

RULES AND REGULATIONS

ADOPTED APRIL 23, 1991

With Amendments through July 1, 2005

**CENTENNIAL
WATER AND SANITATION DISTRICT
62 WEST PLAZA DRIVE
HIGHLANDS RANCH, COLORADO 80129**

CENTENNIAL WATER AND SANITATION DISTRICT

WATER AND SANITARY SEWER RULES AND REGULATIONS

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ARTICLE I

GENERAL

Section 1.1 Enactment

These Rules and Regulations are adopted by the Board of Directors of the Centennial Water and Sanitation District in accordance with the authority contained in Title 32, Article I, Part 10, C.R.S.

Section 1.2 Availability of Service

Water and sanitary sewer service shall be available in accordance with these Rules and Regulations and on the basis of the charges established therefore and subject to all penalties and charges for violation thereof, or any statutes applicable and subject to the availability of facilities and capacity.

Section 1.3 Intergovernmental Agreements

Centennial will only provide service to political subdivisions of the State of Colorado pursuant to intergovernmental agreements. Those agreements shall specifically incorporate these Rules and Regulations. In addition, any Customer served pursuant to an intergovernmental agreement shall adopt Rules and Regulations at least as strict as these Rules and Regulations and the Rules and Regulations adopted by Highlands Ranch Metropolitan District No. 1, No. 2, No. 3, No. 4, or No. 5.

Section 1.4 More Restrictive Rules and Regulations

Notwithstanding any other provision of these Rules and Regulations, the Rules and Regulations of any political subdivision receiving service from Centennial, to the extent they are more restrictive, shall apply.

Section 1.5 Compliance with Plumbing or Building Requirements

Nothing herein provided shall be deemed to relieve any Person from compliance with the plumbing code or building code of Douglas County or any other state or local plumbing or building requirements.

Section 1.6 Amendments

These Rules and Regulations may be amended from time to time in the same manner as the Rules and Regulations herein were adopted.

Section 1.7 Severability

If any section, subsection, sentence, clause or phrase of these Rules and Regulations if for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of these Rules and Regulations.

Section 1.8 Control and Operation of Facilities

All water and sanitary sewer facilities shall be under the management of the General Manager and the control of the Board.

No other Person shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of Centennial's facilities.

Section 1.9 Control of Works

If, for any reason, Centennial deems it necessary to delay or stop work on any water or sanitary sewer facilities to be connected to Centennial facilities, a stop order by the General Manager shall be issued and delivered to the Customer or Person or their representative on the job. Work shall cease in an orderly manner with proper safety measure and protection for materials, equipment, property and other phases of the job. Work shall not be resumed until issuance of a proceed order. Such decision shall not be the basis of any claim by the Customer or Person or concern for direct, indirect, consequential or other damage by reason of any such action, but may be appealed to the Board for review.

Section 1.10 Other Charges

Not Used

SECTION 1.11 Special Conditions

Not Used

ARTICLE II

DEFINITIONS

Unless the context indicates otherwise, the meaning of the terms used herein shall be as follows:

Act or The Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

Beneficial Use: The use of that amount of water that is reasonable and appropriate under efficient practices to accomplish without waste the purpose for which water is intended.

Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure over a period of five (5) days at 20 degrees centigrade, expressed in terms of milligrams per liter (mg/l).

Board: The Board of Directors of Centennial Water and Sanitation District.

Categorical Standards: National Categorical Pretreatment Standards or Pretreatment Standards as promulgated from time to time by the United States Environmental Protection Agency.

Centennial: Centennial Water and Sanitation District.

Colorado Discharge Permit System (CDPS): The permit issued by the State of Colorado pursuant to the Clean Water Act and the Water Quality Control Act.

Contractor: Any person, firm, association, corporation or agency performing work or furnishing materials to or for Centennial, directly or indirectly.

Cross Connection: Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or water of questionable safety, through which or because of which backflow or back-siphonage may occur which would contaminate the potable water system.

Customer: Any person, firm, corporation, association or agency who is authorized, or who desires, to obtain services from Centennial.

District Engineer: Person authorized by the District to act as its engineer.

Domestic Service: Service to and for facilities for human comfort and convenience for normal household or residential varieties.

Domestic Sewage: Sewage which can be treated without pretreatment and within normal operating procedures; which does not contain pollutants that pass through or interfere with the POTW; which, when analyzed, shows, by weight, a daily average of not more than 300 parts per million of suspended solids and not more than 250 parts per million BOD; and which does not contain any

other constituents above levels normally found in solely residential wastewater, as determined by the General Manager.

Engineer: A duly qualified, Registered Engineer in the State of Colorado.

Environmental Protection Agency, or EPA: The U.S. Environmental Protection Agency, or where appropriate, the administrator or other duly authorized official of said agency.

Facility: Any building, equipment, pipe, valve, manhole or other appurtenance owned, operated or maintained by Centennial to provide water or sewer service.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

General Manager: The person designated as General Manager by the Board, who administers and supervises the affairs of and operations and maintenance of facilities of the District or the person authorized by the Board or the General Manager to act on his or her behalf.

Industrial Wastewater Discharge Permit: A permit issued by Centennial allowing the conditional discharge of industrial wastewater into Centennial's POTW or POTW connected to Centennial, pursuant to 40 C.F.R. 403 of the "Act".

