nothing in these Rules and Regulations shall prohibit the District from providing services outside its legal boundaries under such terms and conditions as the Board may determine, subject to the limitations set forth in Section 1-11 and this Section. All tap and service fee charges for extra-territorial services will be assessed with an additional 25% charge above current fees charged within the District. Any such service shall be rendered only by written permit, lease or contract approved by the Board, and no oral statement and no course of dealing or action on the part of the District shall create an express or implied contract or obligation for such

service. No written permit, lease or contract for extra-territorial services, or the services rendered pursuant thereto, shall be construed to impose upon the District any obligation to provide other service outside of its legal boundaries, nor shall the existence of such contract or the services rendered in connection therewith constitute an offer by the District to serve outside of its boundaries generally. A person, entity, association, corporation, municipality or quasi-municipal corporation whose sewer system or line connects with or discharges into the District System or any facility owned or operated by the District, and the situs of which is located outside the legal boundaries of the District, shall be referred to as an Outside Connector.

(Cross reference: 1-11 SERVICE OUTSIDE THE DISTRICT; 7-15 BIG DRY CREEK INTERCEPTOR TRANSMISSION FEE)

5-11-1 The Big Dry Creek Interceptor. The Big Dry Creek Interceptor (“Interceptor”) is an outfall line built by the District consisting of the V, W and Z lines between Orchard Road and the Treatment Plant. The relationship between the District and each person, association, corporation, municipality or quasi-municipal corporation connecting to the Interceptor falls into one of the categories set forth in Section 5-11-2 below. Each connection is subject to these Rules and Regulations and any amendments thereto, which are hereby declared to be and shall be deemed part of any permit, lease, license or contract authorizing connection to the Interceptor.

5-11-2 Types of Connections.

5-11-2.1 Fixed Capacity Connections. A written agreement allocating to an Outside Connector a specific capacity in District Facilities, or any portion thereof, expressed in millions of gallons per day, based upon peak flows.

5-11-2.2 Licensed Connections. Any connection whereby an Outside Connector is permitted to connect to the District System or Facilities without a fixed capacity allocation.

5-11-2.3 Unauthorized Connections. Any connection which is made without the consent of the District.

5-11-3 Connection Criteria. The District is under no obligation to permit connection to the Interceptor or any other District Facilities, and may do so at the sole discretion of the Board only if the following conditions are met:

5-11-3.1 Surplus Capacity. Surplus capacity exists which feasibly and reasonably allows the District to allocate such capacity to an

Outside Connector without impairing the ability of the District to serve users within the District's legal boundaries.

5-11-3.2 Compensation to District. Contractual obligations are undertaken by the prospective Outside Connector to pay to the District, upon terms acceptable to the Board, the value of the capacity entitlement allocated to such prospective Outside Connector.

5-11-3.3 Charges Assessed for Costs of Owning and Maintaining the System. The prospective Outside Connector agrees to pay a share, determined by the Board, for the costs of operating and maintaining the facilities to which connection is made.

5-11-3.4 Disconnect. The prospective Outside Connector agrees to disconnect upon reasonable notice by the District should the capacity be needed by the District, pay all costs involved with the disconnect, and hold the District harmless for any injuries the prospective Outside Connector sustains as a result of the disconnect.

5-12 **INDUSTRIAL USERS:** Industrial users, as defined in the Code of Federal Regulations, are required to supply information and to submit to various inspections, testing and monitoring in accordance with Englewood's Wastewater Utility Ordinance and the Treatment Plant's NPDES Permit and Colorado Discharge Permit, as well as all other applicable federal, state and local rules and regulations pertaining to the discharge, transmission and treatment of wastewater.
(Cross reference: 1-9 CONNECTION TO OTHER SYSTEMS AND INCORPORATION OF STANDARDS BY REFERENCE)

5-12-1 The requirements applicable to a particular industrial user may be obtained from Englewood's Department of Utilities, and any permits, licenses, monitoring programs and pretreatment standards will be issued and implemented by Englewood and/or the Treatment Plant Administration. While the District does have enforcement responsibilities in regard to industrial users, it is not directly involved in any permitting or monitoring process, and does not determine or apply pretreatment standards as to any industrial user. Inquiries should be directed to the Englewood Department of Utilities.

5-12-2 If, as a result of any requirement of Englewood, the Treatment Plant, or other authority, any industrial user is directed to install or place any effluent monitoring device or equipment in, upon, or in close proximity to any District facility, it shall be the responsibility of the industrial user **and** the authority requiring or supervising the monitoring, to notify the District prior to such installation or placement, and to comply with the directives and requirements of the District's Consulting Engineer concerning the installation or placement of any such required device or equipment.

5-13 NO JOINING OF TAPS: Each Tap is a separate permit for use, and no user may or shall allow any Taps to be joined, interconnected or manifolded together.