Industrial Waste Treatment Plant or Facility: Any works or devices for the pretreatment of industrial sewage prior to its discharge to the POTW.

Industrial User: A source or potential source of nondomestic sewage which is discharged into the POTW may interfere with, pass through or be otherwise incompatible with the POTW.

Inspector: The authorized representative of Centennial.

Interference: The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of Centennial's CDPS and NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Local Limits: Any regulation containing pollution discharge limits promulgated by Centennial in accordance with 40 C.F.R. 405.5(c) and (d), which are deemed to be enforceable as Pretreatment Standards in accordance with Section 307 (d) of the Act.

NPDES Permit: The National Pollution Discharge Elimination Systems permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New Source:

1. Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or,
 - b. The building, structure, facility or installation totally replaced the process or production equipment that causes the discharge of pollutants at an existing source; or,
 - c. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 1.b. or 1.c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or,
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for this placement, assembly, or installation of new source facilities or equipment; or,
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nondomestic Service: Service which is not domestic service.

Nondomestic Sewage: Sewage which is not domestic sewage.

Owner: Any person, firm, corporation, association or agency who holds title to any real property or building served by Centennial.

Pass Through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit: Shall mean an industrial Wastewater Discharge Permit.

Person: Any individual, firm, company, association, society, corporation, group, government, governmental agency or other legal entity.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Potable Water: That water furnished by Centennial which is pure, wholesome, potable and does not endanger the lives or health of human beings and which conforms to requirements of the Safe Drinking Water Act or any other applicable standards.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing pollutants into a POTW.

Pretreatment Standard: The National Categorical Pretreatment Standard Regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317).

Pretreatment Standards and Requirements: The pretreatment standards and substantive or procedural requirements established under the Clean Water Act, the State of Colorado Water Quality Act, and any specific prohibitions of limits or pollutants and procedures to enforce compliance therewith adopted by the District.

Prohibitive Discharge Standards: The National Prohibitive Discharge Standard or regulations developed under the authority of Section 307 (b) of the Act of 40 C.F.R., Section 403.5.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Act (33 U.S.C. 1291) which is owned by Centennial. This includes any sewers that convey

wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of these Rules and Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons, outside Centennial who are, by contract or agreement with Centennial, users of the Centennial POTW.

Sanitary Sewage: Any combination of liquid and water-carried wastes from residences or nondomestic sources.

Public Sewer: A sewer which is controlled and maintained by a public authority.

Sanitary Sewer: A sewer which carries liquid and water-carried wastes from residences or nondomestic sources.

Security Deposit: Any monies required to be deposited with Centennial District for the purpose or guaranteeing payment of utility bills rendered for water or sanitary sewer service.

Service Lateral: The sanitary sewer line from the connection on Centennial's main sanitary sewer to the improvements of the Customer.

Sewer Main: The principal sewer to which lateral sewers are tributary.

Significant Industrial User or SIU: All categorical industrial users, as listed in the Colorado Department of Health Pretreatment Regulations, or any industrial user that discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling and boiler blowdown wastewaters), or contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD TSS, etc.) capacity of the POTW, or has a reasonable potential, in the opinion of the General manager, to adversely affect the POTW or any portion thereof (inhibition, pass-through or pollutants, sludge contamination, or endangerment of POTW workers).

Standard Specifications: The Water and Sanitary Sewer Standards Specifications for Highlands Ranch Metropolitan District No. 1, No. 2, No. 3, No. 4, and No. 5 as adopted and amended from time to time.

Storm Sewer: A sewer for conveying water, groundwater, subsurface water or water from any source other than a sanitary sewer.

Surcharge: Any charge imposed by Centennial for the provision of a special service not normally provided by Centennial.

Suspended Solids: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Tap Fee: A charge imposed by Centennial for obtaining water and sanitary sewer service from Centennial.

Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations

promulgated by the Administrator of the Environmental Protection Agency under Section 307 (a) of the Clean Water Act or other acts.

Treatment Plant: That portion of the POTW or any portion thereof designed to provide treatment of wastewater.

User: Any Person who contributes, causes or permits the contribution of wastewater into the POTW or any portion thereof.

Wastewater: The liquid and water-carried domestic or nondomestic wastes together with pollutants which may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

Wastewater Facilities: The structure, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Water Distribution Main: The principal water conveying conduit owned by Centennial.

Water Distribution System: Individually or collectively, any water facility or facilities owned by Centennial. Water Distribution systems shall include all fire hydrants.

Water Quality Control Act: The Colorado Water Quality Control Act C.R.S. 1973, 25-8-101 et seq.

Water Service Line: That portion of the water system from the distribution main to the point of connection within the building.

Water Treatment Works: An arrangement of devices and structures used to produce potable water.

ARTICLE III

APPLICATION OF A SERVICE OUTSIDE THE DISTRICT

Section 3.1 General

Not Used.

ARTICLE IV

CONSTRUCTION OF WATER DISTRIBUTION AND
SANITARY SEWER FACILITIES

Section 4.1 General

Not Used.

Section 4.2 Extension and Sizing of Facilities

Any connection to Centennial's facilities shall be approved by Centennial. It shall be the Customer's responsibility to provide at the Customer's sole cost, any water or sanitary sewer line not built or to be built by Centennial as shown in the most current edition of the "Facilities Plan for Centennial Water and Sanitation District".

All connections shall be built in strict accordance with the most current edition of the Water and Sanitary Sewer Specifications or any similar Standard Specification adopted by any successor entities.

Section 4.3 Acceptance of Facilities

Not Used.

Section 4.4 Inspection

Not Used.

ARTICLE V

WATER SERVICE

Section 5.1 Water Use

The right to take and use water from any source supplied by the Centennial is only by permission and Centennial reserves the full right to determine all matters in connection with the control and use of water. Water shall be used only for beneficial purposes.

No water User in or upon any premises to which water is supplied shall supply water to any other Person without the approval of the General Manager.

Nothing contained herein shall operate to create any vested or proprietary right whatsoever, but any right hereunder shall give the Customer the right to the water service for the purposes specified in these Rules and Regulations. The right to use water service shall be subject to suspension or revocation and shutoff as set forth in any intergovernmental agreement.

Section 5.2 Water Turn-on

Not Used.

Section 5.3 Water Service Line Size, Location and Installation

Subject to the approval of Centennial, the Customer is solely responsible for determining the size of tap required for service, and for the cost of any connection should it be determined to be in error.

No person, other than a person authorized by Centennial, shall install or remove any water service facilities.

Section 5.4 Water Meters

Not Used.

Section 5.5 Pressure Reducing Valves

Any pressure reducing valve required by Centennial shall be adjusted by Centennial personnel at such time as water service is initiated. Only authorized personnel shall adjust such valves.

Section 5.6 Fire Hydrants

Fire hydrants are provided for the primary purpose of furnishing water for fire suppression. Any

other use of fire hydrants shall be allowed by permit, issued by Centennial and shall require the use of a hydrant meter and regulating valve for the monitoring of water use. Connections and disconnections shall be made by authorized personnel only. Rates to be charged for water extracted from each hydrant shall be in accordance with the current fee schedule.

Use of hydrant water shall cease for the duration of any fire or for any other reason upon notice by Centennial. Any damage to the hydrant, hydrant meter or other property of Centennial shall be paid for by the User.

Section 5.7 Cross Connection

A. Cross Connections

Cross connections of any type which may permit a backflow of water from a supply other than that of Centennial into Centennial's mains is prohibited. Each Customer shall adopt Rules and Regulations which shall be approved by Centennial and which shall be in strict compliance with the cross connection regulations of the Department of Public Health of the State of Colorado. Such Rules and Regulations shall provide that service of water to any premises shall be discontinued if a backflow prevention device required by such Rules and Regulations is not installed, tested and maintained or if it is found that a backflow prevention device has been removed or bypassed or if an unprotected cross connection exists on the premises and that service will not be restored until such conditions or defects are corrected.

ARTICLE VI

WATER CONSERVATION

Section 6.1 General

Centennial encourages the conservation of water within its service area. No person shall use any water provided by Centennial for other than beneficial use.

Section 6.2 Determination of Available Water Supply

Centennial shall, from time to time, determine the amount of available potable water supply for use and shall determine the expected demands for said water by all Customers of Centennial's water system for any given period of time. In the event the Board shall determine at any given time that there are insufficient potable water supplies to meet all of the present and anticipated needs, the Board may order restrictions, curtailments or prohibitions upon the use of water.

Any restriction, curtailments or prohibitions contemplated will be uniformly applied to all similarly situated water users within the Centennial's service area. Nothing herein shall be construed to prevent Centennial from treating different categories of water users in a different fashion. Except in cases of emergency, Centennial shall deliver written notice at least five (5) days any curtailments, restrictions and prohibitions upon the use of water. The notice shall include a statement as to said restrictions, curtailments or prohibitions, together with a statement of the penalties for violation thereof and the time period for which they shall be in effect.

The Board has adopted an Urban Water Conservation Plan and pursuant to that plan has set forth a schedule of rates, tolls, fees and charges for the use of water and has imposed various restrictions on water use. Those restrictions, rates, tolls, fees and charges are set forth in Exhibit A.

Any Person, Customer or User of Centennial violating any provision of this section shall be subject to the penalties set forth in Article VIII of, *or Exhibit A to,* these Rules and Regulations.

Section 6.3 Required Water Conservation Standards

Each Customer shall adopt Rules and Regulations at least as strict as those contained in the Water and Sanitary Sewer Standard Specifications.

ARTICLE VII

SANITARY SEWER SERVICE

Section 7.1 General

The right to any use of the POTW is only by permission granted by Centennial. Centennial reserves full right to determine all matters related to the control and use of its POTW. The right to use of the POTW shall be subject to suspension, disconnection or revocation as set forth in Article VIII or in any intergovernmental agreement.

Section 7.2 Service Lateral Size, Location and Installation

The General Manager shall approve the size, location and manner of accomplishing the installation of a service lateral. If a service lateral is installed by the Customer, the service lateral joints shall remain exposed until they have been inspected and approved by an authorized representative of Centennial. The size, slope, alignment and materials of construction of the Customer's service lateral and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench shall conform to the criteria set forth in the most current edition of the Standard Specifications and the applicable plumbing codes enacted and enforced by Douglas County or its successor.

No swimming pool drains, roof downspouts, exterior foundation drains, sumps, area drains or other sources of surface runoff or groundwater shall be connected directly or indirectly to a sanitary sewer unless such connection is approved by the General Manager.

All costs and expenses incidental to the installation and connection of the service lateral shall be at no cost to Centennial. The Customer shall reimburse Centennial for any loss or damage which may directly or indirectly be occasioned by the installation of the service lateral.

Section 7.3 Limitations on Service Connection

Subject to the approval of Centennial, the Customer is responsible for determining the number, size and location of service laterals required for service.

Should a service lateral be of the wrong size or at the wrong location and not in accordance with the approved plans or the Water and Sanitary Sewer Standard Specifications, the cost of all changes required to correct the situation shall be paid by the Customer.

The Customer is responsible for maintenance of the service lateral from the point of connection to Centennial's sewer main.

Any sewer main damaged as the result of abnormal use or damage to such facilities shall be repaired or reconstructed at the expense of the Customer or person responsible for such abnormal use or damage.

No unauthorized Person shall uncover, make any connections with or open into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permission from the General Manager.

Section 7.4 General Prohibition

No Person shall discharge or cause to be discharged into a public sewer or in any area served by or under the jurisdiction of Centennial any harmful waters or wastes, whether liquid, solid or gas, capable of causing interference or obstruction to the flow in the sewer, damage or hazard to structures, equipment or treatment processes, or hazards to personnel of Centennial.

Prohibited sewage shall include such quantity of clear water injected into a public sewer which would interfere with Centennial's volume capacity or with the biological process necessary for proper treatment.

Section 7.5 Dischargeable Sewage

Wastes shall be classified into two categories termed "Domestic Sewage", and "Nondomestic Sewage". The classification of dischargeable sewage shall be responsibility of the General Manager and shall follow recommended procedures of the Colorado State Department of Health, and subject to review by the Board, shall be final and binding.

Any Customer discharging nondomestic sewage into the public sewer shall install, at Customer's expense, suitable monitoring equipment which isolates appropriate wastewater discharges and facilitates accurate inspection, sampling, and flow measurement of such discharges when required by the General Manager. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

Section 7.6 Grease and Sand Interceptors

Each Customer shall adopt Rules and Regulations approved by Centennial sufficient to provide for the proper handling of liquid wastes containing excessive grease, excessive sand or other harmful ingredients.

Section 7.7 Industrial Pretreatment

All sources discharging nondomestic sewage shall be considered Industrial Users for the purpose of implementing and enforcing the Pretreatment Standards and Requirements established pursuant to the Clean Water Act. No Industrial User shall discharge or cause to be discharged or increase the discharge or change the nature of the discharge into the public sewer in any area served by Centennial where such discharge does not meet applicable Pretreatment Standards and Requirements or where such discharge would cause Centennial to violate its CDPS or NPDES permit.

Section 7.8 Compliance

To assure compliance with Section 7.7, all Significant Industrial Users shall, prior to connecting into the sanitary sewer in any area served by Centennial, shall execute an Industrial Pretreatment Agreement, with Centennial and the governmental entity which serves the property. Any Industrial User who is not classified as a Significant Industrial User but who, in the opinion of the General Manager has on its premises sufficient quantities to types of compounds which if discharged to the POTW would cause the User to be classified as an SIU, shall also be issued an Industrial Wastewater Discharge Permit.

Section 7.9 Industrial Wastewater Discharge Permit

The form of the Industrial Wastewater Discharge Permit attached to these Rules and Regulations as Exhibit B is approved, adopted, implemented and made enforceable as part of the Rules and Regulations. The Industrial Wastewater Discharge Permit shall provide:

- A. That the right of the Permittee to discharge, including all new or increased contributions of pollutants or changes in the nature of pollutants, is conditioned upon such discharge and contribution meeting the applicable Pretreatment Standards and Requirements and that such discharge and contribution would not cause Centennial to violate the CDPS and NPDES permit.
- B. That the Permittee shall comply with applicable Pretreatment Standards and Requirements. The National Pretreatment Standards prohibit the discharge into the POTW of the following pollutants:
 1. The Prohibitive Discharge Standards:
 - a. Fats, wax, grease, or oils of petroleum origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F (0 degrees C) and 140 degrees F (60 degrees C); or
 - b. Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gasses; and in no case pollutants with a closed cup flashpoint of less than one hundred forth (140) degrees Fahrenheit (60 degrees C), using the test method specified in 40 CFR 261.21; or
 - c. Heat in amounts which will inhibit biological activity in the wastewater facilities resulting in interference but in no case heat in such quantities that the temperature at the connection to the POTW or any portion thereof exceeds 40 degrees C (104 degrees F); or
 - d. Any ashes, hair, cinders, sand mud, straw, shavings, metal, glass, rages, feathers, tar, plastics, wood, paunch, manure, or any other solids capable or viscous substances capable of causing obstructions or other interferences with proper operation of the POTW; or

- e. Having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the POTW; or
 - f. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the sewer system treatment plant; or
 - g. Containing noxious or malodorous gases or substances capable of creating a public nuisance; including pollutants which result in the presence of toxic gases, vapors, or fumes; or
 - h. Containing any substance which would cause the treatment plant to be in non compliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State; or
 - i. Containing any radioactive wastes or isotopes; or
 - j. Any pollutant, including oxygen demanding pollutants (BOD etc.) at flow rate and/or concentration which will cause the pollutant to pass through to the receiving waters or interfere with the Centennial Water and Sanitation District wastewater treatment facility.
 - k. Any trucked or hauled pollutants, except at discharge points designated by the District.
2. The Local Limits, adopted by the District and attached to and incorporated in these Rules and Regulations as Exhibit C, as they may be revised from time to time, to protect the POTW and any portion thereof from passthrough, interference and sludge contamination.
 3. The National Categorical Pretreatment Standards of the Environmental Protection Agency (40 C.F.R. 403.6 and 405) are fully applicable and enforceable by these Rules and Regulations to all Industrial Users.
 4. In addition, all federally-promulgated listing of Toxic Pollutants and any other discharge standards which the District deems appropriate to protect its wastewater facilities shall be included in the Pretreatment Standards and Requirements.
- C. That the Permittee, when applicable, shall develop a compliance schedule for the installation of technology required to meet applicable Pretreatment Standards and Requirements as

determined by the General Manager.

- D. Install at its expense monitoring devices to allow sampling of the Permittee's wastewater and submit all notices and self-monitoring reports to the District as are required and necessary to assess and assure compliance.
- E. That the SIU shall pay a fee sufficient to enable Centennial to carry out all necessary inspection, surveillance and monitoring procedures to independently determine the Permittee's compliance or noncompliance with applicable Pretreatment Standards and Requirements.
- F. That a representative of the District shall be authorized to enter the premises of the Permittee in which a discharge source or treatment system is located or in which records are kept under 40 C.F.R. 403.12(n), for the purposes of inspection or monitoring activities.
- G. Centennial shall have the authority under the permit to disconnect the Permittee's system from Centennial's system, or to require the Permittee to immediately and effectively halt any discharge or pollutants into the POTW or any portion thereof, if such discharge reasonably appears to present an imminent endangerment to the health and welfare of persons or to the environment or interferes with the operation of the POTW or any portion thereof.
- H. Other provisions as may be required by the District, but the Clean Water Act or by EPA regulations, including a procedure to protect the confidentiality of reports and information furnished by the Permittee in accordance with 40 C.F.R. 403.14. Effluent data shall be considered nonconfidential.
- I. The District shall annually publish in the largest daily newspaper published in Douglas County a list of the SIU's which significantly violated any Pretreatment Standards or Requirements during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the SIU during the same twelve (12) months.
- J. That the permittee shall pay an industrial surcharge fee as specified in Exhibit A to cover the cost of treating wastewater with higher oxygen demand or solids loadings than those found in typical domestic wastewater.

ARTICLE VIII

VIOLATIONS, PENALTIES AND COMPLAINTS

Section 8.1 Notice of Violations

When the District has reason to believe that any person or Customer is not in compliance with any provision of these Rules and Regulations, that Person or Customer shall be served a written notice stating the nature of the violation, the amount of any penalty assessed, that service may be suspended, the right to appeal to the Board, and providing a reasonable time limit to correct the violation. Written notice shall be served by delivery to the Person or Customer reasonably believed to be the violator, by the method set forth in the Colorado Rules of Civil Procedure, Section 4 (e), or by mailing to the service address by first-class mail. Mail shall be deemed to be received within three business days of mailing. The violator shall, within the period of time stated in such notice, permanently cease all violations and pay all penalties assessed.

Section 8.2 Violations and Penalties of Article VI

The penalties for violations of Article VI shall be as set forth in an intergovernmental agreement between Centennial and the Customer.

Section 8.3 Violations and Penalties of Article VII

- A. Any Customer who violates any provisions of Article VII, or any Industrial User who violates any provision of Article VII or of its permit, shall be notified and assessed a penalty. The amount of the penalty shall be determined by the General Manager as follows:
 - 1. In the event of a first violation, the penalty shall be one thousand dollars (\$1,000) or an amount equal to three (3) times the actual expenses incurred by Centennial, directly or indirectly, as a result of the violations, whichever is greater. The amount of the expenses shall include:
 - a. The costs of repair or replacement, or both, of the facilities of Centennial; and,
 - b. The amount of any penalty imposed on Centennial by any other governmental entity; and,
 - c. The amount expended by Centennial for equipment, employee compensation and payment to independent contractors (including attorneys' fees) to determine the existence and locate the source of, or to correct or terminate the violation; and,

- d. Any other incidental expenses related to the violation, including a surcharge to reimburse Centennial any cost incurred in reconnecting service.
2. In the event of a continuing violation or a second violation within six (6) months of the first, the General Manager shall assess the penalty set forth in Subsection A hereof, and may assess an additional penalty whose purpose is to deprive the violator of any economic benefit realized by the failure, refusal, or delay in complying with the requirements set forth in Article VII or in the violator's permit, where applicable. Said additional penalty shall include:
 - a. The capital costs the violator would have had to incur for compliance and debt service thereof over a normal amortization period of not longer than ten years; plus,
 - b. Any operation or maintenance costs foregone as a result on noncompliance; plus,
 - c. The amount of any additional financial benefit accruing to the violator due to the lack of or delay in compliance.
 - d. The amount of any expenditure made by the violator subsequent to the first notice for the purpose of bringing the source into, and maintaining compliance with the permit, where applicable, or Article VII of these Rules and Regulations, may be deducted from the additional penalty.
 - e. In determining the amount of the penalty provided for in this subsection 2, the General Manager may inquire of Centennial employees and consultants, the violator, suppliers of sewage treatment equipment, Industrial Users and any other person(s) whose estimates or opinions as to the amounts specified by subsections a, b, c, and d may be deemed credible.
3. A continuing violation may be treated as a separate violation for each day during which it continued, and penalties therefore maybe assessed in accordance with subsection 1 and 2 hereof for each such day.
4. The penalties provided for in this section shall be cumulative and in addition to any other remedies

Centennial may have, including termination of service, injunctive relief or any other legal or equitable remedy available.
5. The General Manager and any person or arbitrator assessing or reviewing

any penalty may reduce the penalty assessed upon the request of the violator where a determination is made that one or more of the following factors applies, provided however; that any violation of any Permit shall be governed by the terms of the Permit.

- a. The violation was temporary and inadvertent, was caused by factors beyond the violator's reasonable control, and the violator has taken steps which render its reoccurrence unlikely;
- b. The violator reasonably believes that the discharge was not in violation of these Rules and Regulations;
- c. The violation did not cause or threaten harm to any Person, to the environment or to the POTW;
- d. The violator cooperated fully with Centennial in the investigation of the violation and in the correction of the cause of the violation;
- e. The violator was fined or penalized by another governmental entity for the same occurrence;
- f. The violation was inconsequential in nature and duration; or,
- g. Notwithstanding any other provisions of this section, no penalty shall be reduced below the amount necessary to reimburse Centennial for all costs associated with the violation as those costs are determined pursuant to subsection 1 of this section.

B. Determination of Violation Type

1. The General Manager shall determine the level of violation. Violations shall be classified as "Significant" or "Non-Significant". The following shall be deemed significant violations:
 - a. Violations of wastewater discharge limits:
 - i. A violation that remains uncorrected fifteen (15) days after Notice of Noncompliance.
 - ii. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
 - iii. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (= 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH.)

- iv. Any other violation(s) of an effluent limit (average or daily maximum) that the General Manger believes has caused, alone or in combination with other discharges, interference or passthrough, or has endangered the health of any person.
 - v. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
- b. Failure to meet, within ninety (90) days after the scheduled date any compliance schedule milestone.
 - c. Failure to provide adequate and complete reports within sever (7) days from the due date.
 - d. Failure to accurately report noncompliance.
 - e. Any failure to comply with a notice of noncompliance or any other violations or groups of violations which the General Manager considers to be significant.
2. All other violations shall be deemed non-significant.
- ii. A violation that remains uncorrected fifteen (15) days after Notice of Noncompliance.
 - iii. Any other violation(s) of an effluent limit (average or daily maximum) that the General Manger believes has caused, alone or in combination with other discharges, interference or passthrough, or has endangered the health of any person.
 - iv. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
- b. Failure to meet, within ninety (90) days after the scheduled date any compliance schedule milestone.
 - c. Failure to provide adequate and complete reports within sever (7) days from the due date.
 - d. Failure to accurately report noncompliance.
 - e. Any failure to comply with a notice of noncompliance or any other

violations or groups of violations which the General Manager considers to be significant.

2. All other violations shall be deemed non-significant.

C. Enforcement Procedure

1. Informal Enforcement Action

- a. The violator will be contacted and made aware of the violation. At the time of contact, an informational meeting will be scheduled to discuss the violation and necessary remedial action.
- b. At the informational meeting, the violator will be advised of the nature of the violation and the necessary remedial action required to bring the violator into compliance.
- c. After the informational meeting, the District will issue a Notice of Non-compliance stating necessary remedial action.

2. Formal Enforcement Action

- a. Centennial shall establish the amount of the fine, determine the necessary corrective action and issue a Notice of Violation.
- b. In the event the violator decides to appeal the fine or corrective action required, the violator shall deliver a written Notice of Appeal, together with the cost bond required by sub-paragraph e, within five (5) days of the date of delivery of the Notice of Violation.
- c. Within five (5) days of receipt by Centennial of the Notice of Appeal, Centennial shall deliver to the violator a list of five acceptable arbitrators and the violator may select one of the five within five (5) days of delivery of the list. In the event the violator fails to select an arbitrator, Centennial shall select one of the five. If violator desires, he may designate a second arbitrator within five (5) days and the two arbitrators shall select a third within the next five (5) days.
- d. Arbitration Hearing
 - i. Hearing shall be conducted according to the Uniform Arbitration Act.
 - ii. The arbitrator(s) shall apply the Clean Water Act, 33 USC 1251 et seq and the Colorado Water Quality Control Act CRS 1973, 25-8-101 et seq and the Rules and Regulations of the EPA, CDOH and Centennial, as they are amended from time to time.

- iii. Except for good cause shown, the hearing shall be held no sooner than forty five (45) days not more than sixty (60) days following the selection of the arbitrator(s). Failure to hold the hearing within these time limits shall not be jurisdictional.
- iv. The arbitrator(s) shall issue their decision within fifteen (15) days of the conclusion of the hearing.
- e. The fees of the arbitrator(s) and the costs of the arbitration shall be shared equally by the parties and the violator shall deposit a cost bond with the Notice of Appeal in the amount of five hundred dollars (\$500) to assure payment of the arbitrator(s) and the cost of the arbitration hearing. Failure to post the cost bond with the Notice of Appeal shall be deemed a waiver of the right to appeal.
- f. Any appeal from the decision of the arbitrator(s) shall be taken within fifteen (15) days from the date of the decision.
- g. The failure of any violator to comply with the decision of the arbitrator(s) shall result in termination of service or the filing of an action for injunctive relief, or both, at the discretion of the Manager.

Section 8.4 Violations and Penalties of Section 5.7

Not used.

Section 8.5 Suspension of Service for Nonpayment

Not used.

Section 8.6 Suspension and Disconnection of Service

For violation of any portion of Centennial's Rules and Regulations or the terms and conditions of an Industrial Wastewater Discharge Permit, Centennial may suspend or disconnect service.

Section 8.7 Informal Resolution

Not Used.

Section 8.8 Suspension Hearing

Not Used.

Section 8.9 Appeal to the Board

Not used.

Section 8.10 Emergency Situations

If an emergency situation exists which constitutes an imminent threat to the health or safety of persons or potentially dangerous

to the environment or to the POTW as determined at the sole discretion of the General Manager, any service provided to any person served directly or indirectly by Centennial may be terminated immediately without notice and such termination of service shall continue for as long as the emergency situation continues to exist.

Section 8.11 Penalties Not Exclusive

The penalties set forth in this article are not exclusive and Centennial may prosecute to the fullest extent of the law any person engaged in any illegal activities and may institute whatever civil actions it deems necessary to insure compliance with these Rules and Regulations and to recover any damages, including attorney's fees caused by any violations of these Rules and Regulations.

Section 8.12 Customer Complaints

Any Customer having any complaint with respect to the conduct or action of any employee of Centennial in connection with the operation of the water and sanitary sewer system or in connection with the administration or implementation of any rule, regulation or policy related to the operation of said system, unless specifically provided for elsewhere in this article, shall follow the complaint process described hereafter:

- A. The person shall contact the General Manager to register any complaint. The General Manager will investigate the person's complaint and, upon completion of said investigation, shall contact the person and relate all information associated with said complaint within fifteen (15) days. If the investigation yields evidence of actions or conduct contrary to the operations, policies, rules, regulations or other procedures of Centennial, the General Manager shall initiate appropriate corrective action and shall promptly report such action to the complainant.
- B. The complainant can appeal the General Manager's decision to the Board by submitting whatever written documentation the complainant deems necessary or advisable. The Board or its designee(s) shall conduct an investigation considering all written documentation or other information submitted by the complainant or District personnel. The Board or its designee(s) may, but shall not be required to, allow testimony. The decision of the Board or its designee(s) will be given in writing to the complainant within thirty (30) days after the filing of the appeal.

Section 8.13 Billing-Related Complaints

Not used.

ARTICLE IX
FEES AND CHARGES

Section 9.1 Establishment of Rates and Charges

The fees, rates, tolls, penalties and charges of Centennial for services provided by it shall be as set forth in an intergovernmental agreement.

Section 9.2 Perpetual Lien

Not Used.

Section 9.3 Joint Liability

Not Used.

Section 9.4 Change of Rates and Charges

Not Used.

Section 9.5 Tap Fees

Not Used.

Section 9.6 Water Meter Fee

Not Used.

Section 9.7 Inspection Fees

Not Used.

Section 9.8 Hydrant Permit Fee

Not Used.

Section 9.9 Disconnection and Reinstatement Charge

Not Used.

Section 9.10 Temporary Service Connections

Not Used.

Section 9.11 Fire Sprinkler Systems

Not Used.

Section 9.12 Special Situations

Not Used.

Section 9.13 Security Deposit

Not Used.

Section 9.14 Billing

Not Used.

Section 9.15 Metering

Not Used.

Section 9.16 Meter Reading

Not Used.

Section 9.17 Payment for Service

Not Used.

Section 9.18 Returned Check Fee

Not Used.

Section 9.19 Unmetered Service Fee

Not Used.

ARTICLE X
STREETLIGHTS
NOT USED

ARTICLE XI

PARKS AND OPEN SPACE

NOT USED

ARTICLE XII
OPEN RECORDS

Section 12.1 Policy

- A. It shall be the policy of the District to make all public records available for public inspection at reasonable times in accordance with the Colorado Open Records Act, §24-72-201, et seq., C.R.S. (CORA).
- B. Subject to the limitations imposed by the Colorado Open Records Act, public records are all documents that exist on a piece of paper; this also includes recorded media and electronic mail communications (E-mails).
- C. The purpose for this policy is to set forth a general procedure for providing consistent, prompt and equitable service to those requesting access to public records and to establish reasonable and consistent fees for providing documents and so that the District can recover a portion of the cost of staff time for responding to open records requests.

Section 12.2 Procedures

- A. The General Manager is the official custodian of all records that are maintained by the Districts.
- B. Citizens may make informal requests to the District employees for copies of specific identifiable and releasable public records that are readily available in the custody and control of various employees. Generally, the employee will make reasonable efforts to fill requests for those records as soon as reasonably practical.
- C. Any request that cannot be filled immediately shall be made in writing to the General Manager who will, in consultation with the District's attorney, review the records request for confidentiality issues prior to their release.
- D. If the written request cannot be filled immediately or the records are otherwise not readily available at the time the request is made, the General Manager will set a date and time for records inspection that is within three working days of the date on which the request was made. Such period may be extended if extenuating circumstances exist (per §24-72-203(3)(b), C.R.S.), but the total time including the extension period will not exceed ten working days from the date on which the request is made.
- E. The Districts may respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk or printout, but not by allowing access to a computer terminal or the use of a private terminal connected to the Districts' computer system. Before releasing any electronic data, the General Manager will determine that the electronic data are no longer considered a "work-in-progress" subject to the deliberative process privilege or work product privilege and therefore eligible for release.
- F. Requests by the media shall be made directly to the Community Relations Manager. The Community Relations Manager will make every reasonable effort to comply with the

media request. If the Community Relations Manager is unable to fill the request, the Community Relations Manager will direct the media to submit a written request to the General Manager. Thereafter, the request will be governed by the provisions of this policy and the Act.

Section 12.3 Charges

- A. There shall be a charge for any copies, printouts, or photographs requested. The cost for a standard size photocopy will be \$0.25 per copy. The charge for copies other than photocopies shall be \$1.25 per copy.
- B. There will also be an hourly fee for a) the manipulation of data; b) research to locate and gather requested documents; c) to otherwise manipulate the documents to make them appropriate for release, for instance, to redact documents to excise privileged material. A time-log will be kept for any time in excess of one hour. The standard charge for a District employee to perform this research shall be \$35.00 per hour. In the event the General Manager determines that a higher salaried employee or contractor is required because special skills are needed or because the District cannot promptly respond to a request and still provide normal and usual services to the public, the fee will be the higher of \$35.00 or the actual cost to the District. Prior to beginning the project, the General Manager shall inform the person requesting the records of the hourly fee for the person selected by the General Manager to perform the work and an estimate of the number of hours which will be required. Upon payment of the amount estimated, the District shall begin processing the request. Persons making a subsequent request for the same record shall be charged the same fee. In addition, there shall be an hourly fee of \$35.00/hour when the public record must be generated by computer output other than word processing.
- C. The fee charged for access to public records in electronic form will be based on recovery of the actual incremental costs associated with building and maintaining the database, as determined by Information Technology.
- D. Unless it requires extensive staff time, the District does not charge for requests from:
 1. other governmental entities;
 2. professional organizations to which the District as a whole pays membership dues, such as the Special District Association;
 3. students for specific educational projects;
 4. the media. These requests should be referred to the Community Relations Manager.

E. The District will charge for the following documents as follows:

- | | |
|--------------------|---------|
| 1. District CAFR | \$20.00 |
| 2. District Budget | \$20.00 |

The District will make these documents available on their web site.

Section 12.4 Access Denied

A. Access to certain records may be denied in accordance with the provisions of the CORA. Inspection of the following public records may not be permitted if, upon consultation with the Districts' Legal Counsel it is determined that the document is privileged or prohibited from disclosure:

1. If release is prohibited under any state statute, federal statute, or regulation issued thereunder or is prohibited by rules promulgated by the order of any court;
2. Personnel files, including social security numbers, home addresses and telephone numbers, and medical, psychological, and sociological data;
3. Scholastic achievement data;
4. Test questions and scoring keys;
5. Sexual harassment investigations;
6. Work product and drafts;
7. Letters of reference;
8. Identities of applicants, except finalists, for the position of General Manager;
9. Investigatory files compiled for any law enforcement purpose;
10. Addresses, telephone numbers, or financial data of past or present users of public utilities, public facilities or recreational or cultural services;
11. Real estate appraisals until the time that title passes to the District;
12. Documents pertaining to Homeland Security Act; and
13. Attorney/client privileged material.

EXHIBITS

Exhibits A and B are subject to change by the Board of Directors and are not included in this printed copy of the Rules and Regulations. For an updated copy of the current Exhibits, please contact the Highlands Ranch Metropolitan District Offices at:

62 W. Plaza Dr.
Highlands Ranch, CO
(303) 791-0430

EXHIBIT C

INDUSTRIAL PRETREATMENT LOCAL LIMITS (MASS BASED)

<u>Pollutant (Total Basis)</u>	<u>Maximum Allowable Industrial Load (MAIL) (pounds per day*)</u>
Arsenic	0.258
Cadmium	0.206
Chromium	7.420
Chromium VI	2.394
Copper	4.143
Lead	0.883
Mercury	0.004
Molybdenum	1.183
Nickel	3.219
Selenium	0.124
Silver	4.780
Zinc	5.218

* Maximum daily industrial loadings shall be allocated through Wastewater Discharge Permits and the total loading to all permitted industrial users shall not exceed the limits shown.